



**Gary W. Black**  
Commissioner

# Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

**DATE:** October 16, 2013

**ACTION:** Notice of Intent to Consider the Adoption of Amendments to Rules in Chapters 620-2, 620-3, 620-6, and 620-7 as well as the Adoption of Chapter 620-9

## **TO ALL INTERESTED PERSONS AND PARTIES:**

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 43-45-8 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture and the Georgia Structural Pest Control Commission will hold a public hearing on November 19, 2013, at 10:30 a.m. in room 201 of the Agriculture Building, located at 19 Martin Luther King Jr. Drive, Atlanta Georgia 30334-4201.

Said hearing shall be for the purpose of considering amendments to the Rules of the Georgia Structural Pest Control Commission, specifically, amendments to Chapters 620-2, 620-3, 620-6, and 620-7, and the adoption of new Chapter 620-9. Written comments will be accepted from October 16, 2013, to the close of business (4:30 pm EDT) on November 18, 2013.

## **SYNOPSIS, MAIN FEATURES AND DIFFERENCES:**

### *Proposed Amendments to Chapter 620-2 entitled "General"*

1. Rule 620-2-.01 is being amended to create a definition for 'Computer Based Training,' which would mean any prerecorded or static presentation or session where there is no real time interaction with the speaker. This proposed definition will be added as 620-2-.01(1), and thus the remainder of the rule will be reformatted to reflect this addition.
2. It is proposed to remove "birds" and "squirrels" from the definition of "Household Pest Control" in current Rule 620-2-.01(r). This rule change is being done because the Georgia Department of Natural Resources requires additional licensing for removal of wildlife.
3. Rule 620-2-.01(z) is being further amended from "by the close of the next business day" to "within 48 hours" in the definition of "Reasonable Amount of Time."
4. The definition of "school" in Rule 620-2-.01(af) is being amended to clarify that a child daycare center must be licensed as a "child daycare center." This will help alleviate any confusion caused by the definition of a school.
5. It is proposed to add a definition of "Service Container" to Rule 620-2-.01. Service container means any container used to hold, store, or transport a pesticide concentrate or a pesticide use-dilution mixture, other than the original labeled container in which the product was distributed or sold.

Proposed Amendments to Chapter 620-3 entitled "Licensing"

1. Rule 620-3-.01(2) is being amended to remove the requirement that checks issued for payment of certain fees to be "certified." This proposed change will make it easier to submit payment via a certified or non-certified check.
2. It is proposed to amend Rule 620-3-.02(1) to clarify the responsibilities of a designated certified operator or "DCO." Now the DCO's responsibilities include, but are not limited to, reviewing both the "Official Waiver of the Minimum Treatment Standards for the Control of Subterranean Termites" and the "Official Georgia Wood Infestation Inspection Reports."
3. A scrivener's error inadvertently stated "that" in Rule 620-3-.02(1)(a) instead of "than." This error will be corrected with the proposed rule change. Now the rule will read, "no Certified Operator may serve as Designated Certified Operator for more than one licensee..."
4. The proposed rule change will remove the requirement found in Rule 620-3-.02(1)(d) that a licensee must mark service vehicles with the city where the firm is located. Now the licensee will be required to state the name of the licensee only. This will be beneficial to those entities that have multiple locations throughout the state.
5. Rule 620-3-.02(1)(e)(8) will be amended to reflect a change in the date when reregistration hours must be earned, the date when newly registered employees start earning registration hours and remove the requirement that registered employees must accrue specific reregistration training in Integrated Pest Management (IPM) for Household Pest Control and Preconstruction Treatments for Wood Destroying Organisms.
6. It is proposed to delete current Rule 620-3-.02(1)(f) to combine the pesticide use record requirement and consumer notification requirements previously found in Rule 620-3-.02(1)(l), into one section. This will improve consistency of these requirements. The proposed change will also allow the licensee to provide an electronic pesticide use record to the resident or custodian of the property if an electronic communication acknowledgement is accepted. The proposed change will also require the following information on the pesticide use record: the pesticide US EPA registration number, the technician certification or registration license number, and the application times for non-residential pesticide applications.
7. Rule 620-3-.02(1)(m) is being adopted to require labeling of service containers for transportation or temporary storage of pesticides. Now the rule will require the contents of a service container to be identified, including the brand name and EPA registration number. The rule further provides that the label of the pesticide product in the service container must be made available to the applicator. This proposed change is being made to ensure the safety of persons that come into contact with unmarked containers.
8. Current Rule 620-3-.03(a) will be amended to remove the requirement that Certified Operators must accrue specific recertification training in Integrated Pest Management (IPM) for Household Pest Control and Preconstruction Treatments for Wood Destroying Organisms. The recertification course content criteria has been revised to include IPM. The pre-registration training requirements and materials are being revised to include IPM. The proposed change will also increase the amount of computer based training that may be accrued from eight (8) hours to ten (10) hours. This will aid Certified Operators by allowing additional training hours to be done online.

*Proposed Amendments to Chapter 620-6 entitled "Wood Destroying Organisms"*

1. Rule 620-6-.01(3) is being amended to change the standard of crawl space ventilation as specified in Rule 620-6-.04(1)(a)(8) as a condition conducive to infestation to the standard for crawl space ventilation established by the Residential Building Code.
2. Rule 620-6-.02(4) is being adopted to list the requirements for a "Warranty Only" contract. Now, every Warranty Only Contract, without an initial treatment, will be required to include an initial inspection of the structure, the type of minimum adequate subterranean termite control treatment that will be performed with the first occurrence of termite activity, the annual inspection, and a statement that "[t]his contract provides for the inspection of the structure, future treatment of the structure and for the repair of damages caused by wood destroying organisms within the limits stated in this contract."
3. It is proposed to alter Rule 620-6-.03(2) to revise date on the "Official Georgia Wood Infestation Inspection Report." It is further proposed to amend the "Conditions Governing This Report #4" to expand the definition of 'water conducting fungi' and eliminate certain qualifiers in the reporting of water conducting fungi. Also, "Conditions Governing This Report #6" will be modified to reflect the responsibility that a licensee has to correct unreported conditions conducive to infestation from two (2) years to one (1) year. Further, "Conditions Governing This Report #8" will amend the reporting of insufficient ventilation to the standard established by the Residential Building Code.
4. Rule 620-6-.04 is being amended to remove all descriptions of pesticide use in schools. Requirements regarding schools have been separated and incorporated into new Rule 620-9. Rule 620-6-.04 will be renumbered to accommodate the proposed amendments.
5. Pursuant to the proposed change found in Rule 620-6-.01(3), ventilation as part of termite treatment standards will be removed from Rule 620-6-.04(1)(2). This change removes the obligation for correction and inspection of under-floor ventilation as part of a minimum treatment requirement for subterranean termite treatments. This change is supported with current technical guidance on termite management.
6. Rule 620-6-.04(1)(b)5.(iii) is being amended to provide clarification on the requirements for the treatment of exterior slabs for a Defined Soil Treatment.
7. It is proposed to alter Rule 620-6-.04(1)(d) to require the creation of a reasonable depiction of a structure that is being treated with a termiticide bait product. The depiction or diagram must note the approximate location of all bait or monitoring stations. This change will also include additional inspection recordkeeping requirements when using a termiticide bait product.
8. Rule 620-6-.04(3) is being amended to change ventilation alterations to the structure to be consistent with the standard established by the current Residential Building Code for under-floor ventilation for wood boring beetle treatments.
9. Rule 620-6-.04(4) is being amended to change ventilation alterations to the structure to be consistent with the standard established by the current Residential Building Code for under-floor ventilation for wood destroying fungi. New requirements for water conducting fungi include the cutting of rhizomorphs and the removal of fungal growth from foundation walls.
10. The Exception Form II found in Rule 620-6-.07 will no longer be used; instead it is proposed to use a new form entitled "Official Waiver of Minimum Treatment Standards for the Control of Subterranean Termites." The new form has been revised to include the changes to Rule 620-3-.02(1), 620-6-.04(1)(2).

The proposed change will also require the inspector's certification or registration license number and require a copy of the form be provided to the consumer at the time of signing or service. The proposed change removes the unnecessary "YES" column answers in section 1, 2, and 3. The proposed rule also adds a section to address crawl space clearance that does not meet 18 inches which is necessary for proper inspection and treatment.

Proposed Amendments to Chapter 620-7 entitled "Household Pest Control"

1. Rule 620-7-.03 entitled "Treatment of Schools" is repealed. "Treatment of Schools" requirements as described in 620-7-.03 are incorporated into a proposed new chapter, Chapter 620-9.

Proposed Adoption of Chapter 620-9 entitled "Treatment of Schools"

1. It is proposed to consolidate all current rules relating to the treatment of schools in to one chapter with the promulgation of Chapter 620-9. By combining these related rules, the treatment requirements for those entities that are defined as a "school" more straightforward.
2. The Commission is proposing to adopt Rule 620-4-.01 into Chapter 620-9 to describe how pesticide applications in schools are to take place. Existing descriptions on pesticide applications in schools, found in Rules 620-6 and 620-7, will be removed.

**COMMENT PERIOD AND ADDITIONAL INFORMATION:**

Written comments will be accepted from October 16, 2013, to the close of business (4:30 pm EDT) on November 18, 2013. Comments will be considered on November 20, 2013. Please submit written comments to:

Mr. Chris Gorecki, Chairman  
Georgia Structural Pest Control Commission  
19 Martin Luther King, Jr. Drive, Room 411  
Atlanta, Georgia 30334  
Fax: (404) 463 – 6671  
Email: [SPCC@agr.georgia.gov](mailto:SPCC@agr.georgia.gov)

Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rule may be downloaded from the Georgia Department of Agriculture website at [www.agr.georgia.gov](http://www.agr.georgia.gov). To request a copy, contact Derrick Lastinger at 404-656-3641 or submit the written request to [Derrick.Lastinger@agr.georgia.gov](mailto:Derrick.Lastinger@agr.georgia.gov) or 19 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.