

NOTICE OF CHANGE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF ENTOMOLOGY AND PEST CONTROL:

RULE CHAPTER **RULE NO.:**

Entomology – Pest Control Regulations **5E-14**

RULE TITLE: **RULE NO.:**

Definitions 5E-14.102

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Preventive Treatment for Wood-Destroying Organisms 5E-14.105

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Precautions and Responsibilities 5E-14.112

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Applications 5E-14.142

NOTICE OF CHANGE:

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.102 Definitions.

(1) – (16) No change.

(17) “Connected Structure” is defined as any structure physically connected with the structure to

be fumigated by construction elements that contain voids (e.g. pipes, conduits, drains, ducts, etc.)

which may allow transfer of fumigant between the structures.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, 6-12-02, 4-17-03, _____-08.

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) – (8) No change.

(9) A licensee acting as a primary contractor who may subcontract the performance of the work to another licensee shall notify the customer that the performance of the work may be assigned to another licensee other than the primary contractor. This written notification shall be part of the contract as a separate statement itself or attached to the contract as a separate document, and must be signed or initialed by the consumer.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History—New 1-1-77, ~~Joint Administrative Procedures Committee Objection Withdrawn~~—See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03, 6-1-06, _____-08.

5E-14.110 Fumigation Requirement – Notices.

Each licensee, before performing general fumigation, shall in advance notify in writing the department inspector having jurisdiction over the location where the fumigation operation is to be performed. Notification shall be made on DACS Form 13667, Notification of Fumigation, rev. 05/08, which is hereby adopted and incorporated by reference and available from the department’s website at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>. Such notices shall be received by the department inspector at least twenty four (24) hours in advance of the

fumigation period. The notice shall state the following:

(1) and (2) – No changes

(3) Name of certified operator in charge and/or his designated certified operator(s) and special fumigation identification card holder(s) together with his day and night telephone numbers.

(4) (Location (address) and type of structure (residential, commercial, multi-unit, single family/business or other) to be fumigated.

(5) Date of ~~and, as nearly as possible, the approximate time of release of fumigant, and the approximate length of fumigation period. Any change(s) in information required in written notices by this regulation shall be reported in writing in advance of the fumigation period.~~

(6) Any change(s) in information required in written notices by this regulation shall be reported in writing in advance of the fumigation period.

(a) Exceptions: In authentic and verifiable emergencies only, when twenty-four (24) hours advance notification is not possible, advance telephone or ~~telegraph~~ facsimile notice shall be given, and such notice immediately followed by written confirmation stating the required information.

Specific Authority 482.051 FS. Law Implemented 482.051(4) FS. 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-55.110, Amended 7-5-95, _____-08.

5E-14.111 Fumigation Requirements – Application; Restrictions and Precautions.

(1) No change.

(2) Neither the structure nor enclosed space to be fumigated nor any part or parts thereof shall be occupied by persons during the fumigation period. In addition, structures or enclosed spaces

which are physically connected ~~joined to or in contact~~ with the structure to be fumigated shall not be occupied by persons during the fumigation period. (See subsections 5E-14.111(3) and (4), F.A.C.) ~~This requirement may be waived in the fumigation of commodities in industrial areas when it is determined upon prior inspection by the certified operator in charge that no danger to human life or health exists.~~

~~(3)(a) In the event one or more structures in a row of physically joined structures is to be fumigated, at least one additional complete building structure next to and on both sides of the structure to be fumigated must be vacated, provided there are no common drains, air ducts, conduits, attics or other means permitting escape or passage of the fumigant from the structure to be fumigated into the additional vacated building(s). If there are common means permitting passage of the fumigant into the additional vacated building(s) then one more building must be vacated and so on. If this set of conditions cannot be met, the entire row of structures must be vacated or the fumigation shall not be carried out.~~

(3) In the event one or more units in a multi-unit structure (see subsection 5E-14.102(9), F.A.C.) are to be fumigated, the entire multi-unit structure must be vacated prior to fumigation and individually tested for clearance in accordance with label instructions following fumigation. If these requirements cannot be met, the fumigation shall not be performed.

(4) It shall be the duty of the certified operator in charge or his designated special fumigation identification card holder to be present and personally ~~to~~ make a careful examination of all parts of the structure to be fumigated, ~~including such as~~ including such as locked rooms, compartments, closets, enclosed spaces ~~physically joined to or in contact with said structure~~ and any connected structures, to verify that no persons have remained therein.

(5) No change.

(6) When fumigating structures with methyl bromide, sulfuryl fluoride or any other relatively odorless gas, technical chloropicrin shall be used separately as a warning agent immediately prior to release of the relatively odorless gas at the rate of not less than one fluid ounce per 15,000 cubic feet of space to be fumigated or as otherwise directed by fumigant label.

~~Registered label mixtures of at least one-fourth of one percent chloropicrin by net weight analysis may be used in lieu of the above.~~

(a) Exceptions: This section shall not apply to the fumigation of common carriers (trucks, box cars, refrigerator cars), the fumigation of tobacco warehouses and factories, the fumigation in tanks, vaults, or chambers, or the fumigation of commodities in industrial areas when it has been determined by prior inspection by the certified operator in charge that no danger to human life or health exists: unless required by the fumigant label.

(7) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152, 482.241 FS., ~~Section 1, Chapter 92-203, Laws of Florida.~~ History—New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.111, Amended 8-11-93, _____-08.

5E-14.112 Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.

(1) – (2) No Change.

(3) Warning signs shall conform in design and information set forth as follows:

(Skull and	DANGER	(Skull and
Crossbones	FUMIGATING WITH	Crossbones
Symbol)	(Accepted common name of Fumigant)	Symbol)

DEADLY POISON

ALL PERSONS ARE WARNED TO

Keep away

Date and time fumigant was ~~injected~~ introduced _____

Company Name _____

Company Business Address _____

Certified Operator in Charge _____

~~(or designated Spec. Fum. Iden. Card Holder)~~

Fumigant ~~injected~~ Introduced by _____

Day Telephone _____

Night Telephone _____

(4) – (7) No Change.

Specific Authority 482.051 FS. Law Implemented 482.051(1), 482.152 FS. History–New 1-1-77, Amended 6-27-79, Formerly 10D-55.112, Amended 4-17-03, _____-08.

5E - 14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records: Pest Control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors.

Additionally, routine operational records shall be available for inspection by appropriate state officials during normal business hours. ~~at reasonable times there~~ Routine operational records containing information on pesticides, amounts, uses, dates, and places of application shall be

maintained for a period of at least two years. ~~routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted use pesticides.~~
Licensees operating in the category of fumigation shall record this information along with the individual fumigant cylinder identification number utilized to fumigate a structure.

(2) – (8) No Change

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, _____-08.