

DEPARTMENT OF AGRICULTURE AND COMMERCE

Subpart 3-Bureau of Plant Industry

Chapter 11-Regulation of Professional Services

Subchapter 01- Regulations Governing Commercial Insect, Rodent, Plant Disease, and Weed Control Work

Section 115-120 applicable to wood destroying insect licenses and permits, only.

115 Contracts

1. Persons holding a license in the category "Wood destroying insect control" as covered by subsection 104.04(1) of this chapter shall enter into a written contract with the person employing him. Work performed under the contract shall comply with the regulations set forth in subchapter 01 of this chapter.
2. A contract shall not be issued unless an approved termite treatment is performed, except as covered in subsection 115(15) of this chapter.
3. Said contract for control of and protection from termites and/or other structural pests shall guarantee the performance of the work to the original owner and subsequent owners for at least one year after initial date of contract to the original owner and that said property meets the minimum standards set forth in these regulations for such work, unless an exception of the minimum standards is clearly set forth in a separate statement on the face of the contract. Exceptions of the minimum standards shall not exclude treatment requirements, as stated on the product use label, of the pesticide being used. Exceptions of the minimum standards for such work are limited to structures where treatment is not possible because an area of the structure is inaccessible and/or treatment will result in defacement to the actual structure that is unacceptable to the owner of the property. Exceptions of the minimum standards for such work shall not be allowed unless the owner of the property signs in a space next to each exception on the face of the contract acknowledging that the work is not being performed to minimum standards. Exceptions of the minimum standards do not eliminate the requirement for termite treatment to be performed.
4. A copy of a work order covering a complete plot or diagram showing the location of visible damage and an outline of the work to be carried out shall be given to the property owner and one copy shall be maintained by the operator with a copy of the contract for as long as the contract is in force.
5. The contract must clearly state in bold letters on the face of the contract if damage repairs are included or if only retreatment is provided.
6. The contract issued for pretreatment for termite control, as covered by subsection 118.05 of this chapter, shall clearly state in bold letters on the face of the contract that damage repairs are included and the perimeter treatment, as covered by subsection 118.05(1) of this chapter, is required to be completed within one (1) year of completion of the horizontal barrier treatment.

7. Before the expiration date of said contract and annually thereafter, the operator shall re-examine the property treated for termites and/or beetles and a written report of the reexamination showing the condition of the property with respect to the presence or absence of termites and/or beetles shall be filed with the owner of the property and a copy maintained in the operator's file.
8. The annual reexamination must include an exterior inspection and interior inspection of the structure. However, where the efforts of the pest control operator to schedule an inspection have been unsuccessful because the customer has failed to respond to the pest control operator or to make their premises available for an inspection, the pest control operator shall be relieved of the responsibility to perform the inspection provided the pest control operator has made reasonable efforts to perform the inspection and notified the customer in writing the inspection was not performed. A copy of this notification shall be maintained in the pest control operator's customer file.
9. All subsequent inspections, as provided by the terms of the contract, shall be regularly made by the operator who shall report the results to the homeowner and make them available to the Bureau if such information shall be requested.
10. When a termite control pretreat contract is issued, an inspection before the contract expires is required.
11. A complete plot or diagram giving the dimensions and shape of the property pretreated shall be given to the structure owner and one copy shall be maintained by the licensee.
12. Annual re-treatment of a structure, covered by a contract, is prohibited unless there is clear documented site evidence that re-infestation and/or treatment zone disruption has occurred.
13. When a pest control operator elects not to renew a structural contract, the owner must be notified in writing at least thirty (30) days prior to the contract expiration date. A copy of this notification shall be maintained in the pest control operator's customer file.
14. For control systems other than a soil barrier, a contract must be issued at the time of initial installation of the system and reported to the Bureau on the monthly report. The contract must specify product, the procedure, a graph of sites of infestation and damage, placement, and frequency of inspections to be performed. This contract must be in force to the original owner and subsequent owners for at least one (1) year after initial date of contract to the original owner.
15. Licensed companies acquiring a termite control and protection soil barrier contract from another company must honor the terms of the acquired contract, whether or not a new contract is issued, until the acquired contract expiration date and are required, at no cost to the property owner, to treat the structure identified in the contract to Mississippi's minimum requirements, if there is evidence this was not done. Upon expiration of an acquired soil barrier contract, a new soil barrier contract may be issued. To avoid over-treatment of a previously treated structure, it is prohibited to apply a new soil barrier treatment to the structure named in the acquired contract, unless at least one of the following occurs: there is clear documented site evidence that re-

infestation has occurred; there is clear documented site evidence of treatment zone disruption; there is clear documented evidence of pesticide degradation below acceptable efficacy levels; there is relevant published research data that the pesticide may have degraded below acceptable efficacy levels.

(Amended June 27, 2008, May 20, 2010, December 19, 2012 and March 3, 2014)

118.06 Alternative treatments

1. Spot Treatment- for existing structures.

Spot or localized area treatment is allowed for all construction types, provided the purchaser requests in writing to the licensee this type of treatment prior to the termiticide application. A copy of the customer's request shall be maintained in the pest control operator's customer file. The licensee shall write on the face of the contract "Spot Treatment" and clearly define area treated on the graph. The contract must guarantee the area treated for one year. The monthly structural report shall state "Spot Treatment".

2. Fipronil Exterior Perimeter/Localized Interior (EP/LI)

Post Construction Structural Treatment-

Fipronil EP/LI treatment may be performed on existing structures according to the product label instructions. Subsections 118.02 (1), (2), (3), (5) and/or 118.03 (4) of these regulations must be followed. The face of the contract shall specify "trade name of product Exterior Perimeter/Localized Interior" and the areas treated and the application methods used shall be clearly defined on the graph and application records. Known termite activity at time of treatment must be clearly noted on the graph. The monthly structural report shall state "trade name of product EP/LI." Proof of licensee training in the use of the approved Fipronil labeled for EP/LI, as approved by the Bureau, is required prior to the initial use of the approved Fipronil labeled as an EP/LI treatment.

3. Bora-Care[®] shall be applied, in accordance with product label directions, as a subterranean termite preventative treatment for new slab-type, crawl-space or basement construction. A supplemental exterior soil applied perimeter treatment must be performed within one year of the Bora-Care[®] treatment. Only EPA registered termiticides with 24(c) supplemental labels approved for this use in Mississippi may be used.

4. Imidacloprid Insecticide in Water Soluble Packets Exterior Perimeter/Interior Spot Treatment (EP/IST)

Post Construction Structural Treatment-

Imidacloprid Exterior Perimeter/Interior Spot Treatment may be performed on existing slab type construction according to the Imidacloprid label instructions. For pier-type crawl space construction, treat according to label instructions; except all piers and plumbing and utility penetrations entering soil in accessible crawl spaces must be treated by trenching and rodding into the trench or trenching, even if there is no termite infestation. Subsections 118.02 (1), (2), (3), (5) and/or 118.03 (4) of these regulations must be followed. The face of the contract shall specify "Imidacloprid Exterior Perimeter/Interior Spot Treatment" and the areas treated and the application

methods used shall be clearly defined on the graph and application records. Known termite activity at time of treatment must be clearly noted on the graph. The monthly structural report shall state “trade name of product EP/IST.” Proof of licensee training in the use of Imidacloprid EP/IST, as approved by the Bureau, is required prior to the initial use of Imidacloprid as an EP/IST application.

(Adopted December 04, 2008; amended December 19, 2012 and March 3, 2014.)

Source: *Miss. Code Ann.* §69-19-1 & 69-23-109

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