

Compliance Assistance Module

CAM 6: New Regulations 2017



Structural Pest Section

Compliance Assistance Program

CAM6:12/01/17



New Regulations

- Rule Change Process
- Rule Changes
- Timeline
- Resources





Georgia Structural Pest Control Commission

Georgia Structural Pest Control Act

The commission is authorized and required to:

Make such reasonable rules and regulations as may be necessary to protect the interest, health, and safety of the public and to ensure the efficiency of licensees, operators, and registered employees to carry out this chapter.

Rule Change Process

Through Strategic Planning Process, the industry raised issues and made recommendations on rule changes to the Georgia Structural Pest Control Commission (SPCC) & Georgia Department of Agriculture (GDA).

Structural Pest Control



SPCC/GDA reviewed and discussed recommendations & drafted proposed rules

Public Notice (April 21st):
Notice of Intent to Consider



Legislative counsel notification & legislative committee review

Public Comment Period:
April 21st- May 22nd



SPCC determined if the draft rule addressed original concern/intent



SPCC review and consideration of comments on June 13th

Public Hearing:
May 23rd



Minor edits were made to draft rules by SPCC



SPCC took a final vote on changes on August 1

Commissioner Black certified the amendments



GDA filed the rule amendments with the Secretary of State's Office



New Regulations

- Housekeeping
- Licensing Chapter
- WDO Chapter
 - WDO Contracts
 - WDO Subterranean Termite Control
 - Official Waiver Form
 - Official Wood Infestation Inspection Report

New Regulations

Licensing Chapter

(k) No uncertified person may lawfully apply, under any circumstances, any restricted use pesticide or any State restricted pesticide use **unless a certified operator is present at the application site at time of application. The certified operator must also hold a certification in the appropriate operational category.**

New Regulations

Rule 620-6-.04 Control Measures (WDO Chapter)

means the application of any and all measures for the purpose of controlling termites, powder post beetles, wood boring beetles, wood destroying fungi, and any other wood destroying organism in structures and/or adjacent outside areas. Such measures shall be made with applications and installations consistent with label requirements. Minimum adequate control measures shall be as set forth below.

New Regulations

Rule 620-6-.02 Contracts (WDO Chapter)

- (1) *Every licensee shall issue a written contract to the property owner or owner's agent covering each job of Wood Destroying Organisms Control,...*
 - (a) *The specific type of **minimum adequate control measure as defined in 620-6-.04***

Subterranean Termites

Comprehensive soil termiticide application
Defined soil termiticide application
Pre-construction soil termiticide application
Pre-construction wood treatment
Baiting System

Other WDO's: Drywood Termites, Wood-decay Fungus or Wood Boring Beetles

New Regulations

Rule 620-6-.02 Contracts (WDO Chapter)

(1) Every licensee shall issue a written contract to the property owner or owner's agent covering each job of Wood Destroying Organisms Control,...

*(4) Subterranean termite control **warranty only contracts** ... shall include:
(a) an initial inspection of the structure including a diagram consisting of a reasonable depiction of the structure(s), **indicating the location of any visible previous infestation**, date of inspection; [other requirements]*

Rule prohibits

- Initial treatment
- **Structures with active ST**
- Used in place of a pre-construction treatment
- Structures other than one and two family homes

Rule amendment prohibits issuing the warranty only contract on a structure with active subterranean termites.



New Regulations

Official Wood Infestation Inspection Report

- Conditions conducive and activity = 90 days
- References Form II and Waiver Form

Official Waiver Form

- Renumbered standards
- Housekeeping

Revised 09/17 – Replaces all previous editions



Alternate Application Technique (AAT)

Defined as an alternate method of application of termiticide for subterranean termites which has been approved by the Commission.

- Efficacy data supporting the use (submitted, reviewed & accepted)
- Application method/technique currently on the product label and labeling
- Commission may accept, reject, cancel, suspend or modify any approval of an AAT.

Alternate Application Technique (AAT)

Commission accepted and approved AAT Termiticides

The Commission will respond to requests from registrants to consider a new application technique under the AAT rule. Approval by the Commission requires the following criteria are met:

1. U.S. EPA registered termiticide is labeled for stand-alone structural protection;
2. Termiticide has efficacy data supporting the use of such an application technique; and
3. Efficacy data is reviewed and approved by the Commission.

The final decision will be posted by GDA. The Commission, at its discretion, may accept, reject, cancel, suspend or modify any application, at any time, for approval as an alternate application technique.



Alternate Application Technique (AAT)

Treatment of all areas specified in minimum treatment standards

1. Pre-construction soil termiticide application
2. Comprehensive soil termiticide application
3. Defined soil termiticide application



Alternate Application Technique (AAT)

ST Standards

1. Remove cellulosic material in crawl space
2. Remove wooden contacts between the building & soil
3. Provide minimum 18 inch clearance between wood and soil in crawl space
4. Remove visible & accessible termite tunnels



Alternate Application Technique (AAT)

Control measures – minimum soil treatment standards

1. Trench and treat soil foundation wall & pillars
2. Expansion joints and foundation penetrations
3. Masonry voids
4. Earth filled porches – perimeter walls
5. Perimeter of slab foundations & contiguous slabs

Alternate Application Technique (AAT)

Minimum treatment standards for AAT applications

Application of a termiticide using an approved AAT must include:

All treatment areas specified under Rule 620-6-.04 subparagraphs:

- (1)(a) Comprehensive soil termiticide application,
- (1)(b) Defined soil termiticide application, or
- (2)(a) Pre-construction soil termiticide application; and

Application in a manner consistent with the label and labeling of the termiticide.

Example: Trenching of soil along outside foundation walls to a minimum of 6 inches is an example of a minimum treatment standard specified in the defined soil termiticide application rule. To comply with this standard under the AAT rule, treating this area (outside foundation walls) is still required, however, the applicator would refer to the pesticide label for specifications on the trench – a minimum depth of 2 inches deep and 4 inches wide would be allowed if that is what is stated on the label.



Alternate Application Technique (AAT)

WDO Contract Rule

The WDO Contract Rule requires a written contract to the property owner for each job of WDO protection or control. The specific type of control measure to be performed is a required element. The specific type of control measure must specify alternate application technique. For example, if an AAT is made to meet the defined treatment standards then the contract should state, “**defined soil termiticide alternate application technique**”.

Official Waiver form

For AAT treatments, check type of treatment: comprehensive post construction soil treatment, defined post construction soil treatment or pre-construction soil treatment AND Alternate Application Technique.



Alternate Application Technique (AAT)

List of commission accepted and approved AAT Termiticides

Termidor HE High-Efficiency Termiticide U.S. EPA Registration No. 7969-329 (SPCC approval 10-10-17)

Termidor HP High Precision Termiticide U.S. EPA Registration No. 7969-354 (SPCC approval 02-13-18)

Termidor HP II High Precision Termiticide U.S. EPA Registration No. 7969-400 (SPCC approval 02-13-18)



Georgia Structural Pest Control Commission

Notice 17-04

Alternate Application Technique (AAT) Guidance Policy

This policy provides guidance on how to comply with Rule 620-6-.04(3) the minimum adequate treatment for pesticide product applied as an alternate application technique (AAT) for subterranean termite control. The guidance conforms to the control measures in the Rules of the *Georgia Structural Pest Control Act*. These Rules were amended September 1, 2017.

The alternate application technique is a minimum standard control measure for subterranean termites defined by rule as an alternate method of application of termiticide. An AAT must be approved by the Commission prior to being used for subterranean termite control.

Commission accepted and approved AAT Termiticides

The Commission will respond to requests from registrants to consider a new application technique under the AAT rule.

Approval by the Commission requires the following criteria are met:

1. U.S. EPA registered termiticide is labeled for stand-alone structural protection;
2. Termiticide has efficacy data supporting the use of such an application technique; and
3. Efficacy data is reviewed and approved by the Commission.

The final decision will be posted by GDA. The Commission, at its discretion, may accept, reject, cancel, suspend or modify any application, at any time, for approval as an alternate application technique.

Minimum treatment standards for AAT applications

Application of a termiticide using an approved AAT must include:

1. All treatment areas specified under Rule 620-6-.04 subparagraphs:
 - (1)(a) Comprehensive soil termiticide application,
 - (1)(b) Defined soil termiticide application, or
 - (2)(a) Pre-construction soil termiticide application; and
2. Application in a manner consistent with the label and labeling of the termiticide.

The applicator would follow the pesticide label for how to treat the required areas including specifications for trenching, rod hole spacing, or quantity of finished dilution to apply and would be in compliance as long as all required treatment areas were included.

Example: Trenching of soil along outside foundation walls to a minimum of 6 inches is an example of a minimum treatment standard specified in the defined soil termiticide application rule. To comply with this standard under the AAT rule, treating this area (outside foundation walls) is still required, however, the applicator would refer to the pesticide label for specifications on the trench – a minimum depth of 2 inches deep and 4 inches wide would be allowed if that is what is stated on the label.

WDO Contract Rule

The WDO Contract Rule requires a written contract to the property owner for each job of WDO protection or control. The specific type of control measure to be performed is a required element. The specific type of control measure must specify alternate application technique. For example, if an AAT is made to meet the defined treatment standards then the contract should state, "defined soil termiticide alternate application technique".

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Frequently Asked Questions (FAQ's)

1. Is the garage or carport slab required to be treated (drilling & injecting) for preventive termite treatments where the slab joins any part of structure as required by the defined soil termiticide minimum treatment standard for Termidor HP II? Under the AAT for defined soil termiticide minimum treatment standard for the use of Termidor HP II, this area is only required to be treated when an active infestation is present in this area.
2. Under a retreatment warranty contract, if there is an infestation, how does the retreatment rule 620-2-.01(ae) apply? The retreatment rule requires a partial treatment of all areas of at least (10) ten feet in both directions from the point of termite activity. This treatment would include drilling and treating slabs and voids in the area of infestation.
3. For an initial post-construction AAT defined soil termiticide treatment that is addressing an active infestation, are interior areas required to be treated? Interior areas are required to be treated at the site of termite activity and at least 2 feet in two or more directions radiating from the site.
4. For Termidor HP II, what is required to comply with the pesticide use record keeping rule for the amount of pesticide applied and the concentration of pesticide applied?
 - amount of pesticide applied
 - o HT mode: total ounces of formulation or the equivalent amount in total finished gallons at 0.125%
 - o SA mode: total amount of finished gallons at 0.125%
5. Can the Official Waiver Form be used? Only in situations where it is not possible or practical to meet the minimum treatment standards. For the "Type of Treatment" section on the Waiver Form, indicate Alternate Application Technique.
6. Why was the language in Rule 620-6-.04(3)(f) amended to include the language "*except the area beneath concrete slabs of earth filled porches as specified in 620-6-.04(1)(b)5(iii)*"?

The AAT rule was originally approved by the commission to allow for consideration of new technologies while still ensuring termiticide products are efficacious here in Georgia. The Commission reviews each product submitted for consideration as an AAT based on the rule stating treatments for products applied as an AAT are to meet the indicated areas to meet minimum standards but are also allowed to be made consistent with the label directions. When utilizing an AAT approved product, the required areas of treatment are noted in the minimum treatment standards but the approved label dictates how those areas must be treated.

Because AAT approved products include differing requirements for how areas such as surfaces abutting the structure are allowed to be treated (i.e. requiring drilling and subslab injection versus hydraulic trenching around the areas), the rule was amended to allow for treatment to be performed in the manner allowed by the label for treatment of these areas including earth filled porches which required a specific treatment method under the standard defined treatment Rule 620-6-.04(1)(b)5(iii).



Georgia Structural Pest Control Commission

It is critical that you review and understand the label requirements when utilizing products under the AAT rule and all products.

7. Can I use all current AAT approved termiticide products to complete a defined soil treatment around attached slabs and earth filled porches? No.

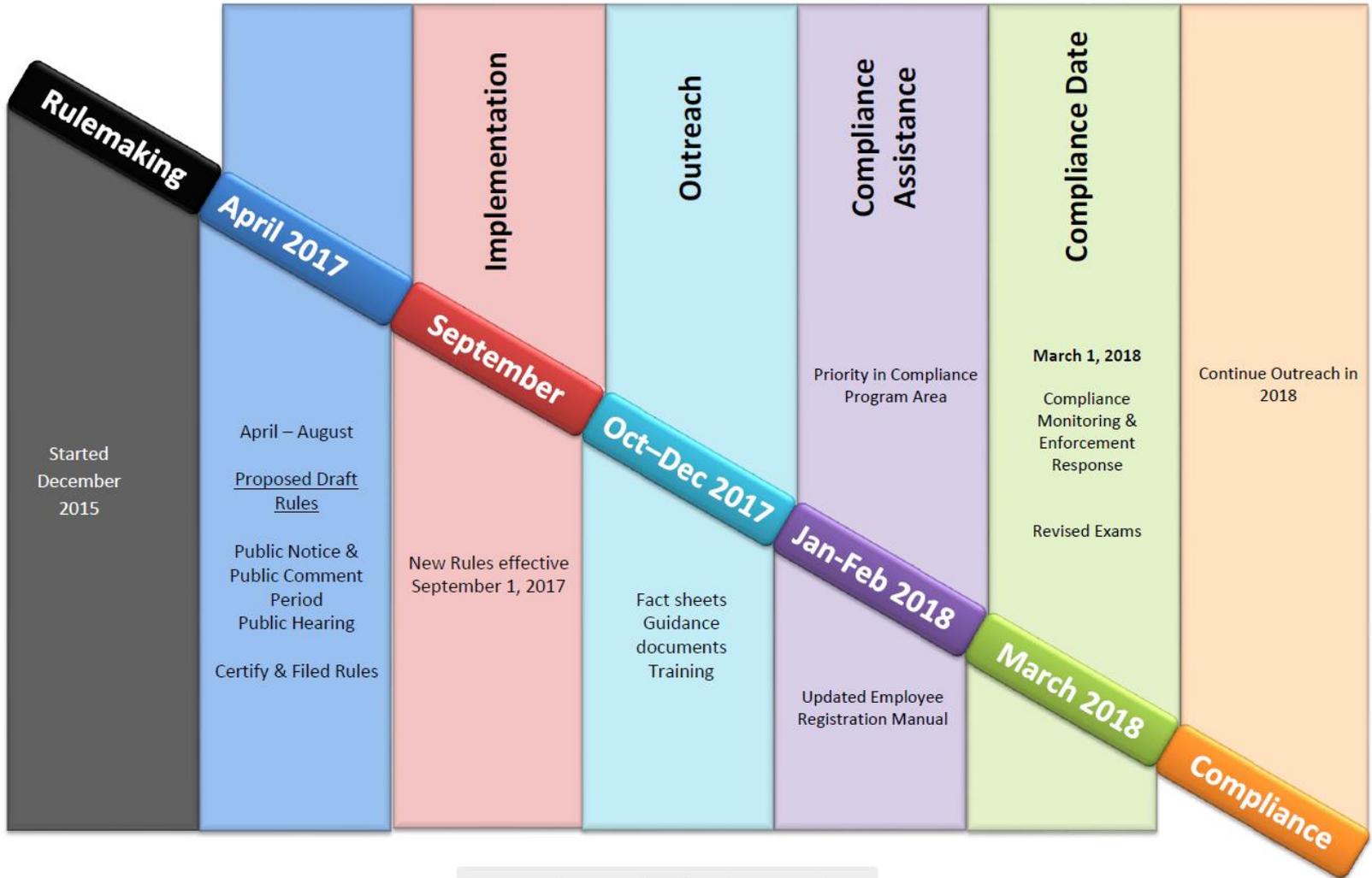
- Termidor HP11 is the only product which has label directions allowing for treatment around attached slabs and earth filled porches when the applicator is using the Termidor HP unit in the HT (Hydraulic Trench) Mode to establish the exterior perimeter treated zone.
- Termidor HP is also labeled for use with the Termidor HP unit but the label directions require the SA Mode be utilized for completion of any exterior perimeter areas where exterior concrete structures including porches adjoin the foundation. It specifically states, "For abutting dirt-filled porches (partial or full), the sub-soil must be treated by drilling and subslab injection treatment."
- Termidor HE label directions require standard treatment (drilling and subslab injection) of the concrete slabs adjoining the foundation including porches and is not labeled for use with the Termidor HP unit.

SPCC: Notice 17-04

Issued: 10-10-17

Revised: 11-12-19

New Regulations Timeline



September 1, 2017

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