

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF ENTOMOLOGY AND PEST CONTROL

RULE TITLE:

RULE NO:

Entomology –Pest Control Regulations

5E-14

Use of Pesticides – Labels, Limitations, Precautions

5E-14.106

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to add amendments to the rule allowing secondary treatments for preventive treatment for subterranean termite protection for new construction that do not have to be to all areas specified on the label of the pesticide, provided that a primary treatment is applied to all areas specified on the label.

**SUBJECT AREA TO BE ADDRESSED:** Use of Pesticides for Preventive Treatment For New Construction.

**SPECIFIC AUTHORITY:** 482.051, F.S.

**LAW IMPLEMENTED:** 482.051, 482.161, F.S.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**DATE AND TIME:** February 16, 2005, 10:00 a.m.-1:00 p.m.,

**PLACE:** The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850) 488-7447.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE

DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural

Environmental Services, 3125 Conner Blvd., Tallahassee, Fl. 32311.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**5E-14.106 Use of Pesticides - Labels, Limitations, Precautions.**

(1) Through (5) No change

(6) Pesticides used for treatment for the prevention of subterranean termites for new construction shall be applied in the specific amounts, concentration, and treatment areas designated by the label.

(7) Each pesticide used for the preventive treatment of new construction for the prevention of subterranean termites The pesticide, in its original formulation, shall be mixed at the treatment site immediately prior to application. A copy of the label of the registered pesticide being used shall be carried in the vehicle from which the application is performed. The licensee shall maintain records for 3 years of each treatment for the prevention of subterranean termites for new construction indicating the date of treatment, address of property treated, total square footage of structure treated, pesticide used, percent concentration of mixture applied and total volume applied as well as maintaining records of all termiticides purchased, obtained, or available for its use; the total amount of the area treated; and the total number of sites treated using this and any other method of treatment for the prevention of subterranean termites.

(8) When a pesticide registered as a preventive treatment for new construction has been applied as a preventive treatment for a structure in accordance with

5E-14.106(6), or will be applied prior to completion of construction, a secondary treatment using a second pesticide registered for preventive treatment for new construction is not subject to the provisions of 5E-14.106(6), provided that the application is consistent with label directions.

*Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P. L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, 4-17-03, \_\_\_\_\_.*