ARIZONA

Janice K. Brewer
Governor

Office of Pest Management
9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258-5514
(602) 255-3664 - (602) 255-1281 fax
http://www.sb.state.az.us

Ellis M. Jones
Acting Director

ADVISORY COMMITTEE MEETING

WEDNESDAY, September 23, 2009, 10:00 A.M.

Minutes

I. Call to order *10:00a.m.* (Chairman Etheridge) **Committee Member Roll Call**

Committee Members present: *Kevin Etheridge, Jack Latham, Nate Tamialis, Doug Seemann and Ken Fredrick (remote)*

Committee Members absent: *Carmella Ruggiero*

Staff present: *Ellis Jones, Vince Craig, Robert Tolton, Alan Pugh, Charmayne Skow and Nancy Holmes*

II. Approval of Minutes

a) August 26, 2009 Minutes

MOTION: To approve the minutes by Nate Tamialis
Seconded by Doug Seemann
VOTE: 5-0 Motion Carried

Mr. Jones recognized the following in the audience: Allen Demorest (US EPA), Robin Hakes (Auditor General's Office), and Keely Verstegen (Assistant Attorney General)

III. OPM Updates and Reports

a) Agency Update for August 2009

a. Budget

Mr. Jones updated everyone on the progress of the BRB – the Governor has once again vetoed this and this has put us in a lurch but we will continue on. Mr. Jones provided all with a letter (Attachment A) that he sent to the legislators explaining our situation and asking for their support. He

encouraged industry members to do the same - adding that a reminder to the legislators of upcoming elections may be of benefit. Mr. Jones reiterated that the purpose of the BRB is to allow increases in fees beyond the cap as well as to add other fees that will be viable. The emergency rule change is still at the Attorney General's office and maybe by the end of the week we will have a response that it has been approved. The emergency rule will allow increases to the maximum. Additionally, we have been mandated by the Governor's Office to cut our budget by another 15% or $400,000.00; this means that we are considering mandatory telecommuting of inspectors and investigators, turning in any unused vehicles, more in-house training and personnel cuts. Mr. Jones feels confident that we will be able to continue without disruption. We are also mandated to reduce our personnel by 5% but this has already been done. Mr. Etheridge asked if these reductions apply to OPM even though we're a 90-10 agency. Mr. Jones said yes and the Governor dictates what we will do.

b. Agency Snapshot

Investigations, complaints and licensing issues were summarized. Please refer to the handout (Attachment B). OPM's goal is to become all electronic with eTARFS. Once we get the approval from the Attorney General's Office regarding the emergency rule change, there will be a lag time for paper TARFs; however, the agency may purchase them back to get everyone in compliance quicker.

b) Compliance/Enforcement

a. Adjudicated Complaint Summary

Mr. Craig stated that the Complaint database history is now available on line under Consumer Resources. The handout (Attachment C) is a sample of how the page looks on our web site (www.sb.state.az.us). Two changes have been made since the handout was produced and those changes are as follows: "Investigator's name" will not be available and "Disposition" has been added. For additional information on a complaint the consumer can take advantage of the Public Information Request.

Mr. Seemann had an unrelated question pertaining to office/vehicle inspections. Mr. Seemann asked how often inspections are performed and both Mr. Craig and Mr. Jones clarified by stating inspections are done at a minimum of once every two years.

c) Licensing

a. Business Licenses issued during August 2009

Mr. Tolton referred attendees to the Business Licensees Report (Attachment D). Mr. Tolton stated that the request was made last month to include the business licensee on the report; that has been incorporated as requested.

b. 2009 Saguaro Continuing Education Conference and Expo

Mr. Tolton gave an overview of the upcoming SCECE event and expects it will be a stellar event. The committee took a final walk through and food tasting on September 22nd and all is in readiness. The current enrollment is at 222; with exhibitors, presenters and OPM staff the number is currently at 350. Nate Tamialis stated that the number of vendors is just under 60.

IV. Review, Discussion and Possible Action on

a) Chairman Etheridge's visit to OPM

Chairman Etheridge explained that when he was elected chairman he felt he should spend time with staff to see what their various functions were. Mr. Etheridge spent time with Robert Tolton and then with Hugo Pulido; Mr. Etheridge was asked to sit in on the Applicant Review Committee meeting (felony reviews) and was so impressed with the professional and relaxed environment and stated the questions were concise and direct; it was a 200% improvement over how it was handled in the past. Chairman Etheridge went through the licensing functions from A to Z and praised Mr. Tolton for his efficiency and dedication. Mr. Etheridge expressed his desire to come back and meet with the Compliance/Enforcement Department and closed his remarks by thanking the staff for throwing out the welcome mat.

b) National Pesticide Applicator Certification Core Manual and potential reciprocity program

Mr. Jones updated the attendees on the progress of the program by stating that we need to think in terms of reciprocity because the National Core Manual works pretty well. State specific laws would be something totally different but the National Core Manual could work. The agency's next step is to contact all abutting states for their input. As a reminder the reciprocity would be with those states that use the National Pesticide Applicator Certification Core Manual. The process requires a state by state approach because not everything will be transferred to the National Core Manual as each state has different criteria. Mr. Jones asked if any industry member has any input to share regarding this subject to please email him before next week. At this time OPM is currently exchanging ideas with Texas and California. (See Attachment E).

Discussion ensued on our current CE program and reciprocity from other states and if we allowed out of state applicators to take advantage of our CE program. Mr. Jones said the guidelines and changes would be for the core manual *only*.

c) Continuing Education Application Fee

Mr. Jones wanted to clarify this issue as there seems to be some confusion. Last month Mr. Seemann stated that charging an application fee for CE Courses – new and renewals could be very expensive. Mr. Jones explained that when a package is received from a Continuing Education provider, and at present there are 1,025 CE courses available, it is reviewed by OPM staff and this can be a

lengthy and costly process; at present the agency does not recoup any money from this task and Mr. Jones will verify that OPM is working within the statutes and report back next month on the findings. Mr. Jones asked the PMAC to get feedback from industry members and make a recommendation. Mr. Seemann said that a fee would put an undue burden on a small segment of the industry to generate revenue – and that cost over benefit should not be the focus. Mr. Latham said that a legal opinion should be sought from the Attorney General's Office to determine if there is a conflict of interest with respect to Mr. Seemann's input as he is a member of the Advisory Committee as well as a CE provider. Mr. Latham asked Mrs. Keely Verstegen to obtain an opinion. Ken Fredrick said more time was needed to review and process the information and to get feedback from CE providers. There was a recommendation that this issue be put on the agenda for next month

MOTION: To approve by Doug Seemann
Seconded by Nate Tamialis
VOTE: 5-0 Motion Carried

Dr. Michael Pfeiffer, Pesticide Training Resources, spoke out in opposition to the CE provider fee. Dr. Pfeiffer explained that he offers continuing education classes and is therefore in competition with the Office of Pest Management and further stated that the cost of OPM class fee is less than what he can offer. Mr. Tolton explained that the agency is in the investigative stage and went on to say that the CE Course Application fee is not necessarily a revenue generating program. The Office of Pest Management charges fees for license applications, license renewals, and TARFs; however CE Course Application Review has thus far been a free service. There is only one person reviewing the CE Course curriculum and the CE Course Application fee would offset the cost of the service provided. The OPM Education coordinator will begin monitoring approved CE courses in the near future. Mr. Seemann asked about renewal for CE courses and Mr. Tolton explained that there is no renewal for CE Classes. Mr. Norman Connolly said there was never a renewal for CE courses; they were always considered new courses. Mr. Connolly suggested the possibility of extending the time a course was valid for might be worth looking in to. Ken Fredrick said more information was needed to review the process and how providers feel about it. Chairman Etheridge reminded the committee that their function was to make recommendations to the Acting Director.

d) Labeling Vehicle Pesticide Storage

Regarding the diamond placards, Mr. Craig handed out a memo that states the Agency has no opinion; Mr. Craig stated that the US Department of Transportation may have an opinion but that OPM doesn't because we do not have jurisdiction. Lisa Gervase said it is necessary for the industry members to read the entire memo – not just the first three lines. Mr. Craig said industry members should always read the entire document. Mr. Craig explained that during his tenure, there have been a number of opinions relative to the labeling of pesticide storage on vehicles. Please refer to the handout (Attachment F) for further details.

e) Termistop – Stand alone treatment?

The fact sheet was sent to Mr. Jones to be put on the agenda for discussion. Mr. Alan Pugh addressed the issues concerning approval of Termistop as a stand-alone treatment. Mr. Pugh went on to say that the product has an EPA number (but no pesticide number) and is not required to be registered with EPA. Mr. Seemann stated that he is very familiar with the product as it is used extensively in Hawaii and said it was his opinion that the product cannot qualify as a continuous barrier. Mr. Latham added that he can see a benefit to the product but has a hard time accepting it as a stand-alone product (Attachment G). Mr. Pugh explained that the Termistop fails to meet the definitions of a Pre-Treatment and a Post Construction Treatment according to Arizona Revised Statutes and Arizona Administrative Code. After a lengthy discussion Mr. Jones asked the committee for a decision and there was a

MOTION: To reject Termistop as a stand-alone product
Seconded by Jack Latham
VOTE: 5-0 Motion Carried

f) City of Phoenix Training Program

Mr. Jones stated that the City of Phoenix is getting a grant to license applicators to "Go Green" and the Office of Pest Management will assist the City with their IPM program. Doug Seemann stated that New York has a similar program that provides grants to pesticide companies rather that to individuals. Mr. Seemann asked if it is to be called IPM or can it be called "Green Endorsement" as most of the country has moved past IPM to Green. Mr. Craig said most of the staff likes endorsement. Mr. Seemann said that once an endorsement is given one is held to a higher standard. The questions were also asked if 1) can the company use the individual applicator's "Green Endorsement" or 2) does the Qualifying Party need to be certified for the company to advertise they are Green or 3) does the company need to be endorsed also to advertise they are "Green". Chairman Etheridge is not in favor of OPM using the word "endorsement"; maybe something like Green qualified or accredited would be more acceptable. Jack McClure expressed his concern about how to make these leaps. Mr. McClure feels that some think "Green" means no chemicals are used and are ignorant of the definitions and Nate Tamialis concurred. Mr. McClure further stated that he is willing to volunteer his time and services if and when needed. Mr. Jones said that if this pilot program is successful it would be offered to companies.

V. Call to the Public

T.J. Hammer addressed those present by stating that she is a broker with West USA Realty who specializes in the buying and selling of pest control companies. All information is kept confidential and she will be in booth T22 at the Saguaro Continuing Education Conference and Expo.

VI. Communication with Advisory Committee Members

Doug Seemann received a call from Pima County Vector Control (PCVC). PCVC was contacted by a representative of a Home Owners Association because one of their homes was vacant and had Africanized bees. The home had been vacant for 10 months (the owners are winter visitors) and the HMO did not want to take responsibility for it. Luckily the home owner arrived and solved the problem; however, Mr. Seemann said there are so many vacant homes out there that have swimming pools with mosquitoes and attics with Africanized bees and some unauthorized applications of pesticide are being used to control some of these things. Vacancies are a big issue and Mr. Seemann would like this to be put on the agenda for next month's meeting for further discussion.

Chairman Etheridge raised a concern with a web site. Mr. Etheridge googled OPM and was directed to a site where the creator is trying to sue the Agency and the PMAC. Chairman Etheridge stated that, at the very least, this item should be put on next month's agenda for discussion and asked Keely Verstegen to investigate the matter. Mr. Etheridge further stated that all committee members should be aware of what's out there and how it may affect them.

VII. Schedule of Future Meetings

October 21, 2009

VIII. Adjournment - Meeting adjourned at 11:35 A.M.

ARIZONA

Janice K. Brewer
Governor

Office of Pest Management

Ellis M. Jones
Acting Director

9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258-5514
(602) 255-3664 - (602) 255-1281 fax
http://www.sb.state.az.us

September 18, 2009

Member of the Arizona State Legislature

Re: SB 1025

SB 1025 contained budget provisions vital to the Office of Pest Management (OPM).

The primary sources of revenue for the OPM are Termite Action Report Form (TARF) fees, which are directly linked to the housing industry and the economy. The housing industry has experienced a severe economic depression over the past 5 years, which has resulted in a forty percent decrease in revenue for the OPM.

The revenue shortage, the housing market slump, and a $550,000 legislative sweep, have in combination depleted the OPM's operating funds.

Solution:
The OPM needs to raise the statutory cap on licensing fees, and add other fees to generate sufficient revenue to operate the agency. The purpose of these fee increases is to lessen the dependency of TARF fees, which are directly tied to the economy and the housing industry.

The OPM needs legislative action as soon as possible. The effect of not addressing the problem is that the OPM will deplete its operating funds in December 2009, forcing the agency to cease operations.

Ellis M. Jones, M.A.
Acting Director

Arizona Office of Pest Management
Snapshot Period 1 - 30 August, 2009

Compliance

Number of Inspectors: **5** Number of Inspections: **417** Number of Investigators: **5** Number of Investigations: **36**

Number Consumer Generated Complaints: **11** Number OPM Generated Complaints: **3**

Enforcement

Number Consent Agreements: **2**	Number Administrative Warnings: **2**	Number Cease and Desist Orders: **1**
Number Placed on Probation: **0**	Number Licenses Suspended: **0**	Number Conditional Probation: **0**
Number for Hearings **0**	Number Licenses Revoked: **0**	Other: **4 (Notices of Correction)**

Licensing

	Received	Approved	Issued	Denied
Applicator License	**124**	**130**	**84**	**1**
Qualifying Party License	**29**	**15**	**5**	**0**
Business License	**6**	**7**	**6**	**0**

Number of Application Review Committee Hearings for Applicants with Convictions: 9

Number of Applicant undergoing in-house Fingerprinting: **52**

Number Applicants Testing at OPM: 25

Number Applicator Licensees: **6479** Number Qualifying Party Licensees: **1404** Number Business Licensees: **1116**

Finance and Administration

Revenues Total: **$172,225.01** Expenditures: **$158,580.61**

OPM Fund: **$154,399.61** General Fund: **$17,856.61**

Information and Technology

Number Electronic TARF:**11,221** Number Paper TARF: **1,600** Number Companies Using Etarf:**172**

Item III (C)(a)

Business Licenses Issued in August 2009

Business Name	License #	Business Licensee	Qualifying Party
BLACKHAWK PEST CONTROL	8794	Richard H. Wolff, Jr.	Joseph M. Latin, Jr.
PINE MOUNTAIN PEST CONTROL, LLC.	8796	Pine Mountain Pest Control, LLC. - Jace R. Hamrick	Jace R. Hamrick
REDS EXTERMINATING	8791	Emily G. Sarnocinski	Raymond J. Sarnocinski
RELIABLE PEST CONTROL SERVICES	8792	K.A.S. Melroy, LLC. - Kenneth and Stacie Melroy	Sharlene E. Seipert
SCOTTSDALE FINE LANDSCAPING, INC.	8793	Scottsdale Fine Landscaping, Inc. - John B., John A., & Melissa L. Martocchia	David D. Stevens
TOM'S PEST CONTROL	8795	Thomas W. Dennerline	Ronald F. Elkins

AGENDA ITEM: **LABELING VEHICLE PESTICIDE STORAGE**

ISSUE: **Does the OPM require *diamond placards* for pesticide storage?**

ANSWER: **The U.S. Department of Transportation may, but the OPM does not.**

DETAILS: During the August, 2009 Pest Management Advisory Meeting, the issue arose as to whether or not Office of Pest Management Licensees were required to have a diamond placard on their vehicle for pesticide storage.

Inspecting for Diamond placards attached to a pesticide storage facility is not within the jurisdiction of the Office of Pest Management. Diamond placards are within the jurisdiction of the United States Department of Transportation and the Arizona Department of Transportation and local fire departments.

Therefore, when our inspectors are performing a pesticide storage inspection—whether on a service vehicle or at the storage facility—the inspection will not include determining if a diamond placard is present.

REQUIREMENT FOR PESTICIDE STORAGE:

ARS 32-2304(A)(1)
"The Acting Director ... shall ... adopt rules... for... storage and application of pesticides"

ARS 32-2321(B)(1) establishes that licensees must obey all Statutes and Rules (Arizona Administrative Codes) enforced by the OPM.

OPM INSPECTORS LOOK FOR COMPLIANCE IN THE FOLLOWING ARAES REGARDING PESTICIDE STORAGE:

R4-29-306 Storing and Disposing of Pesticides and Devices
K). An applicator shall ensure that a pesticide ... that has not been prepared for disposal in accordance with its label ... is kept in a locked storage *space* when on an unattended service vehicle or is within view ... of ... the service vehicle.

R4-29-606. Storing Pesticides and Devices
A). A business licensee shall provide a pesticide ... *area* that complies with all federal, state, and local laws. The storage area may include an area on a service vehicle.

B). A business licensee shall secure the storage area ... from unauthorized entry by equipping its entrance or access with a lock.

C). Immediately after store a pesticide, a business licensee shall conspicuously post a sign at the **entrance or access to a non-vehicle storage area and on a vehicle storage area** indicating there is a **pesticide, chemical, or poison stored inside.**

Termistop Label

Product Packaging Label – to be Provided with Termistop

termistop
STOPS TERMITES

Termimesh LLC
9475 Hwy 290 E.
Austin Texas 78724

Phone: (512) 997-0066

www.termistopusa.com

EPA Est. No. 083929-TX-001

TMA 725 Stainless steel mesh

Introduction

Termistop is a non poison physical termite barrier designed to be fitted to plumbing and other service penetrations before the concrete slab of the structure is poured.

The gap between the wall of service penetrations and concrete provide a potential concealed entry point for subterranean termites.

The Termistop is clamped to each individual penetration as shown in figure 1. The mesh will bond into the concrete therefore stopping subterranean termites that may attempt to enter in the small gap between the concrete slab and service pipe. Termites are unable to penetrate the mesh or cause it to break down.

The Termistop is made from Grade TMA 725 stainless steel mesh. The wire diameter is (0.18mm) with an aperture size of (0.66mm x 0.45mm). The apertures are too small for termites to penetrate.

Termistop is manufactured in various sizes to fit the full range of standard service penetration sizes. As determined by foundation & construction type, Termistop may be used independently (completing the concrete as a barrier), or in conjunction with The TERMIMESH System, or in combination with other termiticides and/or wood treatments to provide protection to all potential termite entry points. *State and local regulations of termite treatment standards for new construction shall be followed.* Regular inspection of the structure (no less than once per year) is recommended for on-going protection.

Installation

Note - It is a violation of Federal Law to use Termistop in manner inconsistent with its labelling

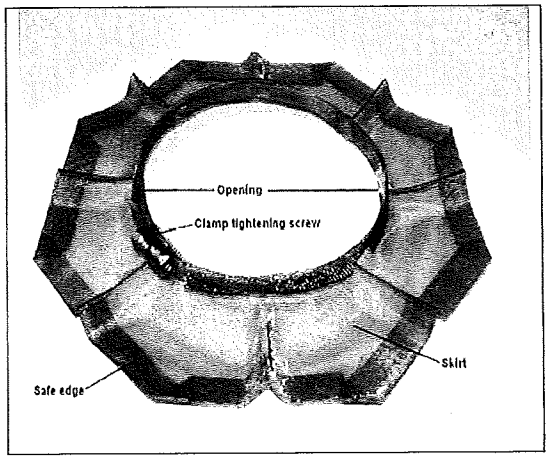
See **Directions for use.**

Storage and Disposal

As Termistop contains no pesticides there are no specific or special requirements for storage of the product or disposal of product containers/ packaging.

Termistop – Directions for use

Termistop is available in a range of sizes and shapes to suit pipe sizes.



1. Select the correct size Termistop to fit the service penetration.
2. Enlarge the opening by unscrewing the clamp adjustment screw with a nut driver, to allow easy fit over the top of the pipe.
3. Carefully remove or reposition any tape, insulation or other obstruction.
4. Cut away steel re-inforcement or protect steel re-inforcement from contacting the Termistop.
5. Slide the Termistop over the pipe and down to a position that will be in the centre of the finished concrete.
6. Tighten the clamp adjustment screw firmly.
7. Lift the skirt to be approximately 15 degrees above horizontal.
8. Refit or reposition any removed tape, insulation or other obstructions.
9. After all the Termistop penetration protection have been fitted, carefully inspect each service penetration to ensure correct Termistop installation has been carried out.
10. Apply one layer of Termitape, around the service penetration, above the finished concrete level, to alert following trades that Termistop penetration protection has been correctly fitted to this site.

Further Information

Contact Termimesh LLC – 512-997-0066 or visit www.termistopusa.com

ICC Evaluation Service, Inc.
www.icc-es.org

Business/Regional Office ■ 5360 Workman Mill Road, Whittier, California 90601 ■ (562) 699-0543
Regional Office ■ 900 Montclair Road, Suite A, Birmingham, Alabama 35213 ■ (205) 599-9800
Regional Office ■ 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 ■ (708) 799-2305

The Committee on Evaluation has reviewed the data submitted for compliance with the *Standard Building Code©* and the International One and Two Family Dwelling Code and submits to the Building Official or other authority having jurisdiction the following report. The Committee on Evaluation, SBCCI PST & ESI and its staff are not responsible for any errors or omissions to any documents, calculations, drawings, specifications, tests or summaries prepared and submitted by the design professional or preparer of record that are listed in the Substantiating Data Section of this report. Portions of this report were previously included in Evaluation Reports #9713 and #9713A.

REPORT NO.: 9713B

EXPIRES: See the current EVALUATION REPORT INDEX

CATEGORY: FOUNDATION SYSTEMS

SUBMITTED BY:

TERMI MESH USA INC.
17101 KUYKENDAHL ROAD, SUITE 270
HOUSTON, TEXAS 77068-1600
832-249-0556
www.termi-mesh.com

(WHOLLY OWNED SUBSIDIARY OF
TMA CORPORATION PTY LTD
48 CENTURY ROAD
MALAGA, WESTERN AUSTRALIA, AUSTRALIA 6090
+61 8 9249 3868)

1. PRODUCT TRADE NAME

Termimesh™ Termite Control System

2. SCOPE OF EVALUATION

Protection Against Termites

3. USES

Termimesh Termite Control System is used to provide protection against subterranean termites.

4. DESCRIPTION

4.1 General

Termimesh Termite Control System is designed to stop subterranean termites from entering a building by blocking any entrances through the foundation. The foundation entry points of a building include all construction and control joints, cavity walls below grade, retaining walls, service pipe penetrations through slabs, blockouts in concrete, and brick/block piers. The system consists of a stainless steel mesh, stainless steel clamps and Termiparge (a specialized bonding cement) or Termibond (a specialized epoxy resin). The stainless steel mesh provides a physical barrier with the mesh holes small enough to prohibit the passage of a termite. The clamps and Termiparge or Termibond are used to close off any openings in the mesh around pipes and joints. The mesh is either cast into the concrete during the pour or bonded to concrete or masonry using the Termiparge specialized cement based adhesive or Termibond specialized epoxy resin, which bonds the mesh to concrete or masonry as "parging".

4.2 Materials

4.2.1 Termimesh - marine grade stainless steel mesh of a grade not lower than 316 (AISI 31600) made from 0.18 mm diameter wire with mesh openings of 0.66 x 0.45 mm and supplied in widths of 1200 mm and lengths of 30 m (47.24 in x 100 ft).

4.2.2 Clamps 301 Stainless Steel

4.2.3 Termiparge - a specialized bonding cement which bonds the mesh to either concrete, masonry, or other termite resistant substrates.

4.2.4 Epoxy Resins - Termibond specialized epoxy resins used for bonding of mesh to concrete, masonry, steel and galvanized or zinc alum coated steel substrates.

4.3 Quality Control - Installation

Installation of the Termimesh Termite Control System shall only be performed by accredited installers who have undergone extensive training in both how to install the System as well as understanding the habits of termites. The quality control program is administered by Termi Mesh USA Inc.

There are seven levels of installer accreditation which is valid for only two years, and is not automatically re-issued. Installers can loose their accreditation or be down graded depending on their field performance during the accredited period. Installers with low levels of accreditation are required to have all work checked by a person with appropriate accreditation. Throughout the two year accreditation period, every installer is checked on a regular basis, usually every six weeks, by a quality control officer employed by Termi Mesh USA Inc. The quality control officer can lower the level of an installer's accreditation or, in extreme circumstances, have the accreditation revoked.

5. INSTALLATION

5.1 General

The Termimesh Termite Control System shall be installed in accordance with the manufacturer's published installation instructions and this report. The system shall only be installed by installers trained and accredited by Termi Mesh USA Inc.; see Section 4.3 above.

The manufacturer's published installation instructions and this report shall be strictly adhered to and a copy of these instructions shall be available at all times on the job site during installation.

The instructions within this report govern if there are any conflicts between the manufacturer's instructions and this report.

5.2 Typical Installation

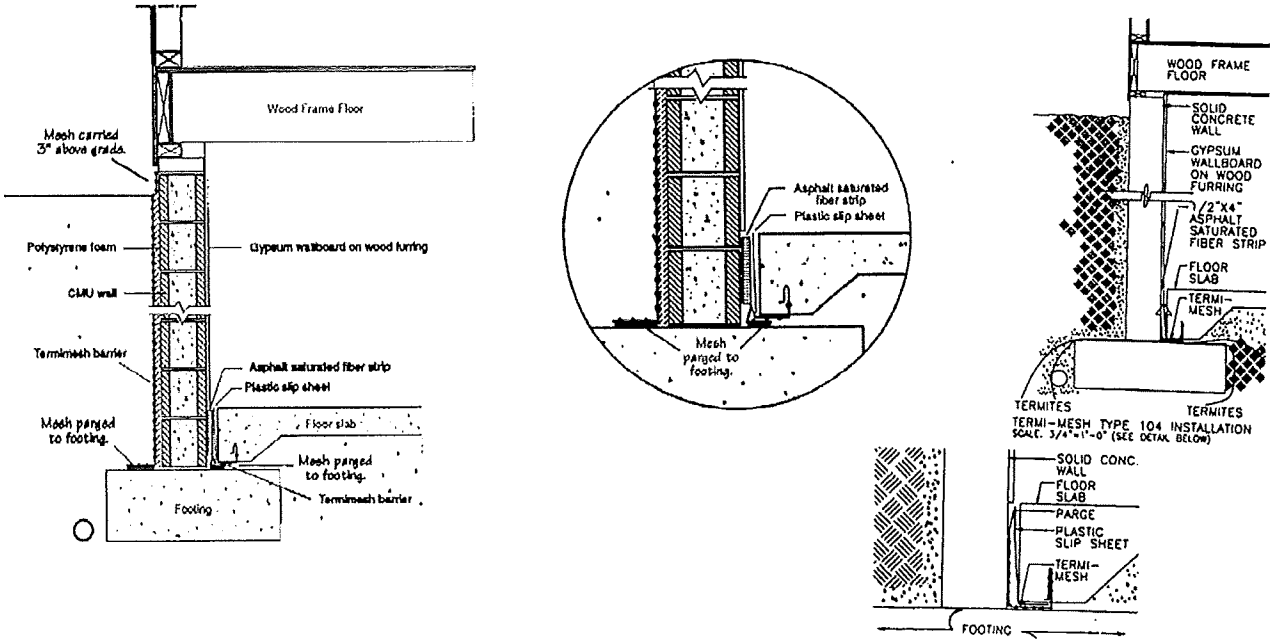
The Termimesh System can be installed under the slab on ground, in cavity walls, on the outside perimeter of cavity walls, as a cold-joint installation between existing structures and over concrete masonry units and new slabs and can be installed in timber post supported structures. The mesh is joined by a 10 to 15 mm (0.39 to 0.59 inches) physical lap joint (two and a half times). This join can be strengthened by using a hot-glue gun every 500 to 1000 mm (19.69 to 39.37 inches) along the join.

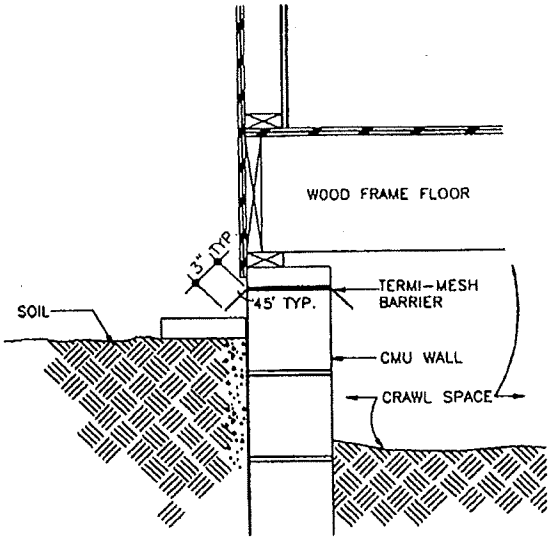
Sealing penetrations through concrete slabs is achieved by star-cutting a hole, smaller than the penetration, in the mesh and then stretching the mesh over the penetration to form a collar. The collar is secured by a stainless steel clamp to the pipe.

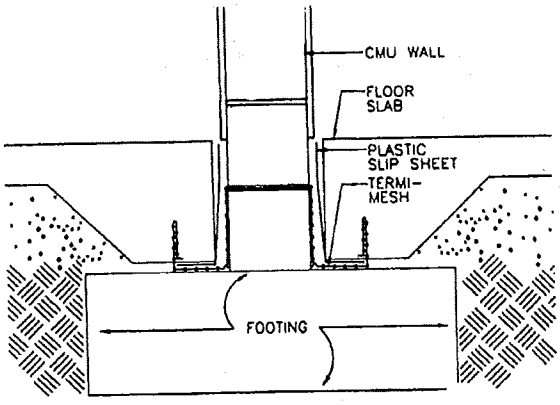
Shrinkage surface cracks in concrete slabs are not considered to be at risk from termite entry, however the decision to protect cracks with mesh, Termiparge or Termibond, is at the discretion of an accredited Termimesh supervisor (see Section 4.3 above).

Typical details of installations are shown in Figure 1. Complete details for different construction methods are included in the manufacturer's installation instructions.

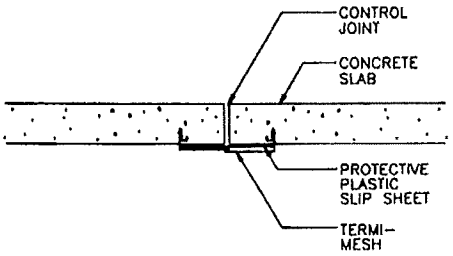
Typical Installation Details

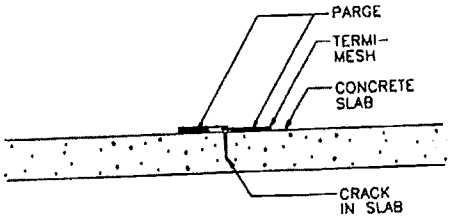




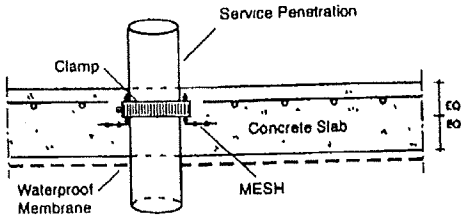


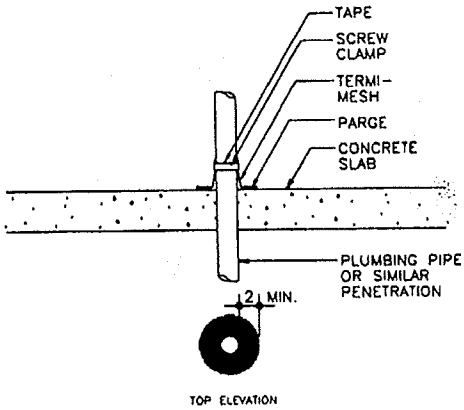
INTERIOR WALL



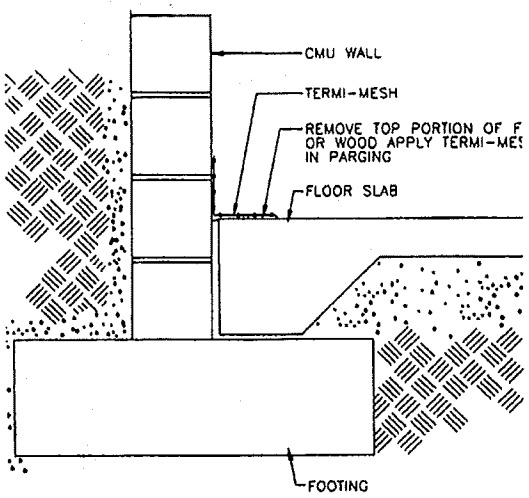


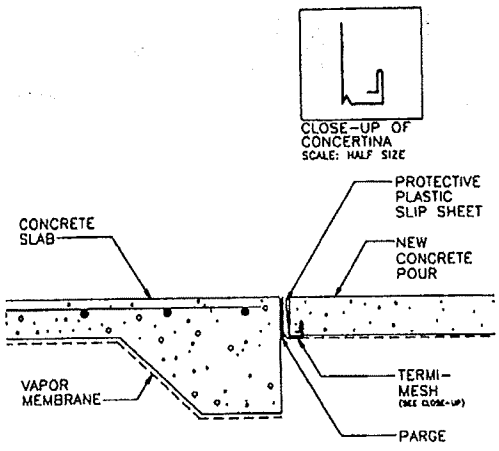
OVER-SLAB INSTALLATION
CRACKS

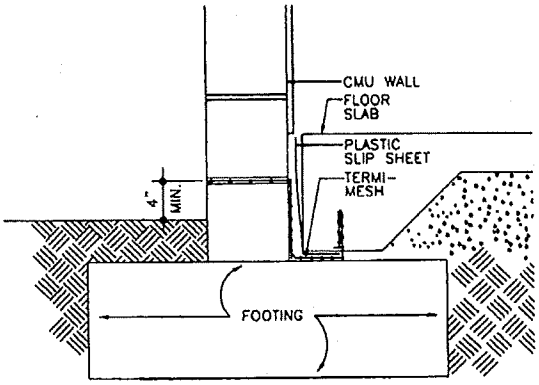




OVER-SLAB INSTALLATION
PENETRATIONS

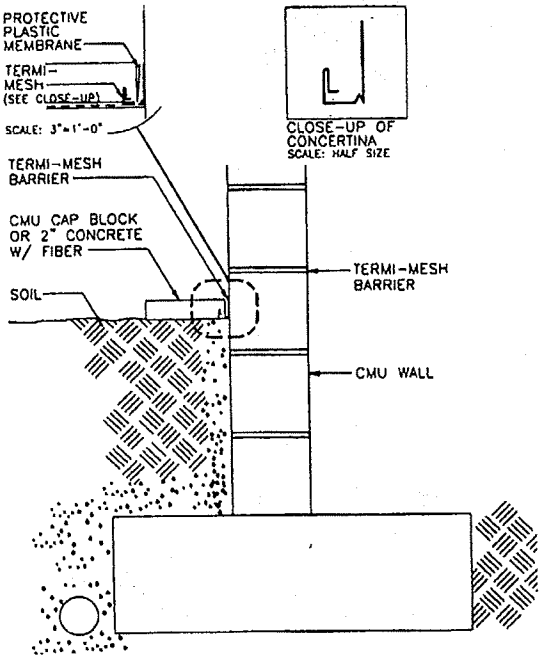






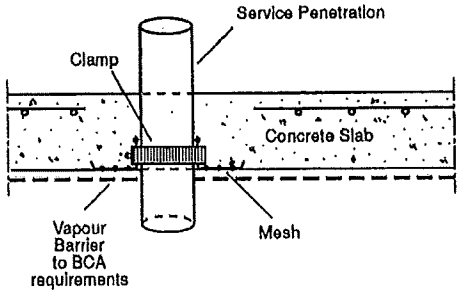
EXTERIOR WALL

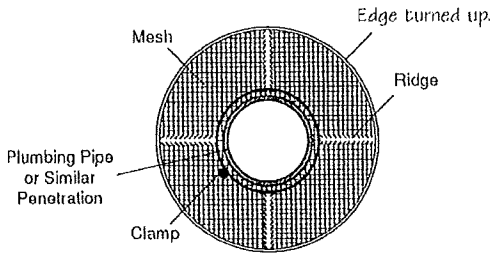
TERMI-MESH TYPE 104 INSTALLATION



SPECIFICATION

STAINLESS STEEL MESH INSTALLATION
Termiflange
PENETRATION PROTECTION
Type 3 – Base of Slab – Pre-Pour





NOTE: Mesh is turned up at the outside edge to be embedded in concrete.
The flange is installed such that it does not interfere with the vapour barrier.

6. SUBSTANTIATING DATA

6.1 Manufacturer's descriptive literature, specifications, and installation instructions.
6.1.1 Builder's Installation Notes, June 1996,
6.1.2 Training Program by Wayne Banks, Quality Control TMA Corporation PTY LTD.
6.1.3 ABSAC Technical Opinion 158, November 1992, Amendment 2 - May 1995.
6.1.4 Mill order certificates for SS mesh and clamps.

6.2 Test report on four to five year field exposures, CSIRO Division of Entomology Termite Group Report No. 95/15. File No. HS 9/2/27, September 16, 1995, signed by Dr. M. Lenz and S. Runko.

6.3 Test reports, field exposures in Arizona, Florida, Mississippi, and South Carolina, USDA Forest Service, signed by Dr. Bradford M. Kard, Ph.D.:
6.3.1 First progress report, 4510, FS-SO-4502-4.209, Problem 2, August 1995.
6.3.2 3-Year Summary 1996, File code: 4500, December 13, 1996.
6.3.3 Final Progress Report, 4510, FS-SRS-4502-4.209, Problem 2, March 2000.
6.3.4 Letter report on mesh size used in testing, 0.45 mm by 0.66 mm, File Code 4500, December 17, 1996.

6.4 Test report on accelerated corrosion of stainless steel mesh under ASTM B 117, Chemistry Centre, Department of Mines Western Australia, 90T368, February 25, 1991, signed by Dr. G. W. Richardson and Dr. L.C. Yap.

6.5 Test report on termite resistance of parging material, field studies Termiparge, CSIRO Division of Entomology Termite Group Report No. 94/18. File No. HS 9/2/27, September 23, 1994/1996, signed by Dr. M. Lenz and S. Runko.

6.6 Test reports on Termiparge, The Building Research Centre University of New South Wales, prepared by John Carrick:
6.6.1 Bond testing, March 1996.
6.6.2 Freeze/thaw behavior, December 1996.

6.7 Letter report evaluating foam plastic below grade protection detail, CSIRO Building Products & Systems Appraisals, 10 June 1999, signed by Barry L. Schafer, Manager CSIRO appraisals.
6.8 Letter report on epoxy resins bonding material, Araldite Kit 400 and 401, CSIRO Building Products & Systems appraisals, 11 February 2000, signed by B.L. Schafer, Manager CSIRO Appraisals.
6.9 Specifications and Shore D hardness data for Araldite Kit K 400 and 401, CIBA Speciality Chemicals Pty. Limited manufacturer. Letter, 18 January 2000, signed by David Bieniak.

7. CODE REFERENCES

Standard Building Code© - 1999 Edition

Section 103.7	Alternate Materials and Methods
Section 2304	Protection Against Decay and Termites
Figure 2304.1.4	Termite Infestation Probability Map
Section 2603.3	Protection from Termite Damage - Foam Plastic Insulation

International One and Two Family Dwelling Code - 1998 Edition

Section 108	Alternate Materials and Systems
Section 323	Protection Against Termites
Figure 301.2(6)	Termite Infestation Probability Map

8. COMMITTEE FINDINGS

The Committee on Evaluation in review of the data submitted finds that, in their opinion, the Termimesh Termite Control System as described in this report conforms with or is a suitable alternate to that specified in the *Standard Building Code©* and the International One and Two Family Dwelling Code or Supplements thereto.

9. LIMITATIONS

9.1 This Evaluation Report and the installation instructions, when required by the code official, shall be submitted at the time of permit application.

9.2 The system shall only be installed by installers trained and accredited by Termi Mesh USA, Inc.; see Section 4.3 of this report.

9.3 On the exterior of the building, the ground level including gardens, paving, paths etc. shall be at least 75 mm (3 inches) below the Termimesh barrier.

9.4 The mesh shall not be installed in contact with reinforcing steel or any dissimilar metals that will produce an electrolytic reaction.

9.5 The mesh shall not be penetrated except by trained and accredited installers.

9.6 A Termimesh Termite Protection Notice label shall be located at the meter box or electrical circuit breaker box. The label includes the telephone number and address for the local Termimesh Service Centre. The label provides the following instructions:

- The system shall be inspected 3 months after completion of the installation and once a year every year thereafter.
- Any service installed in the building after Termimesh is installed must enter above the barrier.

10. IDENTIFICATION

Each roll of Termimesh Termite Control System mesh, and each package of Termiparge, Temibond and stainless steel clamps covered by this report shall be labeled with the manufacturer's name and/or trademark, the SBCCI Public Safety Testing and Evaluation Services Inc. Seal or initials (SBCCI PST & ESI), and the number of this report for field identification.

11. PERIOD OF ISSUANCE

SEE THE CURRENT EVALUATION REPORT INDEX FOR STATUS OF THIS EVALUATION REPORT.

For information on this report contact:
Michael P. O'Reardon, P.E.
205/599-9800

CTAG

Certification & Training Assessment Group — National Partnerships for Safe and Effective Pesticide Management through Education, Training and Competency Assessment

Conventional Reciprocity for Issuing Cross-jurisdictional Pesticide Certifications: Definitions, Concerns and Strategies

July 2007

Reciprocity means very different things to different people. Therefore, any discussion of reciprocity, as it pertains to pesticide certification, has to begin with definitions. CTAG (Certification and Training Assessment Group) presents the definitions and a discussion of the various strategies used by governmental agencies, states and tribes to achieve cross-jurisdictional reciprocity for issuing new credentials.

This paper does not extend into the issue of reciprocity for continuing education (recertification) approvals. CTAG then outlines "Twelve Recommended Practices for Effectively and Efficiently Issuing Conventional Reciprocity Pesticide Certificates."

Reciprocity, What It Is Not

In most situations, reciprocity does not mean that an applicator who is certified in one country, province, state, territory or tribe and holds a valid certificate from that entity simply may go into another locale and apply pesticides. Pesticide applicator licensing (certification) rights, with few exceptions, are not at all like a drivers license. A single state-issued drivers license allows one to drive a vehicle in North Dakota, the U.S. and Manitoba, Canada; a certified applicator credential does not provide for out-of-issuing-state purchase, use or supervision of restricted-use pesticides. This legal principle was affirmed in a 1998 administrative ruling regarding Bonanza Valley Aviation vs. Iowa Department of Agriculture in which, in part, the judge ruled that:

"Respondent (Bonanza Valley Aviation) stated that, because it had been licensed in Iowa for several years and that Minnesota, the Respondent's home state, has reciprocity with Iowa, it was Respondent's understanding that it could begin applications of pesticide as soon as it arrived in Minnesota. Without any evidence to support its 'understanding,' however, Respondent's defense must be rejected." (Appendix 1 for the complete text of the case http://pep.wsu.edu/ctag/pdf/recip/ BackgroundAppendix_1.pdf)

Reciprocity, What It Is

Now that we know what reciprocity is not, what does it really mean? Simply, reciprocity is when a governing entity (e.g., Idaho) recognizes an applicator's credentials from another governing entity (e.g., Washington), and after satisfying the appropriate local rules and customs, Idaho issues an Idaho credential to that applicator without having him or her satisfy the local training or examination process.

The problem is how governing entities actually implement reciprocity with all the countries, provinces, states, territories and tribes that have differing competency standards, as well as procedures for issuing certificates. The solution originally was conceived with the implementation of Title 40 Code of Federal Register 171.7.6. In part, it indicates that:

"A description of any arrangements that a State has made or plans to make relating to reciprocity with other States or jurisdictions for the acceptance of certified applicators from those States or jurisdictions." (See Appendix 2 for the entire passage http://pep.wsu.edu/ctag/ pdf/recip/BackgroundAppendix_2.pdf)

An example of enabling legislation from Delaware allows its state lead agency (SLA) to engage in reciprocity as follows:

When a commercial applicator is certified under the state plan of another state and desires to operate as a commercial applicator in Delaware he shall make application to the Secretary and shall include, along with the proper fee and other details required by the Law, a true copy of his credentials certifying him as an applicator of restricted use pesticides in another state. The Secretary then may, if he approves the credentials, issue a Delaware certification to the applicator in the appropriate classification or category(ies) for which he is certified in another state without a written examination. The original certification must be made in the state where the commercial applicator resides or where he has his principle place of business.

On an international level, the eventual recognition of a common pesticide certification system is envisioned in the North American Free Trade Agreement. The implication of this would suggest that Canada, Mexico and the U.S. eventually would recognize some form of reciprocity for pesticide certification. Indeed, the Office of the United States Trade Representative, in a Federal Register notice, commits, in part, to: "Work toward a harmonized approach to pesticide certification and training;" (See Appendix 3 - Reciprocity Definitions *http://pep.wsu.edu/ctag/pdf/recip/ BackgroundAppendix_3.pdf)*

Clearly, nationally and even internationally, the intent of our pesticide certification laws are to allow for a process in which a pesticide certificate holder from a particular jurisdiction (primary or originating state, tribe, territory or province) obtains a certificate in another without engaging in either the testing or training process.

How Governing Entities View Reciprocity

There are several ways that governing entities handle reciprocity: formal, informal, partial and adoptive. In addition, some choose not to issue any reciprocity credentials. Except for those entities using adoptive reciprocity, all others require that residents get certified in their state of residence.

Formal Reciprocity

Two or more states (e.g., Minnesota and North Dakota) have a formal agreement (an understanding that both programs are good and the categories are similar).

Scenario

- Sally lives, trained and tested in North Dakota and carries a valid pesticide certificate.
- Sally wants to expand business into Minnesota, but does not want to train and test again.
- Sally requests from Minnesota a reciprocity certificate based on her North Dakota certificate.
- After Minnesota receives the appropriate documentation and fees from Sally, it issues her a Minnesota certificate.

Informal Reciprocity

Two or more states (e.g., Arizona and North Dakota) do not have a formal agreement between them, but contact each other to discuss competency and category equivalency. If there is sufficient compatibility, reciprocity is granted on a case-by-case basis.

Scenario

- Sally lives, trained and tested in North Dakota and carries a valid pesticide certificate.
- Sally wants to expand business in Arizona, but does not want to train and test again.
- Sally requests from Arizona a reciprocity certificate based on her North Dakota certificate.
- Arizona contacts North Dakota to compare equivalency; it accepts North Dakota's standards.
- Sally pays fees to Arizona and is issued an Arizona certificate.

In this scenario, if Arizona did not accept North Dakota's certification standards, Sally then would need to get certified under Arizona's program.

Partial Reciprocity

Two or more states (e.g., Montana and North Dakota) work together using an informal framework for categories, but need to have additional jurisdictional measures completed prior to issuing a credential.

Scenario

- Sally lives, trained and tested in North Dakota and carries a valid pesticide certificate.
- Sally wants to expand business in Montana, but does not want to train and test again.
- Sally requests from Montana a reciprocity certificate based on her North Dakota certificate.
- Montana has differing categories and rules from North Dakota, so it makes a decision as to what core or categories can be issued (again with the basic assumption that programs for certification are acceptable in North Dakota); however, it requires further competency gauges.
- Montana requires Sally to pass a laws and rules test; when successfully completed and appropriate documentation and fees are submitted, Montana issues a reciprocity certificate.

Adoptive Reciprocity

Two or more states (e.g., Virginia and South Carolina) accept each other's certification credentials even when an applicator moves from one state to the other. However, the new certificate becomes primary and is not dependent on the original credential. Essentially, the state being asked to grant reciprocity reviews the credential from the primary state and then, finding that the credential is acceptable, issues a credential that simply requires the holder to meet all the certification or licensing requirements of the new state. What happens in the primary or originating state (that credential) is no longer a concern.

Scenario

- Sally holds a certificate in Virginia but moves to South Carolina.
- Sally requests from South Carolina a certificate based on her Virginia certificate.
- Under its adoptive reciprocity agreement, South Carolina issues Sally a South Carolina certificate.
- Sally now must keep up on her trainings or credits, just as if she originally were certified in South Carolina. The Virginia credential has no further or future bearing.

No Reciprocity

Some jurisdictions simply do not issue reciprocity. Reciprocity is not provided to cross-jurisdictional applicators by policy, rule or statute. Individuals who work in these states must meet the competency standards in that state.

Massachusetts example – "Due to significant changes in Massachusetts pesticide regulations and additional regulatory requirements in areas of special concern to the citizens of the Commonwealth on September 3, 2003, the Massachusetts Pesticide Board voted to terminate the issuance of all reciprocal certifications to persons possessing a certification issued by the pesticide control agency of other states." This included previously held reciprocal pesticide certificates.

Impediments to Adopting Reciprocal Certification

- Wide variances among state pesticide programs (e.g.,categories: "clumpers" versus "splitters"), geographical differences and culture create almost intolerable incompatibilities.
- This is especially the case when you try to make comparisons between entities that have hierarchy credentials that require apprenticelike experience versus jurisdictions that only require successfully completing an exam to get a valid credential. An example is New York, where it has a technician-level certificate (an apprentice) and a full commercial certificate that can be obtained only after an experience period has been verified. Many states do not consider experience – you pass the exam, you get your credential.
- This also is illustrated when you make comparisons between "splitter" states that have 40 to 50 categories versus states that have kept their number of categories closer to the U.S. federal standard of 14.
- Differing renewal intervals (two, three, five and even six years) among states introduce a new layer of complexity with regard to granting reciprocity. For example: Would it be reasonable for North Dakota to accept a credential from a Wisconsin applicator in the fourth year of his certificate (Wisconsin has a five-year cycle) when the renewal interval in North Dakota is three years?
- A view among some governing entities that their standards of competence are higher than others. Hence, they selectively will issue (or deny) reciprocity even if a state has an Environmental Protection Agency (EPA)-approved plan.
- EPA-approved plans in theory should give regulators confidence to accept credentials from other states or entities, but if the plan is out of date, not used or does not come close to satisfying the concerns of the reciprocity-granting entity, why should they consider the credential? Example: A U.S. federal government agency in Oregon (which has an EPA-approved

plan) was seeking reciprocity for its employees from the Oregon Department of Agriculture (ODA). Upon review, ODA discovered that the agency had an approved plan, but that plan was so outdated and atrophied that in today's regulatory environment, its credential did not come close to meeting Oregon's standards.

- Trying to understand what the rules and equivalences are among governing entities is a time-consuming and costly exercise.
- In the aftermath of the Sept. 11 terrorist strike, governing entities are reluctant to trust credentials and documents from other locales.
- Verification of credentials is a time-consuming and costly enterprise.
- Background checks on suspensions, revocations and other violations for the purpose of issuing reciprocity are a time-consuming exercise. The converse, responding to a background check, also uses significant resources.
- Some countries, provinces, states, territories or tribes (e.g., Massachusetts).have laws, regulations, rules or policies that prohibit reciprocal certifications.
- Confusing language. As we have attempted to demonstrate in this paper, people who are in positions to grant reciprocity often do not have a grasp of the jargon, the definitions or the lingo necessary to ask the right questions and to properly interpret the answers they receive.

Why Care?

- Ignoring this issue introduces the possibility that someone whose certificate is no longer valid may become credentialed inappropriately by another jurisdiction or agency.
- Agencies are increasingly facing accountability pressure from stakeholders and decision makers.
- Requests for reciprocity are proliferating as people become more mobile. (North Dakota alone issued 300+ certificates in 2006.)
- This is a national and even international issue; people are not just crossing neighboring borders. (e.g., in 2006, North Dakota received requests for reciprocity from applicators in 17 different states.)
- Since Sept. 11, security measures on issuing certification and reciprocity credentials need to be strengthened.

Twelve Recommended Practices for Effectively and Efficiently Issuing Conventional Reciprocity Pesticide Certificates

The following practices outline ideas and regulatory changes that should facilitate the issuing of reciprocity pesticide certificates.

All appendices are posted to the CTAG Web site.

1. Develop a formal reciprocity agreement with your top four or five reciprocity-requesting jurisdictions. A reciprocity agreement is no more than a memorandum of understanding between governing entities. Some jurisdictions require reciprocity agreements as a matter of law, regulation or policy before they will issue reciprocity, but many do not. For those that do not, it is still a good idea to have a formal agreement so that the parties become familiar with each other's operations.

   (See Appendix 1 for a sample agreement at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_01.pdf)

2. The National Association of State Departments of Agriculture's certification plan and reporting database (CPARD) is a marvelous tool to informally evaluate EPA-approved certification plans. CPARD allows the user to compare certification programs (testing style and competency standards) so an informed decision about granting a reciprocity request can be made.

   Visit http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_02.pdf.

3. Indicate a reciprocity credential clearly on certificates, internal databases and public-access Web databases. Any documentation must indicate that such a certificate is based upon reciprocity. This single action would be most helpful and should not be difficult to accomplish. Clearly identified reciprocity credentials would prevent applicants from using a reciprocity certificate to jump from state to state. It also would dramatically aide in the verification process.

   (See Appendix 3 for examples at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_03.pdf)

4. Indicate originating (primary) jurisdiction on any certificate, internal database or public-access Web databases. This would significantly speed up the credential verification process for the jurisdiction that is evaluating whether or not to issue a reciprocity certificate.

5. Reciprocity information – Develop a comprehensive guide or reciprocity Web site outlining what your institution will or will not do in regard to issuing reciprocity. This should include a table or matrix with surrounding jurisdictions that enumerates the categories and equivalencies with other states, tribes, territories or provinces for which reciprocity can be easily granted.

   (See Appendix 4 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_04.pdf).

6. Reciprocity certificate application forms must indicate that credentials will be verified and violations will be reviewed as part of the reciprocity process. Consider having applicants sign a release authorization to indicate their approval for the reciprocating jurisdiction to obtain originating or primary credentialing information; for example, this would allow a state, such as Texas, to quickly respond to a request for information and, perhaps more importantly, put the applicator on notice

that his or her records will be scrutinized. Finally, consider a special reciprocity application fee in addition to your standard credential fee. This fee can assist with recouping costs for additional processing time.

(See Appendix 5 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_05.pdf)

7. Develop an internal checklist for evaluating a request for reciprocity. Determining reciprocity eligibility can be time-consuming and one where issues easily may be overlooked. A checklist may seem redundant, but it prevents errors, and it allows agencies to easily cross-train multiple people to evaluate requests without having them fully versed on the reciprocity process.

   (See Appendix 6 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_06.pdf)

8. Develop a verification of credential form that can be sent to the primary or originating jurisdiction that will allow it to quickly respond. Experiences from North Dakota and Nebraska have found that agencies are more likely to respond to information requests if they do not have to write individual letters, return telephone calls or even author e-mail responses.

   (See the North Dakota verification request form in Appendix 7.)

   (See Appendix 7 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_07.pdf)

9. Expiration date – Never issue reciprocity for a period that exceeds the expiration date on the primary or originating jurisdiction's credential. Doing so introduces the possibility that the jurisdiction that is issuing reciprocity may do so when the applicant no longer carries a valid credential from his or her home state, tribe, territory or province. This effectively invalidates the reciprocity certificate.

10. Issue reciprocity credentials only on a year-by-year basis, if possible. This enables or forces the reciprocity-issuing jurisdiction to monitor the credentials of the applicants on a regular basis. It also is another opportunity to check up on an applicator's violation history.

11. Develop a law, rule or policy that allows you to turn down applicators who have a history of violations in their home jurisdiction.

    (See Appendix 8 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_08.pdf)

12. Compliance with laws of reciprocating jurisdiction – Require applicators who receive reciprocity to indicate in writing that they still are bound by all the laws of the new state, tribe, territory or province. If this requires rule or law changes to accomplish, in the interim have enforcement staff send them:

    a. a cover letter reminding them of the their obligation to abide by federal and state laws

    b. a copy of appropriate state laws and rules

    (See Appendix 9 for an example at http://pep.wsu.edu/ctag/pdf/recip/Practices_Apendix_09.pdf)

COMPLAINTS FOR THE MONTH OF: JULY, 2009

COMPLAINT#	GENERATED BY:	INVESTIGATOR:	ALLEGATION:	COMPANY NAME:
100022	SPCC	davidc	Unlicensed	GLENDALE EXTERMINATING, INC.
100023	SPCC	KSmith	QSD	ROBERT FRANCIS HEDERMAN
100024	SPCC	NMaeser	QSD	SEXTON EXTERMINATING
100026	SPCC	BKennedy	Unl Applicator	STEPHEN PAUL RICHARDSON
100040	SPCC	RGuzzi	Other	CARLOS ANTONIO GORTARIZ
100041	Consumer	BHanko	Other	GIELOW EXTERMINATING GROUP
100049	Consumer	JVogt	Unlicensed	ROBERT STERLING KELLIS
100055	OPM	KSmith	TARF	BUG WISER
100056	OPM	KSmith	TARF	ARIZONA TERMITE SOLUTIONS, LLC.
100058	Consumer	NMaeser	Final Grade	SCORPIONTECH TERMITE & PEST CONTROL
100059	Consumer	JVogt	QSD	MISTER BUGMAN PEST CONTROL
100064	Consumer	RGuzzi	Other	TERMINIX
100066	Consumer	APugh	Misuse	TOWERPOINT RESORT (CONTINTINENTAL COM)
100067	Consumer	davidc	Unlicensed	WILLIAM LESLY JONES
100075	OPM	NMaeser	Unlicensed	SALINE PEST MANAGEMENT (SPM)
100076	OPM	ABanks	Unlicensed	DAVID W. CHARLESWORTH
100077	Consumer	GSimons	Misuse	CAL-AM PROPERTIES INC
100079	SPCC	GSimons	TARF	ROBERT ANCIL WATKINS, JR.
100082	SPCC	APugh	Other	JOHN EDWARD JUNG
100085	Consumer	BKennedy	Misuse	TREES AND MORE/DANIEL RIEHL
100086	SPCC	BHanko	Unlicensed	SCOTTSDALE FINE LANDSCAPING, INC.
100087	SPCC	ABanks	Unlicensed	WOODY'S LANDSCAPING, LLC
100089	Consumer	NMaeser	Unlicensed	NORTHERN ARIZONA PC
100096	Consumer	GSimons	Unlicensed	DAVID WINSTON/PALM GARDEN APARTMENTS
100124	SPCC	DVandenBerg	Other	RAMON GUADALUPE LLAMAS
100125	SPCC	DVandenBerg	Other	NORTHERN ARIZONA PEST CONTROL, LLC.