



Public Policy Committee Update

Updated: Sept. 22, 2015

The Public Policy Committee (the new combined committee of rules and regs and legislative) has been working with the Structural Pest Control Division for some proposed rule changes. Over the last few months, the board has approved the public policy committee to move forward and endorse the below proposed rule changes. These were approved by the Structural Pest Control Committee (SPCC) at the last meeting for the rule change process to begin. We expect this to take a year or so with several opportunities for public comment before they are law. Public comments could result in changes to these proposed rules before they go into law.

The first rule (.0328) is a minor tweak to ensure that the division can require the licensee or his employee be present during their inspection process.

The second rule change (.0502) has more of an impact. The intent of the rule below is to allow more flexibility for PCOs in North Carolina to use products of the future that are not designed around the minimum standards treatment method to control termites. Not all products coming to the market require the drilling, 4 gallons per 10 linear feet, called for in minimum requirements. For example, some require only 2 gallons per 10 linear feet per label instructions. These rules will allow PMPs to follow the label and not have to get a NC Waiver signed by the customer for certain products approved by the SPCC.

At the last membership meeting, our members guided the Board and Committee to strive for a middle ground between a "label" state and a state with minimum standards (as it is now). This rule will enable the Structural Pest Control Committee to exempt approved products from some requirements of the minimum treatment standards. Termiticide registrants must request approval and provide data to prove the efficacy of the termiticide when used in accordance with directions for use on the label.

To be clearer, if this rule is adopted, the SPCC can approve a new, or existing, termiticide used in North Carolina as a sole source of treatment in two ways:

1. The product must follow the current minimum standards
2. The product may be used and is exempted from the minimum standards of (a)(4), (a)(6) through (a)(11). (this is similar to how baits are today)

Q and A

1. When will this go in effect?

We do not know when this will go into effect in our state. Rule-making is a complicated multi-step process and could take a year or more. And the proposed rule could change before it is finalized. These are NOT the law yet.

2. Will this apply to all products?

The committee will decide what products would be exempt from the minimum standards. This list will be found online:

<http://www.ncagr.gov/SPCAP/structural/documents/TTermiticidesApprovedForUseInNorthCarolinapdf.pdf>

3. Does this mean we will not have minimum standards anymore if these rules go into law?

No! We are still a minimum standard state but this new rule will allow certain products, as approved by the SPCC, to be used without all of the minimum standards applying.

4. Will we still need waivers if these rules go into law?

Yes. If you are using a product not approved through rule .0503 Part (a)(1)(B) that has been approved by the committee everything will stay the same.

If you are using a product that is approved under .0503 Part (a)(1)(B) then you will still need a waiver if you cannot follow the minimum standards other than .0503 (a)(4), (a)(6) through (a)(11). This is similar to how baits are today.

Rules changes below:

Item # 5 (b) on Structural Pest Control Committee agenda

2 NCAC 34 .0328 RECORDS: PESTICIDES AND APPLICATION EQUIPMENT USED

(a) All required structural pest control records and pesticides and application equipment used by the licensee or noncommercial certified applicator shall be maintained at the office location to which the license or certified applicator's card is issued. During inspections the licensee or his employee shall be present to provide access to all structural pest control records, pesticides and application equipment, upon request by the Division.

Item# 3 on Structural Pest Control Committee agenda

02 NCAC 34 .0502 PESTICIDES FOR SUBTERRANEAN TERMITE PREVENTION AND/OR CONTROL

~~(a) Through June 30, 1999, any pesticide may be used for the prevention or control of subterranean termites provided that it bears an EPA-approved label for such use and the pesticide is applied according to the directions of its label.~~

~~(b)~~ (a) **Effective July 1, 1999,** Only those products which bear an EPA-approved label for such use and for which the Committee has received the following information may be used for subterranean termite control:

- (1) A statement from the pesticide registrant that the termiticide is primarily intended, either for use:

- (A) as a supplement to or in combination with other treatment(s);
or
- (B) by itself, as the sole source of termite control; and
- (2) For termiticides under Part ~~(b)~~ a(1)(B) of this Rule,
 - (A) data to support all efficacy claims made on the label, labeling and any promotional materials distributed by the registrant or manufacturer.
 - (B) if the Committee approves a termiticide under Part (a)(1)(B) and the Directions for Use differ from the requirements of .0503, .0505 or .0506, the committee may determine that treatments with those termiticides are exempt from all or part of the requirements of .0503(a)(4) and (6) through (11), .0505 or .0506 provided:
 - (i) the product is labeled for protection of the entire structure,
 - (ii) the licensee provides a warranty for the control of subterranean termites on the entire structure.

~~(e)~~ (b) ~~Effective July 1, 2002,~~ Only those products approved by the Committee based on the data submitted pursuant to Subparagraph ~~(b)~~ a(2) of this Rule may be used for the prevention or control of subterranean termites as the sole source of termite control or prevention. The Committee shall approve the product if the data submitted substantially supports the efficacy claims.

~~(d)~~ (c) Termiticides intended for use as a supplement to or in combination with other termiticides may not be used alone without first disclosing the registrants' recommendations to the property owner or agent.

~~(e)~~ d A list of approved termiticides may be obtained by writing the North Carolina Department of Agriculture and Consumer Services, Structural Pest Control ~~and Pesticides Division, 1090 Mail Service Center, Raleigh, NC 27614~~ 27699-1090 or by calling (919) 733-6100.

Insert the following at the end of .0503, .0505 and .0506:

.0503(f) If the licensee uses a termiticide that has been approved by the Committee pursuant to 02 NCAC 34 .0502(a)(2)(B) and the licensee complies with the requirements of that subsection, the licensee is excused from complying with 02 NCAC 34 .0503(a)(4) and (a)(6) through (11). For a list of termiticides the Committee has approved under 02 NCAC 34 .0502(a)(2)(B), see <http://www.ncagr.gov/SPCAP/structural/documents/TTermiticidesApprovedForUseInNorthCarolinapdf.pdf>

.0505(h) If the licensee uses a termiticide that has been approved by the Committee pursuant to 02 NCAC 34 .0502(a)(2)(B) and the licensee complies with the requirements of that subsection, the licensee is excused from complying with 02 NCAC 34 .0505. For a list of termiticides the Committee has approved under 02 NCAC 34 .0502(a)(2)(B), see

<http://www.ncagr.gov/SPCAP/structural/documents/TTermiticidesApprovedForUseInNorthCarolinapdf.pdf>

.0506(e) If the licensee uses a termiticide that has been approved by the Committee pursuant to 02 NCAC 34 .0502(a)(2)(B) and the licensee complies with the requirements of that subsection, the licensee is excused from complying with 02 NCAC 34 .0506. For a list of termiticides the Committee has approved under 02 NCAC 34 .0502(a)(2)(B), see <http://www.ncagr.gov/SPCAP/structural/documents/TTermiticidesApprovedForUseInNorthCarolinapdf.pdf>