



## Notice of Meeting Agenda of the Pest Management Division Advisory Council

Pursuant to A.R.S. § 38-431.02 notice is hereby given to the members of the Arizona Department of Agriculture, Pest Management Division (PMD) Advisory Council and to the general public that the PMD Advisory Council will hold a meeting open to the public on Wednesday, March 5, 2025, beginning at **10:00 a.m. at 1110 West Washington Street, Suite 450, Main Conference Room, Phoenix, AZ**, or join online on Google Meet at: [meet.google.com/iyf-iigy-jki](https://meet.google.com/iyf-iigy-jki)

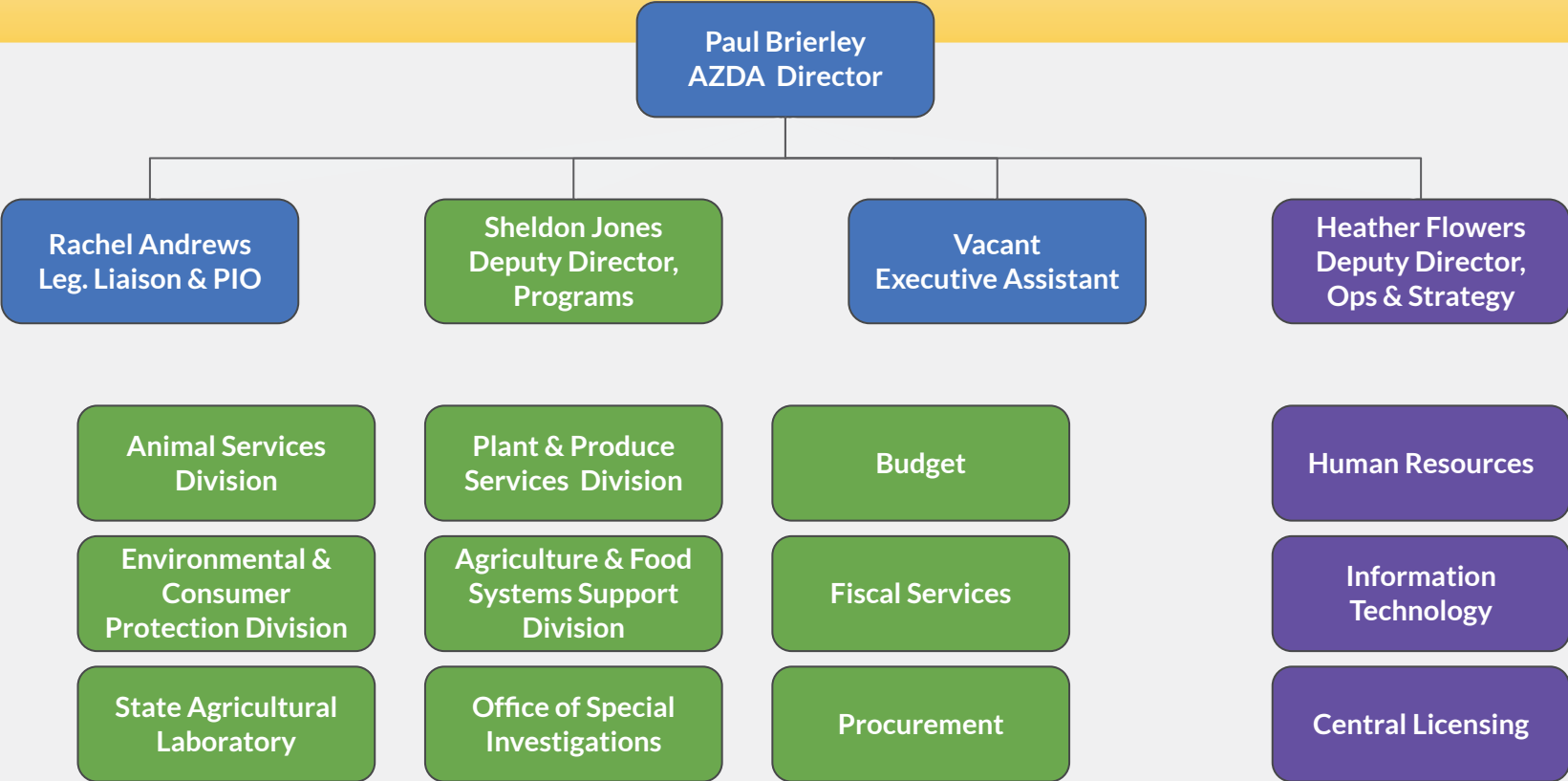
Person(s) with disabilities may request reasonable accommodation, such as a sign language interpreter, by contacting Melissa Meek at (602) 542-0925 (voice), or 1-800-367-3839 (TDD Relay). Requests should be made as early as possible to allow arrangement of the accommodation.

### The agenda for the meeting is as follows:

1. Call to Order (Tim Goeringer)
2. Roll Call (Olga Zuniga)
3. Approval of Meeting Minutes for December 11, 2024 (Tim Goeringer)
4. Director's Report and Organizational Realignment (Paul Brierley)
5. Nuisance Wildlife Update (Robert Tolton)
6. Termite Baiting System as a Pretreatment (VinceCraig)  
*SEE ATTACHMENT  
OPEN FOR PUBLIC COMMENTS AND DISCUSSION*
7. Licensing Update (Heather Flowers/Danelle Keyes)
8. Compliance Update (Vince Craig)
9. Call to the Public (Tim Goeringer)  
This is the time for the public to comment. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
10. Executive Session  
To obtain legal advice pursuant to A.R.S. §38-431.03 (A) (3) on any matter on the agenda.
11. Next Meeting (Tim Goeringer)  
To be determined
12. Adjournment (Tim Goeringer)

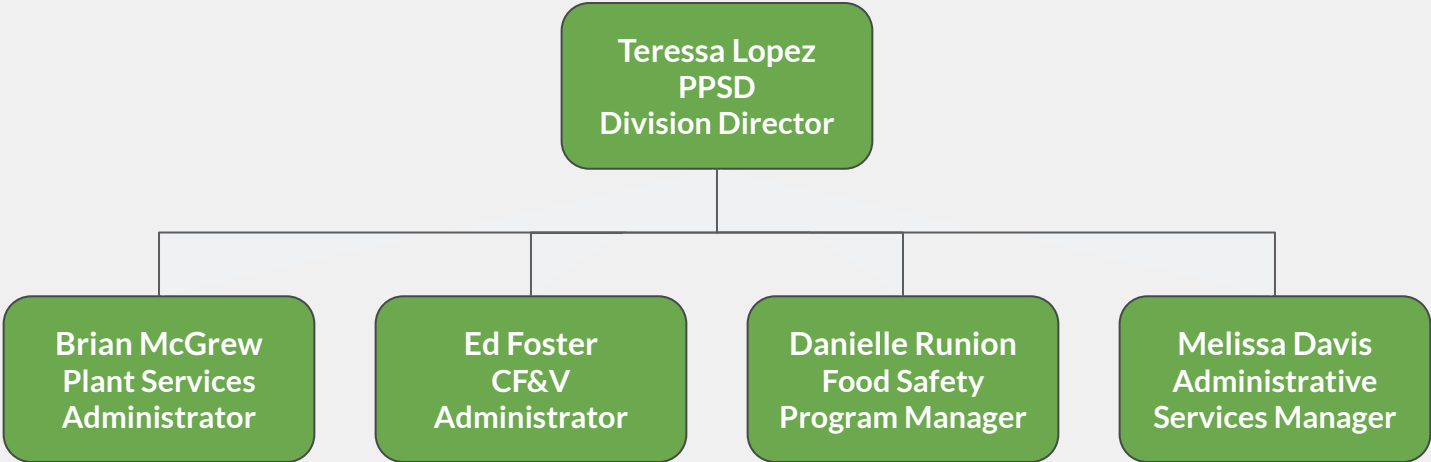
# Agency Leadership Structure

AGENDA ITEM: 4



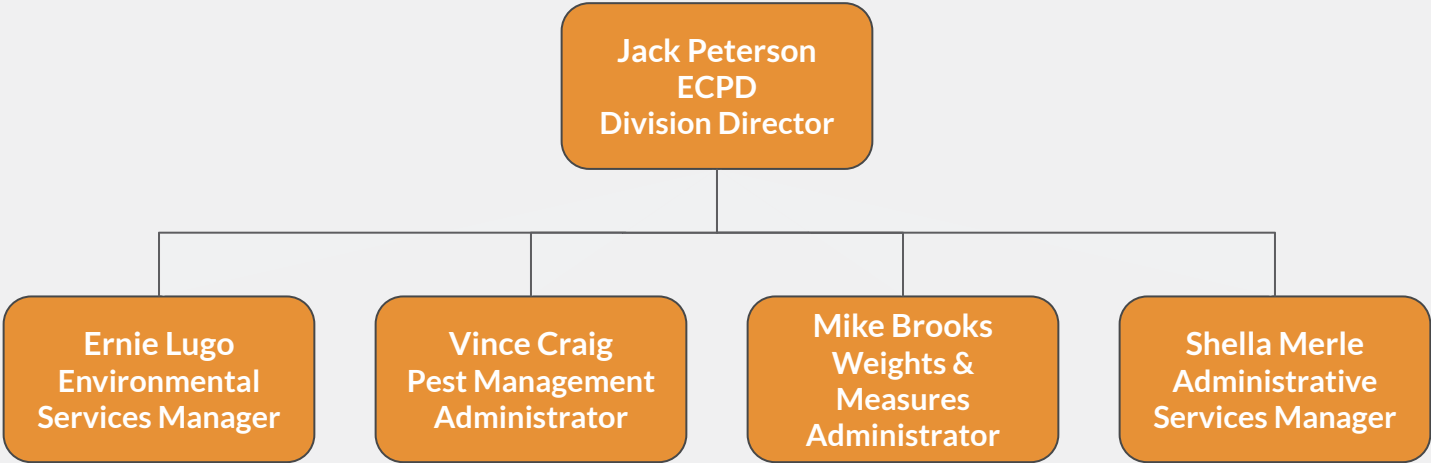
# New Plant & Produce Services Division Leadership Structure

AGENDA ITEM: 4



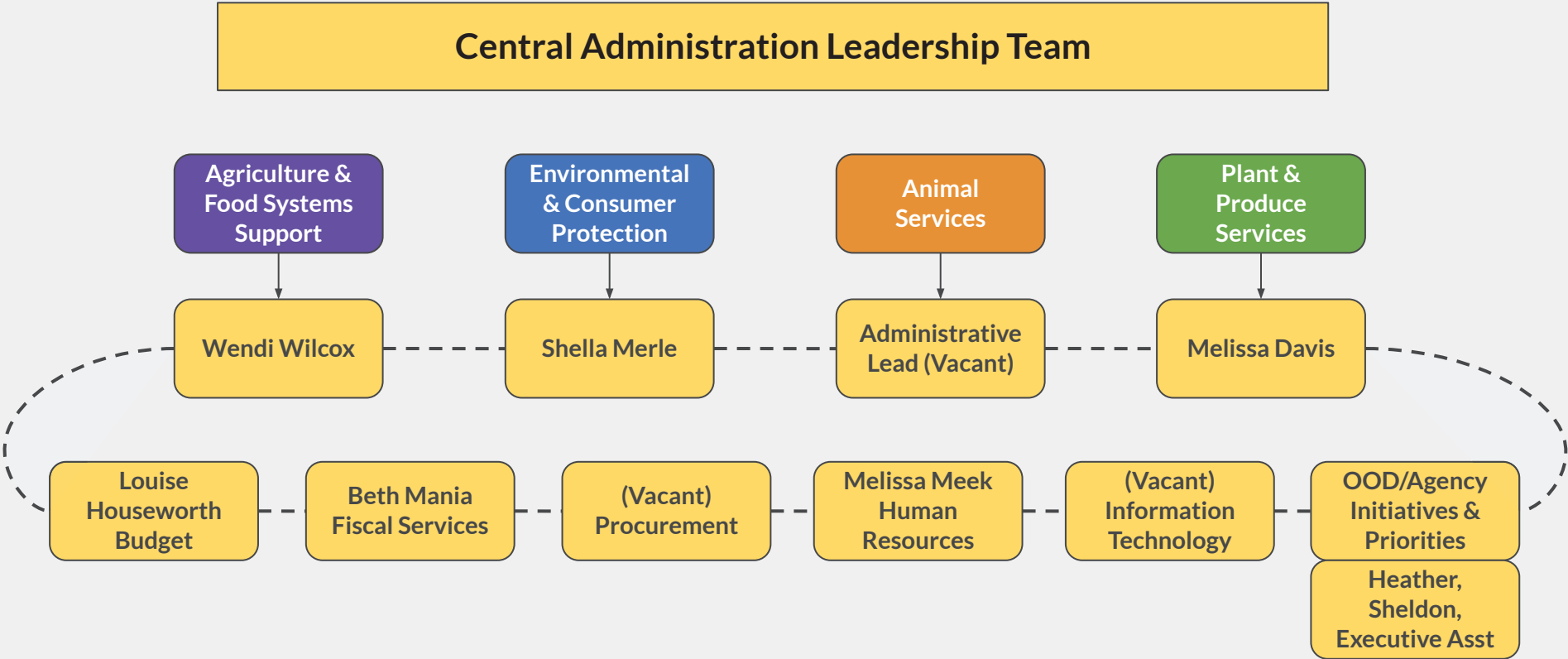
# New Environmental & Consumer Protection Division Leadership Structure

AGENDA ITEM: 4



# Administrative Service Model

AGENDA ITEM: 4



December 5, 2024

To: PMD Advisory Committee Members

From: Vince Craig, Associate Director, PMD

Re: Considering Termite Baits as an alternative to conventional pretreatment

### **Introduction**

The statutory purpose of the Pest Management Division (PMD) is to license pest control businesses in Arizona and the pesticide applicators and inspectors employed by these companies. It also enforces laws governing pesticide use and storage. Arizona Revised Statute designates the Director of the Arizona Department of Agriculture as the head of PMD and assigns the Director the authority and responsibility to enforce PMD law.

Arizona currently allows only two methods of treatment during a new construction project—a pretreatment (referred to as “conventional pretreatment” from this point on) and a new construction treatment.

A conventional pretreatment requires a licensed pest control company to apply a specific amount of termiticide to soil prior to a slab foundation being poured. And, once the structure is built and all soil disturbance has ceased, the company would then be required to perform a “final grade treatment”. The final grade treatment requires the pest control company applicator to trench, rod or inject termiticide into the soil, around the exterior of the structure. This is the only type of “pretreatment” considered by the agency. Other than that conventional treatment, the agency also acknowledges what is called a “new construction treatment”. A new construction treatment does not consist of a treatment to the soil prior to the pouring of a slab. Rather, after the slab is poured, the pest control company is required to topically apply

a termiticide / wood preservative to the cellulose members of the structure. And, then, when the structure is completely built, final grade treatment would be performed around the exterior of the structure.

**1. Industry's Request for Proposed Rulemaking**

Termite Baiting System as a Pre-construction treatment

On 7-30-24, PMD staff met with industry representatives to discuss potential legislation that would facilitate termite bait systems being used as a pre-construction treatment (pretreatment). The rationale is as follows:

- a. The EPA already considers it as a "pretreatment" option
- b. Using baits for a pretreatment, rather than the conventional pretreatment, would reduce the application of large amounts of termite to the soil, thus eliminating potential soil or ground water contamination; and
- c. The majority of state lead agencies throughout the country already accept termite baiting systems as an alternative to conventional pretreatment.

Using a baiting system as a standalone treatment as part of new construction project, would basically consist of not treating the soil prior to a slab being poured, not treating the cellulose members of a structure, and not performing a final grade treatment by trenching, rodding or injecting liquid termiticide on the exterior of the property once the structure is complete. Rather, a baiting system involves placing termite bait stations around the structure, a minimum of every 10 feet to protect the structure. The industry believes that this form of treatment, coupled with a warranty provides protection to the consumer. And, documents establishing the science of how termite bait stations can eliminate a termite colony were provided.

## 2. The Agency's position

While the "science" does support that termite baits do kill termites and can eliminate a colony, PMD staff has a number of concerns for why it cannot consider a baiting system as a substitute for a conventional pretreatment or new-construction treatment.

A conventional pretreatment (treating the soil and all plumbing protrusions) provides a *barrier* against termites prior to the slab being poured and a new construction treatment provides protection to the cellulose members of the structure that is being constructed. Both treatments require a final grade, which is a barrier around the exterior of a structure. However, a termite baiting system provides no barrier under the slab, along the plumbing protrusions or to the cellulose members of a structure. In fact, the only "barrier" is to the exterior of a structure where the bait stations are placed. But, considering the fact that termites only need 1/32 of an inch opening to enter into a structure and cause damage and the bait stations are spaced at 10 feet apart on the exterior of the property, PMD staff does not believe considering *only* using a baiting system as a "pretreatment" is in the best interest of Arizona consumers. The department's position is further based on the fact that termite baiting systems are not "attractants". Specifically, if a termite colony is entering a structure via a crack or plumbing protrusion *underneath* a structure, nothing in a bait station is going to attract termites or make them gravitate to a bait station on the *outside* of a structure. In essence the termites have to "run / bump" into the bait. However, the PMD does agree that the current science is supportive of the fact that if they access it and feed on it, it can kill the colony. However, the PMD has concerns that the speed by which this happens may be disadvantageous to Arizona consumers.

While PMD staff did not confirm that every SLA in the contiguous United States recognizes termite baiting systems as an alternative to pretreatments, it did confirm this was the case for at least 26 SLAs in 26 different States. When asking



representatives from the States of Texas and Georgia whether they were concerned with the effectiveness of such a treatment method, compared with conventional pretreatments and new construction treatments, both representatives stated their focus was on whether the baiting system was approved by EPA—not whether it was “better” or provided the same level of protection as the other two treatments.

### **3. Alternative Solution**

On November 12, 2024, PMD staff met with the Pest Management Industry to propose an alternative treatment. This alternative treatment method was based on detailed discussions with Director Paul Brierley, Deputy Director, Sheldon Jones and PMD inspection staff.

Because it is easier to detect a termite infestation on the exterior of a property (e.g. visible termite tubes on the exterior of the stemwall), than it is to detect them indoors via cracks underneath floor covering, in the attic or in the walls, the Agency rejects the proposal to adopt a termite baiting system as a pretreatment. However, the Agency does support modifying Arizona Administrative Code regarding final grades to consider termite baiting systems as a second option for final grade treatments. By doing so, it shows it is considering the science associated with termite baiting systems, it reduces the amount of liquid termiticide being applied to the soil by approximately 1/3 and it still ensures consumer protection. Because a termite company would still be required to perform a conventional pretreatment or a new construction treatment. Further, But, rather than applying a liquid final grade barrier around the structure, a termite bait station system could be installed instead.

**4. Proposed Language**

R3-8-308(F) Final grade treatment for commercial or residential construction.

1. A business licensee that performs a pretreatment or new construction treatment shall perform a final grade treatment. The final grade treatment must occur after all grading and other construction-related soil disturbance is complete, but within 18 months of the original pretreatment or new construction treatment. The business licensee shall keep a written or electronic record as to why the final grade has not been completed and an estimated time for completion. This record shall be available upon written requests for inspection by the Agency. A termite baiting system may be used in lieu of a termiticide. All termite baiting system applications shall be monitored following label instructions for a minimum period of three years (from the initial date of the pretreatment) at no additional cost to the property owner when installed as a final grade.

R3-8-308 (D) Performing Wood-destroying Insect Management

6. Immediately after completing a pretreatment, an applicator shall securely affix a tag to the pretreatment site. The applicator shall ensure that the tag is visible, readily available for inspection, and unlikely to be covered with concrete or soil. If there is a contractor’s permit or inspection board at the pretreatment site, the applicator may affix the tag to the board. The applicator shall ensure that the tag contains the following in-formation about the pretreatment:

- a. Name of business licensee;
- b. Address of business licensee;
- c. Telephone number of business licensee;
- d. License number of business licensee;
- e. Location or address of project;
- f. Date of pretreatment application;
- g. Time that application was started (not time that applicator arrived at the site);

- h. Time that application ended (not time that applicator left the site);
- i. Trade name of pesticide used;
- j. Percentage of active ingredient in the pesticide used;
- k. Number of gallons of chemical preparation applied or number of termite bait stations installed;
- l. Square footage of area treated;
- m. Linear footage of area treated;
- n. Type of slab construction;
- o. Name of applicator; and
- p. Certification number of applicator or, if not certified, the name and certification number of the applicators providing immediate supervision.

R3-8-309. Termite Warranties and Retreatments

D. If subterranean termites occur a third time on the exterior of a one or two unit residential structure within three years after a business licensee first performs a pretreatment or new-construction treatment, the business licensee shall re-treat the entire exterior perimeter of the structure free of charge. If a termite bait station installation was originally installed for the final grade, a liquid termiticide shall be used for the complete retreatment, unless rejected in writing by the consumer.