

SEP 21 1995

September 15, 1995

Mr. Benny M. Mathis, Executive Director  
The State of Texas  
Structural Pest Control Board  
9101 Burnet Road, Suite 201  
Austin, TX 78758

**re: ASPCRO Soil Sampling Project**

Dear Benny:

Earlier this year, we wrote to you on two occasions to discuss issues related to the draft *Soil Sampling Guidance Document* being developed by the Association of Structural Pest Control Officials (ASPCRO). The purpose of the first letter was to outline NPCA's concerns about the soil sampling protocol being proposed by ASPCRO. The second letter discussed the status of negotiations between ASPCRO and NPCA. The purpose of this letter is to advise you that as a result of those discussions, NPCA now believes that ASPCRO has developed a *Soil Sampling Guidance Document* which meets the needs of regulators, but which provides sufficient protection for PCOs from being charged with an inadequate termiticide application, when in fact the job was done properly. Accordingly, we believe that the revised *Guidance Document* should serve as the foundation for those states which elect to use soil sampling as an enforcement tool for termiticide applications which must be made at "label rate", by regulation or label requirement.

To briefly recap, this project was initiated in 1989, with the support of PCOs and manufacturers. The purpose of the project was to develop sound scientific data upon which to base state soil sampling programs. Seven products were evaluated at 84 sites, located in 4 states. At each of the sites, termiticides were applied at label rate. Samples were then taken at various time intervals and subsequently analyzed. In the summer of 1994, the raw data was analyzed by a statistician from the USDA Forest Service who presented his findings at the annual ASPCRO meeting in San Antonio, Texas. Last December, ASPCRO distributed its draft *Guidance Document*, based upon that analysis.

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NPCA had two principal concerns with the draft:

- the data had not been independently analyzed or peer reviewed, and
- there appeared to be considerable variability in the data, suggesting the possibility that PCOs could be penalized even though they had done a job properly.

ASPCRO has satisfactorily addressed both of these concerns. At the request of NPCA, an independent scientist, Dr. Brian Forschler of the University of Georgia, was commissioned to review and analyze the data. He completed his analysis and presented his recommendations in June. His principal recommendation was to apply a single residue standard for each termiticide, based on the lowest residue (PPM) which could be expected to be found 180 days after the application and to prohibit samples being taken more than 180 days after the application. In his words, this "would serve the regulatory purpose...and assure the industry that the potential for regulatory action against proper applications would be minimal." ASPCRO has agreed to adopt the residue standards recommended by Dr. Forschler. In addition, they have included several provisions in the *Guidance Document* which provide appropriate protection for PCOs; allowing PCOs to witness the collection of the sample, when feasible or appropriate, allowing PCOs to request that the sample be split for analysis at a qualified independent laboratory and recommending that states collect a minimum of two composite samples from each site.

As a part of a well balanced regulatory program, we believe that the protocol outlined in the revised *Guidance Document* is reasonable. We commend ASPCRO and its leadership for their willingness to work with industry to address these difficult issues. In summary, we believe that any state which chooses to adopt a soil sampling enforcement program should base that program on the ASPCRO *Guidance Document*.

If you have any questions or would like to discuss this, please feel free to call.

Sincerely



Robert M. Rosenberg  
Director of Government Affairs

cc: State Pest Control Associations