

**ASSOCIATION  
OF  
STRUCTURAL  
PEST  
CONTROL  
REGULATORY  
OFFICIALS**

**Conference Speakers**

Gary Braness, Ph.D. - Mobay  
Thomas Diederich - Orkin Pest Control  
Richard Faerber - Attorney at Law  
Norman Goldenberg - Terminix International Company  
Michael Gregory - Sierra Club  
Richard Kramer - National Pest Control Association  
Susan Jones, Ph.D. - USDA  
Ann Lindsay - US EPA  
Lonnie Mathews - New Mexico  
Rita Pearson - Arizona Governor's Office  
Robert Rosenberg - National Pest Control Association  
Robert Smith, Ph.D. - University of Arizona  
Elizabeth Stewart - Arizona Attorney General's Office  
Ed Szymanski - Arizona Pest Control Association  
Artie Williams - US EPA  
Jim Wright - Clemson University

**Event Sponsors**

Van Waters and Rogers, Inc.  
Terminix International Company  
Target Specialty Products  
Responsible Industry for a Sound Environment  
Orkin Pest Control  
National Pest Control Association  
Arizona Pest Control Association  
Association of Structural Pest Control Regulatory Officials

**General Information**

Day's Inn (602) 947-5411

Arizona Structural Pest Control Commission

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(602) 255-1281 - Fax  
(602) 376-2900 - Portable Cellular

Super Shuttle (602) 244-9000

**31st Annual Meeting**

September 29, 1991  
to  
October 2, 1991

Day's Inn - Fashion Square

Scottsdale, Arizona

**ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS  
1991 ANNUAL MEETING**

**SUNDAY - SEPTEMBER 29, 1991**

- 3:00 p.m. to 7:00 p.m. Registration  
7:00 p.m. Social Gathering - Sponsored by Orkin Pest Control

**MONDAY - SEPTEMBER 30, 1991**

- 7:30 a.m. Registration  
8:00 a.m. Opening and Introductions  
Rita Pearson - Executive Assistant to the Governor  
Lonnie Mathews - President - A.S.P.C.R.O.  
Ed Szymanski - President - Arizona Pest Control Association  
8:30 a.m. Federal Programs  
Ann Lindsay - US EPA  
Artie Williams - US EPA  
10:30 a.m. National Legislative Update  
Robert Rosenberg - NPCA  
11:00 a.m. Regulations, Responsibility and Reason  
Norman Goldenberg - Terminix International Company  
Lunch Sponsored by Terminix International Company  
1:30 p.m. Consumerism Panel  
Richard Faerber - Attorney at Law  
Michael Gregory - Sierra Club - *Environmental Toxics Assn.*  
Richard Kramer - National Pest Control Association  
*4:30*  
*5:30* — *Bus Leaves*  
6:00 p.m. Dinner - Pinnacle Peak Patio  
Cocktails - Sponsored by Van Waters and Rogers

**TUESDAY - OCTOBER 1, 1991**

- 8:00 a.m. Termite Seminar  
A.S.P.C.R.O Project Report - Jim Wright  
Foaming Technology - Tom Diederich  
Tank Technology - Gary Braness  
Bio Assay - Bob Smith  
Termite Biology - Susan Jones  
Lunch Sponsored by Target Specialty Products  
2:30 p.m. Salt River Project Tour  
6:00 p.m. Social Gathering - Sponsored by NPCA, APCA, and R.I.S.E.

**WEDNESDAY - OCTOBER 2, 1991**

- 8:00 a.m. Elizabeth Stewart - Council on Licensure, Enforcement and Regulation  
8:30 a.m. State Reports  
10:30 a.m. Annual Business Meeting  
12:00 p.m. Adjourn



INDIANA STATE CHEMIST  
MAR 30 1992

STATE OF ARIZONA  
**Structural Pest Control Commission**

**FIFE SYMINGTON**  
Governor

1150 SOUTH PRIEST, SUITE 4  
TEMPE, ARIZONA 85281  
(602) 255-3664

**JACK D. ROOT**  
Executive Director

March 25, 1992

Fellow ASPCRO Attendees:


Attached is a copy of the attendance list for the 1991 ASPCRO meeting in Scottsdale, Arizona. We hope you will find it useful in the future.

We have this list and a more comprehensive list available on a clipper database or as DBF files. If you would like a copy of the diskette, send us a diskette and a self addressed envelope.

We are very happy that you attended the meeting in Scottsdale. We look forward to seeing you in New Orleans next year.

Best regards,

STRUCTURAL PEST CONTROL COMMISSION

  
Jack D. Root  
Executive Director

/oz

Enclosure

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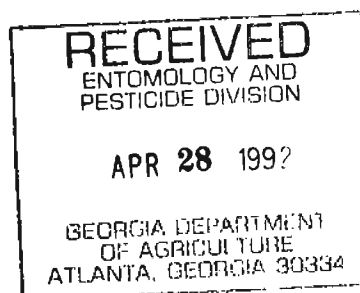
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**ASPCRO  
Executive Meeting Minutes  
September 29, 1991**

- I. Association Incorporation
  - A. By Laws Committee
- II. Data collected by the Soil Residue Committee
- III. 1992 Meeting
  - A. Program Committee
- IV. Association Funds
  - A. Travel funds NPCA\Soil Residue Symposium
  - B. Dividends from Soil Residue Account
- V. Resolutions Committee
  - A. Dr. Susan Jones
  - B. Perimeter Insulation of Slabs
  - C. Section 2ee - Legislative History



Sunday, September 29, 1991  
Executive Committee Meeting  
Incorporation of Association

1. President Lonnie Mathews opened the executive committee meeting on Sunday September 29, 1991 at approximately 3:00 pm. The executive committee voted to maintain New Mexico as the state in which the association will be incorporated. President Mathews appointed the By-Laws Committee:

Chair - Jim Harron  
Alex Hawkins  
Carl Falco

September 19, 1991 Date of Incorporation  
Ratification by Membership

2. The committee discussed, for incorporation purposes, the election of officers and executive committee.
3. The committee called for a vote of the membership to give the executive board authority to file 501c with the IRS to give ASPCRO tax exempt status. The executive committee also passed a resolution naming the bank of choice to be selected by secretary.
4. The committee passed a motion for taxable year to run from Jan 1 to Dec 31.  
Proposed by Lonnie Matthews  
Jim Harron second the motion  
Passed unanimously

The committee passed a motion to set up the state of New Mexico to provide;

1. Services of Attorney
2. Tax accountant

Jim Harron made the motion  
Jim Wright Second the motion  
Passed unanimously

5. The executive committee passed a motion to have the preliminary conclusions drawn by the Soil Residue Committee. These conclusions will be evaluated by Joe Mauldin or a person designated by him (as a committee member) to help us support the soil residue conclusions.  
Lonnie Mathews made the motion  
Kiven Stewart second the motion  
Unanimous approval



6. The committee passed a motion which selected New Orleans as the 1992 meeting site. Additionally, a motion was passed to require the executive committee to vote on meeting sites two years in advance.  
Jim Wright made the motion  
Lonnie Mathews second the motion  
Motion carried
7. The executive committee passed a motion to appoint a three member annual committee with host state as chair and with immediate past host and pending host to make up the committee.  
Jim Wright made the motion  
Jim Harron second the motion  
Motion carried
8. The committee passed a motion which would authorize the diversion of dividend funds from the soil residue committee data collection project account to the regular ASPCRO account.  
Jim Wright made the motion  
Lonnie Matthews second the motion  
Motion carried
9. The executive committee passed a motion allowing ASPCRO to fund the travel expenses for Jim Wright as chairman of soil residue committee, for various presentations upon prior approval by President.  
Kiven Stewart made the motion  
Lonnie Matthews second the motion  
Motion carried (Wright not voting)
- 10. The committee passed a motion to fund travel by the President or his designated principle to any function which may be necessary, upon approval by the executive committee.  
Jim Wright made the motion  
Alex Hawkins second the motion  
Motion carried
11. President Lonnie Mathews appointed the 1992 resolution committee, they are:  
Bob Wolfhorst  
Bennie Mathis  
Jim Igleheart  
President Mathews charged this resolution committee with the responsibility for writing the resolution to have the ASPCRO president write a letter to Southern Forest Exp. Station to address Susan Jones employment. Resolution committee will draft the language.  
President Mathews also charged this committee to develop a resolution addressing Multi Media as described by EPA. Section 2ee of FIFRA as it pertains to termite control pesticide products.

WEDNESDAY OCTOBER 2, 1991

Elizabeth Stewart

CLEAR- Council on Licensure, Enforcement, and Regulation  
Elizabeth discussed the unique make up of CLEAR. Discussed the recent CLEAR conference. Next Annual conference will be Sept. 23-26 in Detroit. Regional Conferences. NCIT- In concert with University of Missouri, certified training for investigators. National Registry for Enforcement actions in other states. Consultants are available to help you set up various programs.

BUSINESS MEETING

ASPCRO will meet in New Orleans in 1992 and a motion was made to accept Arkansas for 1993.

Jim Wright motioned  
Dave Scott second the motion  
Motion carried

Request from NPCA - Laws and Regulations from each state.  
Copies of Test Questions

Secretary/Treasurer Report  
Dave Scott moved to accept  
Ray Seagle second  
Passed

President Lonnie Matthews discussed Multi-Media and it's implication. It will surface in grant guidance in 1992.

Motion to ratify the Incorporation of ASPCRO.  
Carl Falco made the motion  
Harvey Dominick second the motion  
Motion carried

By Laws Committee Chairman: Jim Harron presented.  
Dave Scott made the motion  
Jim Wright second the motion  
Motion carried

Vote to accept passed activities.  
Jim Harron made the motion  
Alex Hawkins second the motion  
Motion carried

Vote to set up New Mexico to take on Attorney.  
Jack Root made the motion  
Kiven Stewart second the motion  
Motion carried

**A**ssociation of  
**S**tructural  
**P**est  
**C**ontrol  
**R**egulatory  
**O**fficials

September 19, 1991  
 Financial Report 1991

	<u>Debits</u>	<u>Credits</u>
Balance Forwarded as of 1/7/91		7,576.24
1990 Annual Membership Dues (2 @ \$50.00)		100.00
1991 Annual Membership Dues 33 @ \$50.00		1,650.00
Office Supplies	8.74	
Postage	128.93	
Travel Expenses for		
Soil Residue Committee	132.69	
Incorporation/Attorney Fees	300.00	
Dividends	<u>          </u>	892.89
Copies of Legal History	7.50	
	31.44	
Dividends	<u>609.30</u>	<u>10,054.68</u>
Total Balance		9,609.83

**A**ssociation of  
**S**tructural  
**P**est  
**C**ontrol  
**R**egulatory  
**O**fficials

January 21, 1992

ASPCRO Financial Report

	<u>Credits</u>	<u>Debits</u>
Balance Forward as of 1/7/91		7,576.24
1990 Annual Membership Dues (2 @ \$50.00)		100.00
1991 Annual Membership Dues (33 @ \$50.00)		1,650.00
Office Supplies	66.01	
Postage	128.93	
Travel Expenses		
Jim Wright	858.42	
Michael Gregory	158.00	
Incorporation/Attorney Fees	339.75	
Returned Check (registration fee)	50.00	
Service Charge	1.95	
Registration Fees 1991 meeting		2,700.00
Dividends		
ASPCRO Account		340.97
SRC-DCP Account		1,147.47
Slides	31.92	
Subtotals	1,634.98	13,514.68
Total		\$11,879.70

**ASPCRO 1991 ANNUAL MEETING**

**Resolution 1: Recognition of Arizona Structural Pest Control  
Commission**

The members of ASPCRO recognize the tireless efforts of Jack Root and his coworkers from the Arizona Structural Pest Control Commission as the host agency for our 1991 annual meeting.

An innovative program, which examined the variety of issues confronting structural pest control regulatory officials, blended smoothly with the comfortable meeting site and the gracious hospitality of our hosts.

**Resolved:** The members of ASPCRO communicate our sincere appreciation to the Arizona Structural Pest Control Commission for all of their efforts which resulted in an outstanding annual meeting.

**ASPCRO 1991 ANNUAL MEETING**

**Resolution 2: Recognition of Event Sponsors**

Numerous sponsors contributed to the 1991 annual meeting of ASPCRO. Hospitality arrangements and luncheon meetings are an integral component of the communication process needed to enhance the exchange of ideas in a relaxed atmosphere.

**Resolved:** The members of ASPCRO recognize the following sponsors for graciously offering their time and financial support:

Van Waters & Rogers, Inc.  
Terminix International Co.  
Target Specialty Products  
Responsible Industry for a Sound Environment  
Orkin Pest Control  
National Pest Control Association  
Arizona Pest Control Association

1991 ASPCAO 1991 ANNUAL MEETING

Resolution 3: Federal State Regulation of Pesticides

Currently the United States Environmental Protection Agency (US EPA), through its authority under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), establishes the framework for the regulation of pesticide use. The states, in coordination with the US EPA, build upon the federal framework through primary enforcement agreements with the EPA. The states additionally address areas of pesticide regulation not considered under FIFRA, including licensing of commercial applicators, registered technician programs and wood destroying organism report regulations. This working relationship with the EPA has proven to be sufficiently flexible and innovative so as to address the array of regulation issues.

In recent years efforts have been made to establish pesticide regulatory programs at levels of government below state government. Such programs which intend to control pesticide use, modify pesticide labeling or enact environmental tolerances are for the most part not being coordinated with state and national regulatory programs. As a result, the degree of program overlap and ensuing costs may be unacceptable both to the regulated community and also to those governmental entities facing extremely difficult budgets.

Resolved: The Association of Structural Pesticide Control officials believes that action needs to be taken which will restrict duplicative pesticide regulation of pesticide use by entities of government other than at the states or the federal level, unless such regulation is in coordination with the state pesticide regulatory agency and the EPA.

**ASPCRC 1991 ANNUAL MEETING**

**Resolution 4: FIFRA Section 2ee Enforcement Opinion**

The issue is whether or not FIFRA Section 2ee should be applicable to all pesticide applications. ASPCRC believes that consumer protection must be considered on an equal footing with environmental protection in pesticide regulatory program. ASPCRC believes EPA currently allows the use of termite control pesticide at application rates less than is efficacious for control of termites.

The states view that the FIFRA Section 2ee defense is being abused by pest control companies to fraudulently deprive the consumer of proper pest control. The states further believe that there are environmentally beneficial applications for section 2ee to areas of pesticide use such as: agriculture, right-of-way, lawn care etc.

Resolved: ASPCRC does not support the applicability of FIFRA Section 2ee to the use of termiticides.



**ASPCRO 1991 ANNUAL MEETING**

**Resolution 5: Multi-Media Enforcement Activities**

The EPA, through an addendum to the Policy Framework on State/EPA Enforcement Agreements, has apparently set a new goal to pursue cooperative inspection and enforcement activities by its program offices with responsibility over a variety of environmental programs.

The agency's goal of joint cooperation by its program offices appears to offer improved performance potential for certain programs. Facilities including federal energy department sites, integrated petro-chemical manufacturing facilities and hazardous waste treatment facilities are likely candidates for multi-media inspection due to the variety of permits issued by agencies for facility operation; this is certainly a laudable goal. However, when such coordination is directed to the states many problems exist.

First, at the state level, the program functions which may include: air toxics, ground water, RCRA, and pesticides; are seldom located within the jurisdiction of one state agency.

Second, state and federal pesticide control statutes are often based upon legislative intent which differs significantly from the intent of other environmental statutes.

Third, there exist what may be overwhelming differences between state agencies in the areas of regulatory authority, administrative procedures, and inspection procedures. Such differences at the state level have resulted in a less than satisfactory result when multi-media actions were taken in the past.

Fourth, The types of facilities typically regulated by state pesticide regulation agencies, with the exception of a limited number of large pesticide formulating plants, are not likely to be significant priorities for other environmental program offices.

**Resolved:** ASPCRO opposes efforts by the EPA to impose multi-media enforcement activities upon the states using EPA-State Cooperative Grants as their vehicle. The EPA needs to negotiate voluntary agreements with the states which choose to participate in multi-media activities.

## ASPCRO 1991 ANNUAL MEETING

### Resolution 6: Need for Termite Research

ASPCRO has traditionally relied upon research results produced by the USDA Forest Products Research Laboratory which provide a foundation for many of our regulatory programs. ASPCRO is looking to continuation of this fine working relationship. As we move ahead, ASPCRO has identified needs for significant new research initiatives as we struggle to deal with the environmental complexities associated with current termite control technology. ASPCRO support the need for termite research activities to continue at the various regional research locations.

Resolved: ASPCRO believes that the USDA should make every effort to support research activities directed toward better understanding of termite biology and control strategies. Further, continued research needs to be addressed to projects targeted for the various geographical regions of the United States.

31st Annual ASPCRO Meeting  
Scottsdale, Arizona  
Monday, September 30, 1991

Rita Pearson

Executive Assistant to Arizona Governor

Discussed environmental issues in Arizona and welcomed group to the state of Arizona.

Ed Szymanski

President, Arizona Pest Control Association

Welcomed the opportunity to speak to group of regulators. Gave a history of Arizona Pest Control Association. Beginning in 1953, APCA has been active in getting laws and regulations passed. There are currently 550-600 companies operating in Arizona.

Lonnie Matthews

Welcomed the group and opened the 31st annual ASPCRO meeting.

Ann Lindsay

US EPA

Discussed termiticides and labeling. Also discussed AAPCO/SFIREG labeling report. This report should be out by the end of 1991.

Discussed PR notice to be released. EPA and states need to discuss efficacy and longevity of new products. Ms. Lindsay discussed SLIC-State Labeling Issues Committee, Label Statements which limit use of Non-Restricted applicators products. "Professional Strength" will be disallowed. Ms. Lindsay indicated that restricted use legends need to be more consistent. Labeling Issues Inventory is an outgrowth of SLIC. Effective labeling is a must and is the most important responsibility of the agency. The labeling controls the efficacious use of any product with minimum harm to man and the environment.

EPA- Safer Pesticide Policy

Discussed low risk products and their development. All users should use a product only when it is necessary at the lowest dosage. Information needs to be communicated so people can do what will work.

Advertising Issue: a company's ability to advertise their product as safer. The EPA needs to present this information through a policy. The EPA also needs to consider high risk product retention, (prescription may be a means to keeping risk products). How does the agency identify the high risk product? Many identifiers are to be considered. List may categorize products by their uses, such as safety claims, efficacy data requirements, safer pesticides (defined by how the

products affect man and the environment.)

### Artie Williams

Ms. Williams discussed certification standards, worker protection, endangered species and a proposal to upgrade National Certification Standards. Pesticide "use" has a very broad meaning. New standards are being developed to better define use, to include mixing, loading, transportation of open containers, disposal, and people who work with or use application equipment.

States may allow specialty categories, however, states do not have to implement all of the categories. Most significant; proposed change to levels of certification: responsibility of certified applicator when supervising unlicensed applicators.

1. Use only by certified applicators
2. Use by Non certified applicator and the licensed applicator must be on site by 5 min.
3. Certified applicator off site accessible by telephone. Certified applicator must determine the non certified applicator is competent. The applicator must provide site specific training (i.e. wells, what is next door, etc.) States must recertify private and commercial applicators every 5 years. Exemptions for certification: Veterinarians, Medical Doctors, Researchers (only these groups would be exempt.) The states will have to eliminate provision to certify persons who can't read.

New Regulation: To allow sale of restricted use pesticide to unlicensed persons for use by a certified applicator. Retailer must determine that a certified applicator will use the product. The retailer must keep a record of that proof.

Training and Funding options: Improved coordination and communication exchange. Worker Protection is in the final process of review. Responsibility of employers and employees, will be issued 1st half of 1991 with a staggered implementation.

Endangered Species: Final development phase out in February. There will be a sensitive species approach, implementation through labeling which will refer users to County Bulletins. A toll free telephone number will provide the necessary information. Extension Service agrees to help distribute information. The agency will consider sensitive species first then they look at what products are used in that county.

Groundwater strategy: The agency will follow up on the national drinking water survey. Strategy held up by OMB, due to language changes. Section 3 implementation as opposed to product review.

### Bob Rosenberg

#### Legislative Update

Bob discussed urban applicators and gave an update on local ordinance issue. Solicitor General argued in favor of local

ordinances. NCAMP is actively working to support local ordinances. Additional legislation is being considered which deals with Lawn Care and public buildings: Chemical application notification bill of 1991. In public buildings there would be a notification 72 hours before and after application. Every person who resides within 1000 feet in all directions. Schools; public or private, 7 days prior and must notify parents in writing. There would be a \$10,000 per day penalty. NPCA feels that while this bill may not stand alone it will be kept alive. Homeowners will have to post signs, custodial workers will have to also post notification. A certainty that in 1991 there will be a FIFRA Bill.

#### Norman Goldenberg

The Three "R"s: Regulations, Responsibility, and Reason. The Tacoma Washington Example - residues of 1.5 ppt found in a flounder. This precipitated a national study to look at aqueous solutions around pulp mills. Tounge and Check editorial discusses the explanation of the invention of H<sub>2</sub>O. Discussion was given to the ability of the US to sustain agriculture. Example: DDT - 1877 synthesized, 1939 as a pesticide, 1942 killed body lice on troops. Perhaps DDT should have been better regulated. Some experts have indicated that Dioxin may be no more dangerous than 1 week of sunbathing. As for 24D- malignant Lymphoma on dogs the NCI admits that this conclusion may have been the result of some other exposure. Information came from 3 vet schools. (Purdue, University of Maryland, and Colorado State). Report admits lack of data. 28,000 lbs of apples per day for 70 years to produce the tumors like those in the Alar study with rodents. PCO's need to sell themselves for the excellent job they do. The relationship needs to be promoted between industry and environmentalist.

#### Charlie Hromada

Senior Vice President, Terminix International  
Terminix wants to help regulatory process.  
Norman Goldenberg- Government affairs and John Craft- Technical Director

#### CONSUMERISM PANEL

#### Richard Faerber

Mr. Faerber is an attorney who prosecutes Pest Control Fraud in Arizona. New Commission established in 1988; review process revealed that approximately one half of licensed companies failed the certification exam but they were still licensed. Suggest some type of recovery fund to be set up for the home owner. Ways to prove fraud case: price, efficacy data from Gulfport, soil sampling method.

1. In AZ there are nearly 700 companies. However, only 9

- companies seem to be causing the problem. The regulators need to proceed with these cases as "white collar" crime.
2. Efficacy- inference of the cause of infestation.
  3. Core Sampling- the use of soil samples to back up the evidence that the treatments were done improperly.

### Michael Gregory

Mr. Gregory represents the Sierra Club. He is primarily an advocate against pesticide use. Got a beginning with USFS and is writing a book; worked to promote the loss of 2,4,5T. He has worked on IPM projects for forest survival and feels FIFRA is a weak environmental law. In fact, it is not an environmental law but a trade association management law. Mr. Gregory is a former NCAMP Board of Director and feels that FIFRA should be repealed and that pesticides should be dealt with as other toxins are. Five major concerns/issues:

1. Exposure to Toxicity
2. Right to know, right to say
3. Public participation
4. Prevention (pollution)
5. Response

Toxicity/exposure- view pesticides with presumption of risk. Thus, how can we eliminate or reduce risk. Tox 1, Tox 2, Tox 3 only regulatory important cancer issue- NCI '88 states 500k die; 950k are diagnosed. NRC Delany clause- Majority of pesticides are oncogenic. Based mainly on AI perusal. Now many inert are equally toxic.

There is poor testing of pesticides and when we do test there are gaps in the information. Risk assessment is a poor science. Environmental Health: we have to evaluate the "toxic Soup" and look at lower life forms to see how they are impacted. Viruses and Bacteria are being mutated. Chemical Sensitivity: we must consider those individuals who are hypersensitive. These people should be the indicator for the country.

How the public views toxicity: they do not want to be exposed. They have the right not to be exposed. (Right to Know)  
Pre and Post treatment posting: 48 to 72 hours (both) meet the reentry period (what, when, where, how, who). Precautions: symptom, antidote, who to call. Pretreatment disclosure: statement of need, what alternative treatments are feasible. No action: doesn't need to be treated. Why are we using this treatment- signed. Treatment history of structure when they were sold. Report of all sales, (houses) and proper labeling. Expand hazardous materials storage.

Change association name from pest control to pest management. Ban most dangerous pesticides and begin with carcinogens. Ban all carcinogens in all schools. (Tox1 and Tox2) Require all applications be done by a Certified Applicator. Regulate all

pesticides as air toxins and Clean Air Act. Not used unless they can prove was effective. Improve construction codes to eliminate pest problems. Require IPM for all training of certified applicators. Specialty for IP managers. Laws to require least toxic.

#### Richard Kramer

Mr. Kramer is the Technical Director for NPCA. The industry has changed significantly in the past 30+ years. Most people believe they are providing a service.

#### MISCONCEPTIONS:

1. Pesticides are bad- Toxic yes; bad no. Scare tactics are used to get public's attention. Through association, all pesticides are lumped into same group. Don't play a word game. Reference should be made to disease problems worldwide which at least in part, have been corrected by pesticide use. A few examples are: Lyme disease, cockroach allergens (other pests as well), termites and structural problems.

2. IPM - is a panacea for the structural pest industry. IPM must use two strategies not only one. Action level (i.e. in ag threshold is established). Structural area IPM is not practical. Public Perception: educate public as to what IPM is and convince them that a threshold is required. We have failed to educate the public on the value of pest control.

There is a lack of research for IPM. The feds have spent only 3 million for research. FIFRA contains regulations that will drive future formulations. Certification training- number of pesticides available down to 23,000 from 44,000. The manufacturer of Methyl Bromide does not want to pay the registration fee. This product is for stored products fumigation. The industry will have to come up with money to pay for the test to support re-registration. Malathion: minor use issue (indicative of this problem). Legislation and local ordinances is a major concern. What can NPCA do?

1. Support responsible legislation
2. Education: i.e. consumer MSDS sheets, PCO's better trained, better service, and credibility. Recertification and continuing education and advanced training "hands on".
3. Research

#### Michael Gregory

Risk Assessment and Safest Products, no pesticides are safe. Varying levels of toxicity, hazard risk. We don't know if the pesticides are safe. Consumerism 90's, What is the worst thing going into the industry? What is the best thing going on?

Richard Kramer

Many issues were raised which we need to work together to work out or solve these problems. Cheaper companies hurt the industry; raise the prices to provide a better service.

Michael Gregory

The worst thing in the industry is the lack of the properly educated. The testing of pesticide products is inadequate and the "myth" that pesticides are safe is wrong. Positive movement to a more responsible approach. Sensitive populations.

Michael Faerber

Wants to see Soil Residue Committee- Data Collection Project (SRC-DCP) finished. Recommends the Arizona statute as a model.

1. Raise Funding
2. Raise the number of people we have in the regulatory process.
3. Additional technology is helpful



TUESDAY OCTOBER 1, 1991

Update on ASPCRO- Soil Residue Project

Tom Diederich

Foam technology developed by Orkin for termiticide applicators. This is to be used in certain outside areas of the structure such as slab foundations, chimney bases, earth fills which characteristically have proven to be problems areas. This appears to give superior distribution.

Gary Braness

Mobay Corporation

Gary discussed Tank Mix Technology: to establish max run efficacy at an acceptable flow rate and by pass. Manufacturer Pump rating = Pump eff rating. Hypro Roler Model was the pump used for the purpose of this study. The results of this study show >60% rating is acceptable, 50%-60% rating is marginal and <50% rating is weak. To properly mix termiticide in a tank would be 20-30 gallons H2O. Start pump, add chemical, complete filling, agitate. The benefits of a proper pump rating are: proper calibration, improved mixing, longer equipment life, increased productivity and less-call-back.

Bob Smith

University of Arizona

Bio Assay

Bob feels that analytical chemistry is too unreliable to be supported. Bio Assay is reliable.

Susan Jones

Biology of Subterranean Termites

Heterotermes aureas 125,000 individuals are thought to be in a colony. These termites will forage between 140ft<sup>2</sup> to 37,000ft<sup>2</sup>. Dr. Jones has done some work which shows limited promise with bait formulations of Borax.

**A**ssociation of  
**S**tructural  
**P**est  
**C**ontrol  
**R**egulatory  
**O**fficials

September 18, 1992  
 Financial Statement 1991  
 Soil Residue Committee

	<u>Debits</u>	<u>Credits</u>
Total Deposits		8,400.00
		<u>50,400.00</u>
		58,800.00
Petty Cash for Participating States	400.00	
Total Equipment Expenses	1,871.30	
Dividends	_____	_____
Subtotals	2,271.30	58,800.00
Total Balance		56,528.70

**A**ssociation of  
**S**tructural  
**P**est  
**C**ontrol  
**R**egulatory  
**O**fficials

December 31, 1991  
Financial Statement 1991  
Soil Residue Committee

	<u>Debits</u>	<u>Credits</u>
Total Deposits		58,800.00
Petty Cash for Participating States	400.00	
Total Equipment Expenses	2,238.30	
	_____	_____
Subtotals	2,638.30	58,800.00
Total Balance		56,161.70

WEDNESDAY OCTOBER 2, 1991

Elizabeth Stewart

CLEAR- Council on Licensure, Enforcement, and Regulation  
Elizabeth discussed the unique make up of CLEAR. Discussed the recent CLEAR conference. Next Annual conference will be Sept. 23-26 in Detroit. Regional Conferences. NCIT- In concert with University of Missouri, certified training for investigators. National Registry for Enforcement actions in other states. Consultants are available to help you set up various programs.

BUSINESS MEETING

ASPCRO will meet in New Orleans in 1992 and a motion was made to accept Arkansas for 1993.

Jim Wright motioned  
Dave Scott second the motion  
Motion carried

Request from NPCA - Laws and Regulations from each state.  
Copies of Test Questions

Secretary/Treasurer Report  
Dave Scott moved to accept  
Ray Seagle second  
Passed

President Lonnie Matthews discussed Multi-Media and it's implication. It will surface in grant guidance in 1992.

Motion to ratify the Incorporation of ASPCRO.  
Carl Falco made the motion  
Harvey Dominick second the motion  
Motion carried

By Laws Committee Chairman: Jim Harron presented.  
Dave Scott made the motion  
Jim Wright second the motion  
Motion carried

Vote to accept passed activities.  
Jim Harron made the motion  
Alex Hawkins second the motion  
Motion carried

Vote to set up New Mexico to take on Attorney.  
Jack Root made the motion  
Kiven Stewart second the motion  
Motion carried

Vote to use accountant in New Mexico to file necessary form in New Mexico. The current SEC/TRS would use his accountant of choice to audit the Association account and that audit report be submitted with his financial statement each year.

Jim Wright made the motion  
Jack Root second the motion  
Motion carried

Moved to become Tax exempt by submitting a form 501c. Lonnie Mathews accountant of choice to file the form 501c which would give ASPCRO tax exempt status.  
Kiven Stewart made the motion  
Dave Scott second the motion  
Motion carried

Motion to have the information from the SRC-DCP prepared in a manner which would allow it to be presented for publication.  
Carl Falco made the motion  
Jack Root second the motion  
Motion carried

#### State Reports

Motion to keep the State Report written and submitted to Executive Committee 30 days in advance for consideration at annual meeting.  
Lonnie Matthews made the motion  
Alex Hawkins second the motion  
Motion carried

Annual meeting- Planning committee- 3 members current host, immediate, past host, future host, with the submission of funds to host state as needed.  
Jack Root made the motion  
Carl Falco second the motion  
Motion carried

#### RESOLUTIONS COMMITTEE

1. Recognition of AZ SPCC  
Kiven Stewart moved  
Mancil Smith second the motion  
Motion carried
2. Recognition of Event Sponsors, With Secretary writing letter  
Jim Wright made the motion  
Mancil Smith second the motion  
Motion carried
3. Federal/State Pesticides - Local Option decision  
Kiven Stewart moved  
Alex Hawkins second the motion  
Motion carried

4. FIFRA Sec 2ee applicable to all pesticide applications  
Jim Wright made the motion  
Bennie Mathis second the motion  
As amended to say 2ee not applicable to Termiticides  
Root made the motion  
Harvey Dominick second the motion  
Passed with one NO
5. Multi-Media Enforcement Activities  
Bennie Mathis moved  
Kiven Stewart second the motion  
As amended to remove reference to block grants and hidden agenda  
Jack Root moved  
Barry Patterson second the motion  
Motion carried
6. Need for Termiticide Research, USDA needs to continue it's pursuit of research of sub termites.  
Bennie Mathis made the motion  
Jim Wright second the motion  
Motion carried
7. Authorize Secretary/Treasurer to open bank of his choice.  
Carl Falco made the motion  
Jim Harron second the motion  
Motion carried
8. Nominations Committee- Kiven Stewart Chair.  
Recommendations- Dave Scott- President  
Jim Wright- Vice President  
Alex Hawkins-Secretary/Treasurer  
Jim Harron- Executive Committee  
Ray Howell made the motion  
Kiven Stewart second the motion  
Motion carried
9. Motion to have ASPCRO pursue EPA Certification Training to support a certification workshop  
Jack Root made the motion  
Jim Harron second the motion  
Motion carried
10. Motion to close the meeting  
Kiven Stewart made the motion  
Dennis Howard second the motion  
Motion carried
11. Meeting was adjourned  
Jack Root moved  
Jim Harron second the motion  
Motion carried

Association of  
Structural  
Pest  
Control  
Regulatory  
Officials

November 1, 1991

cc: Jim Wright  
S.C.  
Lonnie Matthews  
N.M.

Mr. Joe Mauldin  
Southern Forest Experiment Station  
Forestry Sciences Laboratory  
PO Box 2008, GMF  
Gulfport, MS 39505

Dear Joe:

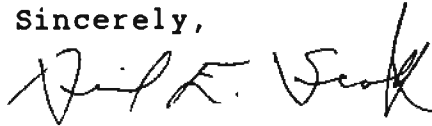
A situation has recently come to the attention of the Association of Structural Pest Control Regulatory Officials (ASPCRO) which we would like to address. It appears that Dr. Susan Jones is planning to vacate her position with the USDA-FS in Gulfport. We in the regulatory community regret to hear that. Dr. Jones, like every scientist on your staff, has become a tremendous resource for structural pest control (industry and regulators). We find it very comforting to have the objective expertise of Dr. Jones and her colleagues available to the various regulatory programs across the country. As you well know, we have relied upon the work from Gulfport to guide us in the development of our structural pest control regulatory programs for decades.

The information that comes to me indicates Dr. Jones feels she can no longer divide her time between Mississippi and Arizona, due to personal reasons. It is also my understanding that Dr. Jones requested a permanent assignment in Arizona and that request was denied. I fully understand the request for reassignment was given careful consideration by you and your superiors and the resulting decision appears to be a function of an austere budget. We at the state level can appreciate the budget process and empathize with your budget restraints.

While another scientist can fill a position vacated by Dr. Jones, it will take a considerable amount of time for that person to develop her level of expertise. The structural pest control industry is changing faster today than ever before. It is an increasing problem for us to stay abreast of those changes. We will be at a serious disadvantage if we must wait for years while a replacement for Dr. Jones reaches a level equal to that of your work group now. While that may be unavoidable, I would hate to see that occur as a result of a fiscal problem.

ASPCRO would respectfully request that additional consideration be given to this important issue and that Dr. Jones' request be granted to continue her work on termites at the Arizona location. We are sensitive to the budget process and would be willing to support your efforts to gain additional budget funding to facilitate this change. If you should have questions or comments, please feel free to contact me any time. Thanking you in advance for your consideration, with kindest personal regards, I am

Sincerely,



David E. Scott  
President

DES:akw

cc: Dr. Tom Ellis, Director  
Southern Forest Experiment Station  
Room T-10210  
US Postal Service Building  
701 Loyola Avenue  
New Orleans, LA 70113

Dr. Stan Barnes, Assistant Director  
Southern Forest Experiment Station  
Room T-10210  
US. Postal Service Building  
701 Loyola Avenue  
New Orleans, LA 70113



SUGGESTED GUIDELINES FOR COMPLETING THE STANDARD  
WOOD DESTROYING INSECT INFORMATION FORM  
(HUD FORM 92053, VA FORM 26-8850, REVISED 5/91)

The above referenced form must be used by pest control operators for any HUD/VA guaranteed loan unless the STATE has mandated a specific form to be used to the exclusion of all others. This policy was described in Mortgagee Letter #91-12.

GENERAL INFORMATION REGARDING WOOD DESTROYING INSECT  
INSPECTIONS FOR HUD/VA GUARANTEED LOANS

Under accepted practices within the pest control industry, it is the responsibility of the inspector/inspecting company to inspect for and to fully report visible signs of infestation and visible damage by wood destroying insects, and visible evidence of conditions conducive to infestation by subterranean termites.

IF THE STATE HAS PRESCRIBED OR ACCEPTED PROCEDURES FOR  
INSPECTIONS, THOSE SHOULD BE FOLLOWED IN CONDUCTING THE  
INSPECTION. IF NO SUCH STATE GUIDANCE EXISTS, THE INSPECTION  
PROCEDURES SHOULD BE IN COMPLIANCE WITH THE GUIDELINES FOUND  
IN THE PENNSYLVANIA PEST CONTROL ASSOCIATION ACCREDITED WOOD  
DESTROYING INSECT INSPECTOR PROGRAM MANUAL AND NPCA  
PUBLICATIONS

Instructions on reverse side of the form should be read and understood.

**1A. VA Case Number**--Enter the number if available; otherwise, leave blank.

**1B. HUD/FHA Case Number**--Enter the number if available; otherwise, leave blank.

**2. Date**--Enter the date of inspection, not the date the report was prepared.

**3A. Name of Inspection Company**--Enter the name of the licensed inspection company or pest control company performing the inspection.

**3B. Address of Inspection Company**--Enter the mailing address of the company listed under 3A.

**3C. Telephone Number**--Enter the telephone number of the company listed under 3A.

**4. Pest Control License Number**--Enter the pest control business license number of the company listed under 3A. If not applicable, list the individual inspector's pest control license, certification, registration, or permit number as required by your state. If licenses are not required in the state, note as such.

**5A. Name of Property Owner/Seller**--Enter the name of the property owner

**5B. Address of Property**--Enter the complete physical address of the property. If mailing address differs from the physical address (such as a post office box), note as such and include both.

**5C. Structure(s) Inspected**--Enter a clear and accurate description of all of the structures on the property which were inspected (e.g. "house and garage ONLY").

**6. Were Any Areas of the Property Obstructed or Inaccessible**--Virtually every property will have some obstructed or inaccessible area, so the box is regularly checked "YES." In the unlikely situation that there is no obstructed or inaccessible areas, check "NO." If "YES" is checked, then go to item 7.

**7. Obstructions or Inaccessible Areas**--Enter a list of obstructions or inaccessible areas. ~~For an expanded explanation of many common obstructions and inaccessible areas, refer to the PPCA WDI 1, Consumer Disclosure Attachment which lists many possible inaccessible areas to be considered. Note that this is not a complete list of all inaccessible areas which may be encountered in all states. Other~~ Inaccessible areas must also be considered and listed depending on the state. Special consideration and notation should be made of those inaccessible areas of the structure(s) which wood destroying insects commonly infest in the state.

**8. Based on Careful Visual Inspection of the Readily Accessible Areas of the Property**--This section provides for the findings of the inspection. Note that the report is for visible inspection only. In Section 8, more than one box may be checked unless box 8B is checked. If 8B is checked no other box in the section may be checked.

**8A. Visible evidence of wood destroying insects was observed. No control measures were performed. Insects observed**--Check the box and enter wood destroying insects observed, the area of the property, and any evidence of insects even <sup>if</sup> such <sup>insects</sup> were not seen. If marking evidence but did not see the insects, note as such. Box 8A should be used when there are insects and/or evidence be ~~if~~ active, inactive, or of ~~of~~ indeterminable activity status, AND the inspection company did not provide treatment for any reason. For example, perhaps the inspection company does not do treatments, the homeowner wanted other quotes, the weather was inappropriate, etc. An explanation must be provided as to why no treatment was performed.

**8B. No visible evidence of infestation from wood destroying insects was observed--**Check this box if absolutely no evidence of wood destroying insects was present, either active or inactive, recent or old. If Box 8B is checked, no other boxes in Section 8 should be checked.

**8C. Visible evidence of infestation was noted; proper control measures were performed--**Check this box if the inspection company found evidence of infestation and provided control measures. All appropriate documents such as description of treatment, graphs, contracts, etc. must be attached to the form and referenced in Box 10.

**8D. Visible damage due to \_\_\_\_\_ has been observed in the following areas \_\_\_\_\_**--If any damage is visible due either to evidence of active or inactive infestation, it must be noted. The type of insect must be listed in the first blank and all damaged areas of the property must be listed in the second blank. A graph of the damaged structure must be provided. If box 8D is checked, then a box must be checked in section 9.

**8E. Visible evidence of previously treated infestation, which is now inactive, was observed--**Check this box if there is there is no evidence of insect activity and the company previously treated the property. Inspectors should exercise caution and not assume that there was in fact treatment or that treatment was performed according to state regulations unless the inspecting company performed the treatment. Any such evidence and explanation must be noted in Box 10.

**9. Damage Observed Above, If Any--**If box 8D is checked, then a box in 9 must be checked.

**9A. Will be/has been corrected by this company--**Check this box if the inspection company will or has corrected the damage, referencing any attachments such as repair contracts in Box 10. Care should be exercised to document and clarify how much of the damage listed in 8D will be/has been corrected.

**9B. Will be corrected by another company--**Check this box if the damage will be corrected by a company related to the inspection company, in which case a contract or documents must be attached and referenced in Box 10. Caution should be exercised to document and clarify how much of the damage listed in 8D has been corrected.

**9C. Will not be corrected by this company. Recommend that damage be evaluated by a qualified building expert--**Check this box if the damage will not be corrected by the inspecting company or a company related to the inspecting company. This box recommends that a building expert should evaluate the damage. It is NOT the responsibility of the inspector to make this evaluation.

**10. Additional Comments**--List all attachments to the report. Note that all documents are integral parts of this report. Each attached document should be named specifically (e.g. "see attached graph, warranty, and contract all of which are integral parts of this report").

**11. Statement of Pest Control Operator**--Read and understand this section.

**12A. Signature of Authorized Company Representative**--Either the inspector or the representative required by state regulations or company policy signs the report.

**12B. Title**--Enter the title such as owner, manager, inspector, etc. and employee identification number, if applicable of the person who signed the report.

**12C. Date**--Enter the date this form was signed by the individual listed in 12A.

**14. Signature of the Purchaser**--This is not the responsibility of the inspector unless required by the state.

**15. Date**--This is not the responsibility of the inspector.

Visible evidence of conditions conducive to infestation by **subterranean termites** shall be listed on the back of the form or as an attachment referenced in Box 10.

Note: Additional information such as ~~encyclopedia or~~ entomological information, copies of prior inspections and/or treatment reports, drawings, and other documents ~~such as the Pennsylvania Pest Control Association Consumer Disclosure Attachment to HUD Form 92053/VA Form 26-8850~~ may be helpful to the consumer in understanding the scope, limitations, and specific findings of the inspection and may be provided to the consumer where appropriate.

This document is a result of the joint efforts of the following not-for-profit organizations which may be contacted for further information:

National Pest Control Association

Attn: Greg Baumann  
8100 Oak Street  
Dunn Loring, VA 22027  
(703) 573-8330

Association of Structural Pest Control Regulatory Officials

c/o The Indiana State Chemist  
Attn: Dave Scott  
Purdue University  
1154 Biochemistry Bldg.  
West Lafayette, IN 47907  
(317) 494-1585

Pennsylvania Pest Control Association

Attn: Len Bruno  
509 N. Second St.  
Harrisburg, PA 17101  
(215) 586-5640 (Bruno)

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**Office of the Indiana State Chemist  
and Seed Commissioner**

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FAX TRANSMISSION SHEET

Date: 6-18-91

Transmit to Fax Phone Number: (505) 646-3303  
(803) 772-8711  
(713) 296-~~7964~~ 2247  
(614) 866-4174  
(501) 225-3590

From: DAVE SCOTT

Please deliver to: • LONNIE MATHEWS  
• JIM WRIGHT  
• ALEX HAWKINS  
• BOB WULFHORST  
• KIVEN STEWART

Total Number of Pages (including this cover sheet): ~~3~~ 5

*Please review and comment ASAP. I think we have finally gotten EPA's attention on this issue. I suggest we strike while the iron is hot if you concur.*

## Registration/Classification Issue for Consideration by SFIREG

### Termiticide Efficacy and FIFRA Section 2(ee)

Issue: FIFRA Section 2(ee) defines situations when deviation from the registered pesticide label will not be considered misuse. The most frequently invoked of these label deviations is "applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration, or frequency."

The Association of Structural Pest Control Regulatory Officials (ASPCRO) is very concerned with the inappropriate use of FIFRA Section 2(ee) to sanction sloppy and inefficacious termite treatment applications. The Congressional intent of FIFRA Section 2(ee) was to allow beneficial non-label uses, not to provide an automatic, after-the-fact defense for pest control operators for sloppy or fraudulent applications where the amount of termiticide applied is less than the amount necessary to achieve control.

Recommendation: The SFIREG WC/RC concurs with ASPCRO's termiticide concerns and recommends EPA consider:

- (1) Calling in efficacy data for termiticide products to establish the lower limit application rate for an efficacious treatment. The efficacy data call-in should include efficacy data generated from actual field application trials, and not merely data generated in near-ideal laboratory situations.
- (2) Requiring registrants of termiticide products to amend their labels to clearly include on the label the lower limit application rate for an efficacious termite treatment and to include a clearly worded prohibition not to apply the termiticide product at less than the lower limit application rate necessary to achieve control;
- (3) Formulate a policy to advise the pest control industry that inefficacious termite treatments are a misuse;
- (4) Clarify that FIFRA Section 24 does not preempt any state from establishing termiticide use rules and regulations more restrictive than the termiticide label.

## Registration/Classification Issue for Consideration by SFIREG

REVISED 6/18/91

### EFFICACY DATA AND EFFICACY TESTING

**BACKGROUND:** Until 1979, EPA required the submission of efficacy data for agency review for all pesticides. In 1979, EPA implemented an efficacy data waiver to reduce the administrative burden of reviewing efficacy data, thereby allowing the agency to devote more resources to the review of data concerned with the health and safety effects of pesticides. EPA believed that the blanket submission of efficacy data for pesticide products was unnecessary because: (1) users could determine for themselves which products worked and which didn't and plan future purchases accordingly; (2) evidence of efficacy at the time of initial registration did not assure continuing efficacy; (3) marketing of inefficacious products would subject pesticide producers to costly civil suits from aggrieved users. EPA planned to retain the right to require the submission of efficacy data for products for which a lack of efficacy was reported.

Thus, the marketplace was expected to become the arbiter of product efficacy. Products which didn't work would merely cease to exist through the pressures of a competitive marketplace.

The submission of efficacy data was still required, however, for pesticides with public health uses because of the greater risk to the public health if these products failed to perform as claimed.

In 1982 then Vice President George Bush's regulatory reform/regulatory relief efforts convinced EPA's Office of Pesticide Programs (OPP) to extend the efficacy data waiver to include vertebrate and invertebrate pest control products. EPA planned to continue to require efficacy data for products intended for controlling "invisible public health pests": pathogens or toxins which could not be observed by the user but which posed a direct threat to human health or well being. The review of product efficacy data by EPA was now limited to antimicrobials used in public health situations such as hospitals and nursing homes.

In 1982 the SFIREG Working Committee on Registration & Classification held the position that, in general, the marketplace is not an efficient or effective method for determining pesticide product efficacy. The lay pesticide user (and, frequently, the "professional" applicator) lacks the skills for determining if a product is efficacious. When a consumer purchases a pesticide product, he assumes it will work. If the pressures of the marketplace eventually result in the removal of an inefficacious product, it is usually only after large amounts of time, money and energy have been wasted.



One registrant, whose product line included rodenticides, wrote the SFIREG WC/RC: "We urge your SFIREG working group to evaluate the efficacy data waiver policy very carefully. It is our belief that the present efficacy data requirements for the subject pesticides are well founded. When one considers the potential manufacture, sale, and use of ineffective hospital use or food processing disinfectants, food plant rodenticides, and so on, the possible public health consequences appear very significant. Accordingly, we believe that this efficacy data waiver policy is inappropriate and should be rejected. Please note that the present efficacy data waiver for most crop pesticides does not pose a public health risk of comparable magnitude."

From comments provided by state pesticide officials, registrants, health officials and the public, EPA became convinced that the waiver of efficacy data for vertebrate pest control products did not serve the public good. The waiver of efficacy data for these products was rescinded in a Federal Register notice on September 12, 1984.

In 1982 EPA terminated the disinfectant efficacy testing program it had carried out at its laboratory in Beltsville, Maryland. The efficacy testing done at Beltsville included both pre- and post-registration testing. The pre-registration efficacy testing consisted of duplicating selected studies submitted in support of public health use disinfectant pesticide product registration. The post-registration efficacy testing was performed for enforcement purposes on samples of disinfectants collected in the marketplace. Some of these samples were referred from state pesticide labs which had conducted their own efficacy tests.

In 1986 EPA terminated funding for its cooperative agreement with the Denver Wildlife Research Center of the U.S. Fish and Wildlife Service. Rodenticide efficacy testing was done for EPA by the Denver facility, with the samples collected by state and regional pesticide inspectors being routed through NEIC.

#### ISSUES:

I. Over the past ten years EPA steadily marched away from efficacy data reviews and efficacy testing.

The October 1990 Government Accounting Office report critical of EPA's regulation of disinfectants and Linda Fisher's rebuttal again focused attention on efficacy data requirements and efficacy testing of pesticide products.

The SFIREG WC/RC encourages EPA to resume disinfectant efficacy testing, appoint a workgroup to assist in resolving the controversy over validity of test methods, and in general pursue a more vigorous and active enforcement/compliance strategy.

II. The SFIREG WC/RC recommends that EPA consider for antimicrobial pesticides:

(1) The creation of a new national laboratory center for efficacy testing/method development for antimicrobial products; or

(2) The funding of one or more state laboratories under cooperative agreement to serve as regional center(s) for efficacy testing/method development for antimicrobial products.

The lab(s) should be managed by a professional staff of national stature, should serve as a resource for state labs, and should be willing to accept samples submitted by the states.

III. The SFIREG WC/RC asks that EPA consider that there are other types of pesticides, besides public health pesticides, where the marketplace should not be the arbiter of efficacy.

The SFIREG WC/RC recommends that EPA require the submission of efficacy data for the registration of insecticides intended for subterranean termite control. The typical termiticide product "consumers", the applicator and his homeowner customer, do not have the expertise or the time to let the marketplace determine if a termiticide treatment is efficacious.

In addition, SFIREG WC/RC believes that EPA should require a minimum standard of efficacy as a registration requirement for termiticide products. We consider five-year efficacy to be the minimally acceptable term; in practice, we would hope for efficacy for a far greater period. A five-year minimum efficacy requirement is consistent with the soil guarantees required by federal lenders (FHA, VA) and is a minimum treatment standard under some state pesticide statutes.

Although EPA has often characterized itself as "not a consumer-protection agency, but only an environmental protection agency....", SFIREG WC/RC encourages EPA to consider not only the financial burden to the homeowner, but also the environmental burden of repeated chemical applications that may result from the application of an inefficacious termiticide or a termiticide with a longevity of less than five years.