

## **Model Regulations for Outdoor Residential Misting Systems**

**Accepted by the Association of Structural Pest Control Regulatory Officials Board**

**the 6th day of April, 2010**

**The following language is model regulatory language suggested for states when addressing use of outdoor residential misting systems developed by ASPCRO and the National Pest Management Association (NPMA). The language should be modified if necessary to comply with current state statutory authority(s) and regulatory language specifications.**

**Bracketed language is noted for modification to meet an individual state's authority.**

### **License and Certification Requirement Language:**

[Persons/Companies] in the business of installing, selling, or servicing outdoor residential misting systems must comply with the state [license, certification, or registration] requirements.

The [installation, configuration, placement, and servicing] of any outdoor residential misting system or its components must be performed by a state licensed [commercial pesticide applicator] certified in category(s) \_\_\_\_.

All [applicators/companies] who [sell, design, service, or supervise the installation and service] of an outdoor residential misting system will obtain [eight] hours of verifiable continuing education [annually] covering the following:

- Mosquito biology and identification
- Mosquito prevention
- Integrated pest management (IPM) for mosquitoes
- Mosquito Misting System installation, operation, and service

### **Minimum Training Requirements:**

All [applicators/companies] [selling, servicing, or installing] outdoor residential misting systems in residential areas for the control of mosquitoes must ensure that any employees who perform, supervise, or assist with [the sale, design or installation] service of an outdoor residential misting system receive at least 4 hours of classroom training and 8 hours of field training in the following areas:

- Mosquito biology and identification
- Mosquito prevention
- Integrated pest management (IPM) for mosquitoes
- Mosquito Misting System installation, operation, and service

**Pesticide Product Registration Language:**

Any pesticide product applied using an outdoor residential misting system must be registered by the U.S. Environmental Protection Agency and/or state regulatory agency. The product label must include directions for mosquito prevention or control and a use pattern that permits application using an outdoor residential misting system. All applications must be made in accordance with the directions and precautions specified on the label and labeling of the product used.

**Consumer Information/Disclosure:**

The [applicator/company] must also provide the customer with the following written information prior to entering into a contract:

- 1) Information about integrated pest management (IPM) for controlling mosquito populations,
- 2) A copy of the label for any pesticide the company intends to use,
- 3) Proper use instructions for the outdoor residential misting system,
- 4) Emergency shut off procedures, and
- 5) Service and warranty information.

**Integrated Pest Management (IPM):**

Any [applicator/company] that [sells, services, or installs] an outdoor residential misting system will ensure customers are provided with the following:

1. Inspection of the site or structure where the outdoor residential misting system is used in order to provide the basis for recommendations of system use as well as other preventive or remedial actions and best management practices.
2. The company must inform customers about present and conducive conditions, the presence of pest larval production, habitat and other issues related to preventing or managing the pest problem.
3. The company will provide customers with a written report containing recommendations of system use, based on the inspection, other preventive or remedial actions and best management practices. This will include an information sheet communicating the components of the IPM process and outdoor residential misting system Best Management Practices.
4. A specific period not less than [one year] is to be established for inspection and evaluation of the system use and management measures.

**Installation and Servicing Procedure Language:**

1. During each installation of an outdoor residential misting system, a [licensed applicator/technician] must [be present at the installation site/be in direct supervision of the installation].
2. The system must be configured, installed and operated so that applied pesticide does not drift [off of the property on which it is installed /to non target areas].
3. Override procedures outlining instructions for shutting off the system is to be printed on or attached to all systems with an additional copy presented to the customer.
4. Systems should never be installed for the purpose of both delivering an insecticide and water for evaporative cooling.
5. When used in a system with a reservoir tank for the end use dilution, the system reservoir tank must be locked. Securely attach the end use pesticide label and a dilution statement to the system reservoir tank in a weather protected area or weatherproof seal-able plastic sleeve. The dilution statement must be phrased as follows: this container holds \_\_\_\_\_ parts (product name) to \_\_\_\_\_ parts water.
6. When used in a direct injection or comparable system, the pesticide container must be locked. Securely attach the end use label to the pesticide container in a weather protected area or a weatherproof seal-able plastic sleeve.
7. The statement "Do Not Use (activate system) When People, Pets or Food Are Present" must be displayed in not less than one half inch letters on the control unit or reservoir and at least once in the system instruction manual in a font size consistent with the body text, unless labeled for that use.
8. A specimen label of the material(s) contained within the system will be provided and reviewed with the customer at the time of installation. An additional specimen label must be attached to the system control unit or reservoir in a weatherproof pouch or other appropriate container.
9. The misting system solution must be applied in accordance with the specific manufacturers label requirements for the pesticide being used.
10. Systems must be calibrated to apply no more than the maximum application rate represented on the label that identifies the amount of active ingredient allowed per 1000 cubic feet per day. Calibration is to be performed [annually] at a minimum.
10. The system must be configured, installed and operated so that the pesticide is used according to label directions, including application rate, restricted entry intervals, and prohibitions against offsite drift.
11. Pesticides that state "Not for use in outdoor residential misting systems" may not be used under any circumstances. No other conventional insecticide should be used in a misting system even though it may be registered for outdoor residential sites, unless such insecticide label has been amended and approved by EPA with outdoor residential misting system directions. As of February 2007, EPA has only assessed the use of pyrethrins, permethrin and piperonyl butoxide

(PBO) in residential systems and labels are in the process of being amended to include appropriate directions for this use.

12. The customer must sign a statement attesting that he/she has read, understands and will follow the specimen label, information about the operation of the system and his/her obligations relating to the operation of the system.
13. Automatic timing mechanisms are to be set to operate at times when people and pets are not in the area. The customer must be given written notification of the scheduled operation times.
14. The [applicator/company] that [installs/services] the system must provide the consumer with a specimen label, information about the operation of the system and information detailing the consumer's obligations, which obligations shall include:
  - Emergency shut off instructions in the event of excessive wind or rain.
  - Report to the responsible company any damage resulting from excavation, or other projects in and around the system and its components
  - Report periods of extended power loss that may result in timer or memory failure in the controller.
  - Report in advance construction or landscape plans that may affect the operation of the system or its components.
  - Immediately report any staining or plant discoloration to the responsible company.
15. During all regularly scheduled service visits, performed not less than [once each year], the [applicator/company] will perform a complete inspection of the system and its components as described below, providing a written report to the customer to include any corrective action taken by the company or required by the customer including instructions on harborage site removal or correction and other non chemical controls to improve the condition of the site. Inspection will include:
  - Visually inspecting the system during operation to ensure that it is working properly, the clock and timed cycles are properly set, cover is securely fitted over the outside lip of the top, the lock has not been tampered with and the system is delivering the product in full compliance with the label for such product.
  - Visually inspect each area that is serviced by the system to include all nozzle placements, paying attention to the condition of foliage and the surfaces of any structure or other item located within or near the area serviced by the system. If signs of plant burn or staining exist adjust or relocate the nozzle.
  - Visual inspection of the tubing and exposed connectors, to ensure tight fit. Additionally, inspect for wear and circumstances that may result in damage if not corrected, making necessary correction or report to customer when necessary.

## **Advertising**

A licensee must not use false, misleading or deceptive advertising. Examples of statements or representations, which constitute false, misleading or deceptive advertising, include the following:

- (1) a false or misleading statement concerning the composition of products used;
- (2) a false or misleading statement concerning the effectiveness of a product as a pesticide or device;
- (3) a false or misleading statement about the value of the product for purposes other than as a pesticide or device;
- (4) a false or misleading comparison with other pesticides;
- (5) a statement directly or indirectly implying that a pesticide or device is recommended or endorsed by any agency of the state or federal government, such as "EPA Approved";
- (6) a true statement used in such a way as to give a false or misleading impression to the consumer;
- (7) disclaimers or claims which negate or detract from labeling statements on the product label;
- (8) claims as to the safety of a pesticide or its ingredients, including statements such as "free from risk or harm", "safe", "non-injurious", "harmless", or "non-toxic to humans and pets",
- (9) claims that the pesticides and other substances the licensee applies, the application of such pesticides, or any other use of them are comparatively safe or free from risk or harm;
- (10) claims that the pesticides and other substances the licensee applies, the applications of such pesticides, or any other use of them, are "environmentally friendly", "environmentally sound", "environmentally aware", "environmentally responsible", "pollution approved", "contain all natural ingredients", "organic", or are "among the least toxic chemicals known".
- (11) claims regarding its goods and services for which the licensee does not have substantiation at the time such claim is made;
- (12) Claims that the use of the pesticides or the device prevents disease such as West Nile Virus.