



Gary W. Black
Commissioner

Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

DATE: April 21, 2017

ACTION: Notice of Intent to Consider the Adoption of Amendments to Rules in Chapters 620-1, 620-3, and 620-6

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 43-45-8 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture (“Department”) and the Georgia Structural Pest Control Commission (“Commission”) will hold a public hearing on May 23, 2017, at 9:30 A.M. in Room 201 of the Agriculture Building, located at 19 Martin Luther King Jr. Drive, S.W., Atlanta Georgia 30334-4201.

Said hearing shall be for the purpose of considering amendments to the Rules of the Georgia Structural Pest Control Commission, specifically, amendments to Chapters 620-1, 620-3, and 620-6. Written comments will be accepted from April 21, 2017, to the close of business (4:30 pm EDT) on May 22, 2017.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Proposed Amendments to Chapter 620-1 entitled “Administration and Organization”

1. The Commission is proposing to amend current Rule 620-1-.02 entitled “Organization of Commission” to clarify that the Commissioner of the Georgia Department of Public Health, or some qualified employee of said department designated by him, rather than the Commissioner of the Georgia Department of Human Resources, shall serve on the Georgia Structural Pest Control Commission. This proposed change will bring the Rule in line with the language of the authorizing statute.

Proposed Amendments to Chapter 620-3 entitled “Licensing”

1. The Commission is proposing to amend current Rule 620-3-.02(1)(k) entitled “Responsibilities of the Licensee; Certified Operator; and Employee” to clarify that restricted use pesticides, including State restricted pesticides, can only be applied in the presence of a certified operator. This proposed change will ensure restricted pesticides are applied with both vigilance and understanding.

Proposed Amendments to Chapter 620-6 entitled “Wood Destroying Organisms”

1. The Commission is proposing to amend current Rule 620-6-.02(1)(a) entitled “Contracts” to provide a clearer rule that is consistent with Rule 620-6-.04 entitled “Control Measures”. This proposed change aims to eliminate any uncertainty regarding how applications and other control measures are to be performed by referencing the minimum adequate control measures defined in Rule 620-6-.04.
2. The Commission is proposing to amend current Rule 620-6-.02(4)(a) to prohibit warranty only contracts for structures with active subterranean termite infestations.
3. The Commission is proposing to amend current Rule 620-6-.03(2) entitled “Official Georgia Wood Infestation Inspection Report” to clarify in provision 3 of the conditions governing the report that an Official Waiver Form, rather than an Exception Form II, shall be included as part of the Official Georgia Wood Infestation Inspection Report.
4. The Commission is also proposing to amend current Rule 620-6-.03(2) by moving the final sentence in provision 6 of the conditions governing the report to the final sentence in provision 9, which will unify language relating to conditions conducive to infestation. The sentence will also be amended to reduce the statute of limitation for conditions conducive to infestation from 1 year to 90 days when issuing an Official Georgia Wood Infestation Inspection Report. This change will ensure the 90 day period will be consistent with the 90 day warranty for infestation conditions.
5. The Commission is proposing to amend current Rule 620-6-.04 entitled “Control Measures” to add a definition for “Control Measures”. This new language will set the definition for the Chapter.
6. The Commission is proposing to remove current Rule 620-6-.04(1)(a)(12). This language, which allows the Commission to approve requests for alternate application techniques, will be incorporated into proposed Rule 620-6-.04(3).
7. The Commission is proposing to add Rule 620-6-.04(1)(d)(8) which would require application of an approved termiticide bait consistent with all product label directions. This proposed addition will also clearly define approved termiticide baits as those registered with the United States Environmental Protection Agency and/or the Georgia Department of Agriculture.
8. The Commission is proposing to add new Rule 620-6-.04(3) to create a new control measures section for alternate application techniques for subterranean termite control treatments. This proposed rule will allow the use of new technology by adjusting the minimum standard treatment language. Current Rule 620-6-.04(3), current Rule 620-6-.04(4), and current Rule 620-6-.04(5) will be renumbered accordingly.
9. The Commission is proposing to amend current Rule 620-6-.04(4) to remove the requirement that minimum clearance between wood and soil in a crawl space be less than eighteen inches, as this requirement only applied to water conducting fungi, and the current guidance allows the standard to be waived with a justification statement on the diagram of the structure.

10. The Commission is proposing to amend current Rule 620-6-.06(1)(d) entitled “Reports” to require Designated Certified Operators to maintain an Official Waiver Form rather than an Exemption Form II for each record.
11. The Commission is proposing to amend current Rule 620-6-.07(1) entitled “Correction of Deviations” to provide clear rules and add consistency for Georgia Department of Agriculture issued reports. The Commission is proposing to clarify the name of the report issued by the Department when violations are discovered that require corrective action. The amendment will change the current reference to the “Inspection Report” to “Inspection and WDO Corrective Action Report”. The Commission is also proposing to renumber the checklist which appears on the Official Waiver Form for Termite Control Soil Treatments. The Commission is proposing to move number 10, which requires a crawl space clearance of eighteen (18) inches or greater, to number 3 and clarify that the requirement applies to defined post construction and preconstruction soil treatments. The remaining items on the list will be renumbered accordingly. The Commission is further proposing to remove the “not applicable” section referencing post construction and preconstruction applications of non soil pesticide, device, bait, or baiting systems.
12. The Commission is proposing to amend current Rule 620-6-.07(6) to provide a clear rule to address active infestations discovered on structures with a warranty contract for wood destroying organism control. This change reflects the current policy which requires the licensee to treat, consistent with the requirements of Rule 620-6-.04, any structure which it finds was not treated consistent with the requirements of Rule 620-6-.04 or any structure which it finds an active infestation covered under a current warranty contract for WDO control.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department and Commission will be accepting written comments from April 21, 2017, to the close of business (4:30 pm EDT) on May 22, 2017. A public hearing will be held on May 23, 2017, at 9:30 A.M. in Room 201 of the Agriculture Building, located at 19 Martin Luther King Jr. Drive, S.W., Atlanta Georgia 30334-4201. All comments will be considered on May 24, 2017. Please submit written comments to:

Derrick Lastinger, Vice Chairman
Georgia Structural Pest Control Commission
19 Martin Luther King, Jr. Drive, S.W.
Atlanta, Georgia 30334
Telephone Number: (404) 656-3641
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Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rule may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov. To request a copy, contact Derrick Lastinger at 404-656-3641 or submit the written request to Derrick.Lastinger@agr.georgia.gov or 19 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.