



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, December 11, 2024, 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: <https://meet.google.com/qzs-asua-vet?hs=122&authuser=0>**

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 September 4, 2024 (Tim Goeringer)
4. Director's Report (Paul Brierley)
5. Nuisance Wildlife (Chris Gillies)
6. Termite Baiting System as a Pretreatment (Vince Craig/Sheldon Jones)
7. Optimizing Licensing Procedures-Update (Heather Flowers)
8. Licensing Update (Heather Flowers/Danelle Keyes/Jamara McGarry)
9. Compliance Update (Vince Craig)
10. Call to the Public
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.
11. Executive Session
To obtain legal advice pursuant to A.R.S. §38-431.03 (A) (3) on any matter on the agenda.
12. Next Meeting
To be determined
13. Adjournment

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 information 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.



Olga Zuniga <ozuniga@azda.gov>

Metro Institute Proposal Meeting - Synopsis

2 messages

Robert Tolton <rtolton@azda.gov>

Tue, Dec 3, 2024 at 3:27 PM

To: Timothy Goeringer <tgoeringer@orkinaz.com>, Paul Brierley <pbrierley@azda.gov>

Cc: Vince Craig <vcraig@azda.gov>, Holly Greene <hgreene@azda.gov>, Heather Flowers <hflowers@azda.gov>, Olga Zuniga <ozuniga@azda.gov>, Danelle Keyes <dkeyes@azda.gov>, Brian Kennedy <bkenney@azda.gov>

Mr. Chair and Director Brierley,

Good afternoon,

On October 17th, Heather Flowers, Holly Greene, Danelle Keyes, Brian Kennedy, and I met with Kelly Denny, Nick McRoy and another member of the Metro Institute team to discuss ways in which Metro could take on some of the new Certified Applicator and Qualified Applicator Application tasks currently assigned to Central Licensing employees.

Based on the discussion with Nick McRoy, the industry is concerned about the lack of communication regarding an applicant's status between when an application is received and when a certification is issued.

- Applicants are provided with a confirmation and receipt upon completion of an online application submission.
- Once staff has had an opportunity to review the applicant's evidence of lawful presence or proof of citizenship, the applicant's application is deemed complete and they are supposed to receive an Approval to Test Notification.
 - We discovered an error in our process, whereas the database was supposed to send an auto-generated email once the evidence of lawful presence date and type was entered and the complete date was entered. Due to the volume of submissions, the evidence of lawful presence date and type were not being entered before the complete date was being entered. This was the staff's way of expediting the application process on behalf of the customer. Unbeknownst to all, if the completed date is entered before the lawful presence date, the Test Notification email is not auto-generated; thus the customer is unaware they could test and staff was unaware the customer was not notified.
 - IT and I believe we have a fix for this issue.
- Once staff has deemed an application complete, the applicant is mailed a fingerprint packet, unless the applicant submits a Fingerprint Clearance Card before hand.
- Fingerprint submissions are hand-delivered to AZDPS, for processing, up to two times per week (typically Mondays and Thursdays). Any available background checks are picked up on the same day submissions are being dropped off. This is the source of the most anxiety simply because neither the customer nor AZDA Staff have any idea how long this process is gonna take.
 - Furthermore, many mailed fingerprint submissions are incomplete, cannot be processed, and must be returned to the applicant. This requires the applicant to be fingerprinted again and resubmit the required documents and payment.

The group agreed there was little Metro could do to assist with the actual application submissions, however they could grab the application data several times per day. There was a discussion about modifying the existing database to track additional information that is being tracked independently of the OFC Manager, such as when the Fingerprint Card Submission is received, when the submission is delivered to AZDPS, and when the results of the background check is received from AZDPS. This would be a significant undertaking by IT and subject matter experts from Central Licensing. Once this programming is complete, AZDA could share this data with Metro Institute.

Unfortunately, this information would not tell the applicant nor their employer how soon or even if they would be certified. That determination cannot be made until after the results of the background check are received and reviewed.

If an applicant provides the front and back of their valid, unexpired Fingerprint Clearance Card, the applicant circumvents the entire background check process and must only take and pass the Core and applicable Category-Specific exams. The FCC can be provided at any point of the application process either via the online application, hand-delivery, or email.

This concludes the synopsis of the meeting.