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## State of Florida Department of Agriculture and Consumer Services

# Consumer Aid for Post Construction Contracts and Termite Treatments

A Guide for Residential Homeowners

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There are three types of termites within Florida – Subterranean termites, Dampwood termites and Drywood termites. This publication was designed to provide general information to Florida’s consumers about the various termite treatments available.

Pest control companies will use products and methods that they believe will control your pest problems. Some will use liquid soil treatments, some will use baiting/monitoring systems, others will perform direct-wood treatments, and drywood termites may require tent fumigation.

Termite and other wood-destroying organism pest control is not an easy task. These are living organisms that can react to stimuli, avoid treatments, and relocate to other areas. Occasionally, a company will have to re-treat for a persistent problem (this is primarily what the written contract-warranty addresses).

### WOOD-DESTROYING ORGANISM CONTRACTS

A pest control company must give you a written contract-warranty prior to any preventive or corrective treatment for each wood-destroying organism. This contract must be provided to you before any work is done and before any payment is made so that you have an opportunity to thoroughly read it and understand exactly what services are being provided.

The regulations require the contract-warranty to disclose whether the contract-warranty is for **“Retreatment and Repair”**; **“Retreatment only”**; and **“No warranty-guarantee”** prominently on the front.

Retreatment and Repair will obligate the company to return to perform retreatment and to repair any “NEW” damage caused by termites. Be sure to understand how this is determined.

Retreatment Only contracts will obligate the company to return and perform additional

treatments to control the infesting organism. There will be NO repairs at all.

No Warranty-No Guarantee treatments are issued for spot treatments and situations where construction defects prevent the pest control company from being able to establish proper barriers or bait/monitoring systems.

Termites and other wood-destroying organisms can cause some anxiety, but NEVER rush a treatment decision. It is ALWAYS to your advantage to take an extra couple of days or weeks to obtain additional estimates and find contract terms to your liking.

Thoroughly read the ENTIRE contract. Pest control companies are required to disclose whether there are any limitations or exclusions; and to clearly list those limitations. The contract must also clearly state the covered wood-destroying organism(s) and list any excluded wood-destroying organisms.

All contracts issued after June 1, 2007, will require a company to reinspect your property (as required by contract terms) within 30 calendar days of written notification by the contract holder to the company and the company must provide for retreatment (as required by contract terms) within 90 days of the discovery of an infestation unless the consumer refuses access or agrees to waive or postpone the treatment in writing.

If your contract expires or lapses before a contractually obligated retreatment can be performed, the company is required to provide you a written offer within 90 days to perform this retreatment (in accordance with the original contract terms) at no additional cost.

A company must notify you in writing of any property condition that would be the basis for denying responsibility under the contract within 60 days in order to provide you time to make the necessary repairs.

And finally, you will be required to sign a state mandated consent form if you are going to

“change” to a new company while you still have active coverage.

Be very cautious of companies that claim to have purchased your present company or contract. If such a situation does occur, state law mandates that you receive a written notice from your present company informing you that your warranty has been sold to another company (or that they have ceased operations).

TIPS: Be sure you understand...

1. All structures or building that will be included in the treatment.
2. The duration of the contract and its renewal terms. Most contracts are for five year periods, renewable annually, with the ability to “re-issue” for an additional five year period (with price adjustments, etc.), but other contracts renew perpetually (with periodic price adjustments) and some cannot be renewed after five years – you would have to start over with a brand new contract.
3. Make sure the common name of the wood-destroying organism to be controlled by the contract/warranty is indicated.
4. The contract should state whether the treatment is preventive (protection) or corrective (treating an active infestation).
5. If it is a Retreatment and Repair contract/warranty, make sure you understand what conditions must occur to require the company to perform retreatment and/or repair. Also confirm that the maximum repair amount is disclosed.
6. The maximum price for the contract and the annual renewal amount must be disclosed. Verify how long the renewal rate will remain the same and, if it’s allowed to increase, does the contract/warranty disclose a basis for the renewal increase (maximum percentage, cost of living, inflation, etc.)

7. Finally, determine if the contract/warranty is transferable to a new owner if you happen to sell your property and the terms associated with this. Some companies charge a fee and others just request a written notification.

## TERMITE CONTROL METHODS

There are several ways for the products used to control termites to be applied for successful termite control.

Proper treatment depends on correctly identifying the type of termite infestation. Treatments for subterranean termites are ineffective for drywood termites (and vice-versa) because different methods and materials are needed.

Pest control companies must follow the label treatment instructions on the product that they use.

The best time to perform an overall subterranean termite treatment is during the construction of your home.

Ideally, a complete, continuous, unbroken termite barrier is applied to the soil beneath the structure or applied directly to the framing lumber before it is insulated and covered by drywall to establish control.

### Post Construction

When an existing structure is treated for remedial or preventive subterranean termite control it is a "post construction treatment".

Florida law does not currently have an established treatment standard, therefore, treatment specifications may vary somewhat between pest control companies.

Consumers need to understand that it is very difficult to get uniform or complete treatment of all wooden elements of a post-constructed house.

Some treatments involve drilling and injecting into galleries and some topical applications to exposed wood surfaces.

Most post construction treatments involve application of a termiticide in, on, around (and in some cases, under), an existing structure.

## AVAILABLE TREATMENTS FOR SUBTERRANEAN TERMITES

Subterranean termites are more prevalent in the central and northern areas of the State. Subterranean termite colonies are located within the ground. Foraging termites branch out to find food sources and then transport it back to the colony to share.

There are several strategies that have developed over the years to control subterranean termites.

These treatments have primarily relied on chemical termiticides. Termiticides have been developed with various properties that affect subterranean termites in various ways.

Liquid soil barrier treatments were initially designed to be very long-lasting, lethal barriers that the termites were unable to penetrate.

Environmental concerns with longevity and research into termiticide repellency (that actually contributed to termiticide treatment failures) resulted in the development of a newer group of termiticides that are designed to degrade in three to five years and be non-repellant.

Some of the latest soil materials are non-repellant and designed to be transported back to the colony on the outside surfaces of the termite.

Normal grooming activity would result in the product being spread amongst the other colony workers. These termiticides affect the biological processes that produce energy within the termite.

Affected termites become tired or “lethargic” and routine colony functions such as feeding and housekeeping stop. The colony then dies.

Some liquid termiticides are applied directly to the wood. These products are normally long lasting minerals that are absorbed by the wood. The termites are killed when they ingest the treated lumber.

Borates are most effective when the wood is treated during the construction phase of your house, before insulation and drywall were installed, so that the maximum amount of framing is exposed.

If your structure was treated with borates, it is very important to not introduce any untreated lumber into the treated borate zone. This untreated lumber could be used to tunnel around the treated areas.

Another treatment method is the use of termiticide baits. These are designed to be very slow-acting poisons that the foraging workers transport back to the colony itself. This mimics normal termite behavior and the product would be spread to many members of the colony before the termites experienced its toxic effects.

Bait products allowed, for the first time, the ability to provide for complete subterranean termite colony elimination - if the material is accepted and transported back to the colony.

A baiting system is composed of a monitoring portion and a system to introduce the bait to the feeding termites. These bait monitoring stations must be installed around the perimeter of your structure.

Routine maintenance and monitoring by the pest control company is required for this technique to be effective. The termite contract for baiting systems should include information on monitoring frequency.

If activity is noted in a monitoring station, the bait is introduced to that feeding location. Sometimes additional stations are installed in an active area to insure an adequate amount of bait is delivered.

Traditional liquid termiticides, if used, must still be applied in, on or under your structure to reach the termites as they enter and exit your structure from feeding.

Homes with crawl spaces will normally have chemical barriers established at the base around all of the support piers and placed in trenches at the base of both the exterior and interior foundation wall.

If the supports and foundation wall are constructed of hollow block, the void spaces of the block are also treated.

If the structure has a concrete slab on the ground, the type of treatment is dependent on how the slab was built. The concrete slab itself can be utilized as a part of the barrier as long as it is not cracked or broken.

If the slab was formed on top of the supporting walls, the treatment will resemble a crawl space treatment. The exterior perimeter at the base of the foundation wall will be treated as well as any plumbing or other slab penetrations.

The juncture of any abutting slabs (patios, driveways) and the main structure should also be treated. Unfortunately, the best method for doing this is to drill vertically down and through the concrete slab at multiple locations about 8 to 12 inches apart.

If the foundation was poured directly onto the ground with no foundation or walls (called a monolithic slab), then the perimeter of exterior foundation at the base of the structure will be trenched or rodded.

The plumbing or other slab penetrations should also be drilled and treated to prevent the termites from coming through the concrete

around these penetrations, as well as any abutting slabs.

And finally, if the foundation wall was built first and the concrete slab was poured within the walls (known as a floating slab) a more thorough treatment is required. The entire perimeter wall will need to have a barrier established at the base of both the exterior, and interior, sides of the foundation wall.

Unfortunately, establishing the interior barrier can require extensive drilling.

Some companies will drill down through the floor around the entire perimeter of your house, and others will choose to treat by horizontally drilling completely through the block from the outside (if the bottom of your floor is higher than your exterior grade).

This method allows for treatment of the exterior, the hollow block, and interior portion of the wall. Further drilling will be required to treat concrete penetrations and any abutting slabs.

## AVAILABLE TREATMENTS FOR DRYWOOD TERMITES

Active infestations of Drywood termites, which are prevalent in coastal and southern regions of the State, can be eliminated by whole house fumigation, localized spot treatments by liquid injection or using other localized treatments such as the electro-gun, heat or liquid nitrogen and even wood replacement of the infested area.

The success of localized treatments depends on knowing the exact location of the infestation (even hidden ones).

Some liquid termiticides are applied directly to the wood. These products are normally long lasting minerals that are absorbed by the wood. The termites are killed when they ingest the treated lumber.

Consumers need to understand that it is very difficult to get uniform or complete treatment of all wooden elements of a constructed house.

These treatments involve drilling and injecting into galleries and some topical applications to exposed wood surfaces.

Consumers must also realize that it can be very difficult to determine the exact location of every active drywood termite colony within a structure and the possibility exists of multiple points of infestation. Make sure the contract or warranty provides for retreatment of any additional infestations as they are discovered.

For Dampwood termites, which are very limited within the State, the normal method for elimination is to remove and replace the rotted and infested wood.

Tent fumigations cover your entire structure with tarps and introduce a fumigant into the structure. These fumigants penetrate all areas of the structure, the walls and the building lumber itself.

Tent fumigations are considered whole structure treatments – if done properly, drywood termites are eliminated from the entire structure – whether you know their location or not.

However, fumigants leave no residual – swarming drywood termites could land on your structure and begin a new infestation.

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