ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-10-9
PROFESSIONAL SERVICE

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80-10-9-.01 Purpose.

To carry out the intent and purpose of Chapter 28 of Title 2 of Code of Ala. 1975, §§2-28-1 through 2-28-12, to prevent fraudulent practices in entomological work, pathological work, horticultural work and floricultural work, and tree surgery work, and to govern the qualifications and practicing of persons engaged in such work, the following rules and regulations are hereby approved by the State Board of Agriculture and Industries under authority of Code of Ala. 1975, §2-28-3.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-28-3.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.02 Definitions.

For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of Chapter 28 of Title 2 of Code of Ala. 1975 to mean:

(1) **Accessible Area.** An area that a person can physically enter and/or inspect.

(2) **Board.** The State Board of Agriculture and Industries of the State of Alabama.

(3) **Branch Office.** A place of business at an established location other than the main office having equipment and three or more employees directly engaged in structural pest control work from such place of business, which place of business is a subdivision or branch of the main office, point of headquarters or principal operation of the firm.

(4) **Branch Supervisor.** A person who has been certified by the examining board as qualified to supervise the operation of a branch office only, and in no event shall such person be qualified to supervise structural pest control work from a main office.

(5) **Business Location.** Any location in or from which professional work or services are solicited, accepted or conducted.

(6) **Certification Card.** A document issued by the commissioner attesting that all standards have been met in competency in one or more categories of professional work or services as certified by the examining board.

(7) **Certified Operator.** A person who has been certified by the examining board as qualified to supervise the operation of a main office or branch office.

(8) **Chapter.** Chapter 28 of Title 2 of Code of Ala. 1975, §§2-28-1 through 2-28-12.

(9) **Chemical(s).** Pesticide(s), collectively and individually.

(10) **Commissioner.** The Commissioner of the Department of Agriculture and Industries of the State of Alabama.

(11) **Comprehensive Post Construction Soil Treatment.** The treatment of soils and masonry voids at or near ground level establishing a chemical treatment zone to protect a structure from attack from termites consistent with the requirements of Rule 80-10-9-.20.

(12) **Defacing.** The removal of any surface of the structure or structural components to determine a condition that is not visible on the surface to the naked eye. Since the inspector is not the owner of the structure being inspected, no defacing will be done without approval from the property owner or authorized agent.

(13) **Defined Post Construction Soil Treatment.** The treatment of select areas of a structure as directed and permitted by a product's label directions to protect a structure from attack from termites consistent with the requirements of Rule 80-10-9-.20.

(14) **Device.** Any instrument or contrivance (other than a firearm), which is intended for trapping, destroying, repelling, or mitigating any pest, or any other form of plant or animal life (other than man and other than bacteria, viruses, or other microorganisms on or in living man, or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.

(15) **Entomological Work.** Receiving fees for advice or prescriptions for the control or eradication of any insect pest or rodent or for actual spraying, dusting, fumigating or any other methods used for the control or eradication of any insect pest or rodent.

(16) **EPA.** The Environmental Protection Agency of the United States Government.

(17) **Evidence.** The presence and visible signs of wood destroying organisms, dead wood destroying organisms, wood destroying organism parts, grass, termite shelter tubes, termite shelter tube stains or wood destroying organisms damage to the structure(s) inspected.

(18) **Full-Time Resident Employee.** A person who has been certified by the examining board as supervisor, certified operator or branch supervisor in one or more category or categories of professional work or services and who is domiciled at or near the permitted business location from which professional work or services are solicited, accepted, or conducted.

(19) **Hidden Damage.** Damage that cannot be seen without defacing the surface or removing or dismantling any part of the structure to reveal such damage.

(20) **Horticultural and Floricultural Work.** Receiving fees for landscaping and the setting of plants or for the sale of any plants for which the seller contracts to render future services.

(21) **Inaccessible Area.** An area that cannot be reached physically with hands nor seen with the human eye. Examples of inaccessible areas include but are not limited to ceiling joists; studs and other timber between walls; areas behind solid structures such as planter boxes, masonry steps, porches, and chimneys; floors under attached floor coverings; areas behind or beneath stoves, refrigerators, furniture, built-in cabinets, insulation, and raised flooring with sleepers beneath.

(22) **Inspection.** A visual inspection of accessible areas of a structure to determine the presence or absence of an active and/or previous infestation of wood destroying organisms within limitations of generally accepted inspection procedures.

(23) **Label.** The written, printed, or graphic matter on, or attached to the pesticide or device or any of its containers or wrappers.

(24) **Labeling.** All written, printed, or graphic matter accompanying the pesticide or device at any time, or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Agriculture and Interior, the Department of Health, Education and Welfare, state experiment stations, state agriculture colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(25) **Main Office.** The home office, point of headquarters, or principal operation of a firm from which professional work or services are conducted or records are kept.

(26) **Official Alabama Wood Infestation Inspection Report.** An inspection performed under Rule 80-10-9-.18 of this regulation and reported on the Official Alabama Wood Infestation Inspection Report form.

(27) **Pathological Work.** Receiving fees for advice or prescriptions for the control or eradication of any plant disease or for actual spraying or any other methods used for the control or eradication of any plant disease.

(28) **Permittee.** The person issued a permit to engage in professional work or services at a particular business location covered under the provisions of the chapter.

(29) **Person.** Any individual, partnership, corporation, association, organization, or other legal entity.

(30) **Pest.** Any insect, rodent, nematode, fungus, weed, or any form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganisms (except viruses, bacteria, or other microorganisms on or in living man or other living animals).

(31) **Pesticide.**

(a) Any substance or mixture of substances intended for preventing, destroying, repelling, attracting or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life and/or bacteria and viruses, except bacteria or viruses on or in living man or other animals, and

(b) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(32) **Probing.** An inspection technique that involves inserting a probe (knife, awl, ice pick, screwdriver, etc.) into structural components to determine the presence of termite damage or to scrape in narrow crevices to reveal termite shelter tubes. Since the inspector is not the owner of the structure being inspected, no probing is to be done on finished structural material without approval from the property owner or authorized agent.

(33) **Qualified Inspector.** A person who holds certification as a certified operator or branch supervisor or an employee who works under direct supervision of a certified operator or branch supervisor and has training in wood destroying organisms inspection procedures. Being a qualified inspector

does not indicate or include the ability to detect damage beyond what is visible to the human eye.

(34) **Real Estate Transaction Inspection.** An inspection of an existing structure for determining factors relating to wood destroying organisms which is required as a condition of sale, financing or refinancing of property.

(35) **Sounding.** An inspection technique that involves tapping of structural components with a solid instrument such as a hammer, mallet, etc., in an effort to determine whether or not the component is solid and sound. Sounding will not divulge the presence of live wood destroying organisms and cannot determine or locate hidden damage.

(36) **Structural Pest Control Work.** That branch or type of entomological or pest control or eradication work which involves the performance of work or giving advice or prescriptions for compensation for the prevention, control, or eradication of insects, vermin, rodents, other pest animals, fungi, or other wood-destroying organisms in household structures, commercial buildings or other structures by the use of insecticides, rodenticides, repellents, other chemicals, mechanical devices, or structures, or transportation vehicles.

(37) **Structure.** All parts of a building, whether vacant or occupied and public or private, in all stages of construction and adjacent outside areas.

(38) **Supervisor.** A person who has met the competency requirements in one or more categories of professional work or services and is qualified to supervise such work including work which shall involve use of pesticides.

(39) **Suboffice.** A place at an established location other than the main office or branch office having equipment and less than three employees directly engaged in structural pest control work from such location, which location must not be more than 100 road miles from the branch office or main office of the firm. It is not required that any employee of a suboffice be certified by the examining board for the structural pest control work performed from such office.

(40) **Supervision.** The act or process whereby professional work or services, including such work which shall involve use of pesticides, are made by a competent individual acting under the direction and control of a supervisor who is available when needed. The supervisor need not be physically present at the time and place that professional work or services are performed, including such work which shall involve use of pesticides, unless otherwise prescribed by the label or

labeling of the pesticides being used or in other situations as is needed.

(41) **Tree Surgery Work.** Receiving fees for tree surgery which includes cavity filling or repair, bracing, cabling and wound treatment of shrubs and trees, but such work shall not include pruning, feeding, budding or grafting of trees or shrubs nor wounds made and treated during pruning.

(42) **Weed Control Work.** Receiving fees for advice or prescription for the control or eradication of any weed or for actual spraying or other methods used for the control and eradication of any plant which grows where not wanted.

(43) **Visual Inspection.** Applied to an area of the structure that a person can physically see.

(44) **Wood-Destroying Organisms.** Termites, beetles, other insects, or fungi, which may invade, inhabit, devour, or destroy wood or wood products and other cellulose material in, on, under, or in contact with, and around structures.

(45) **Warranty Sales.** Means the sale of renewable or nonrenewable warranty coverage or contracts against structural pests, excluding guarantees associated with the issuance of the Official Alabama Wood Infestation Inspection Report, which are not supported by any treatment or control measures. The reissuance of warranties in the purchasing company's name following the purchase of one company by another is not a warranty sale, nor is the reinstatement of warranties on previously treated structures.

Author: Reginald L. Sorrells, Robert J. Russell
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80-10-9-.03 Persons Required To Secure Permits.

Before any person engages in professional work or services as defined in the chapter or before any person shall solicit such work through advertising or in any other manner, such person shall apply for and obtain an annual permit from the commissioner in accordance with §2-28-4 of the chapter. The permit fees shall be as follows:

(1) Persons who engage in professional work or services other than structural pest control work shall remit to the

Department of Agriculture and Industries a permit fee in the amount of $175.00 for each main office location.

(2) Persons who engage in professional work or services defined as structural pest control work shall remit to the Department of Agriculture and Industries a permit fee in the amount of $175.00 for each main office location, and in addition, a fee of $75.00 for each branch office location, $50.00 for each suboffice location, and $100.00 for each subcategory of structural pest control work to be performed.

(3) All permit fees not paid by November 1 or within 31 days from the date on which the fee is due, a delinquent penalty of $50.00 shall be added to the permit fee due.

Author: Charles H. Barnes, John P. Hagood
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed February 11, 2005; effective March 18, 2005.

80-10-9-.04 Categories, Examinations, And Qualifications.

Before a permit is issued to any person to engage in professional work or services, such person shall pass a written examination prepared by the examining board as created by Code of Ala. 1975, §2-28-2. Categories for examinations and for which permits are to be issued are as follows:

(1) Control of Wood-Destroying Organisms. The phase of Structural Pest Control, which includes persons who apply measures for the purpose of controlling termites, powder post beetles, fungi, and other wood-destroying organisms within, in contact with, under and on structures, including adjacent outside areas, by means other than fumigation.

(2) Industrial, Institutional, and Household Pest Control. The phase of structural pest control, other than control of wood-destroying organisms or fumigation pest control, which includes persons who apply measures for the purpose of controlling pests such as fleas, flies, ticks, ants, roaches, clothes moths, rodents, and other pests within, under, or on structures, including adjacent areas.

(3) Fumigation Pest Control. The phase of structural pest control, which includes persons who apply fumigants to one (1) or more rooms in a structure, or to the entire structure, or enclosed space, at the desired concentration and for the necessary length of time to control rodents and other pests.

(4) Ornamental and Turf Pest Control. This category includes persons who apply measures for the purpose of preventing, controlling, or eradicating pests of ornamental plants, shade trees (which may include nut or fruit trees, if used as ornamental plants or shade trees), and turf.

(5) Landscape Horticultural and Floricultural Work. This category includes persons engaged in landscaping and setting of plants, or for sale of plants for which the seller contracts to render future service. Such work shall be subdivided into the following subcategories as follows:

(a) Landscape Horticulturist. A person who engages in the planning, location and management of landscape plant material including such work which involves a design ability and proficiency suitable to make a graphic presentation with specifications for a landscape planting.

(b) Landscape Planter. A person who engages in the actual setting of landscape plants. Such person shall have adequate knowledge and ability to perform cultural, pruning, and other practices necessary to establish and maintain the landscape planting.

(6) Tree Surgery. This category includes persons engaged in cavity filling, or repairing, bracing, cabling, and wound treatments of shrubs and trees. This category includes persons having the knowledge and ability of tree surgery work which includes cavity filling or repairing, bracing, cabling and wound treatment of shrubs and trees.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.

80-10-9-.05 Certification For Structural Pest Control.

Applicants for certification as certified operator or branch supervisor for professional work or services defined as structural pest control work must have a knowledge of the practical and scientific facts underlying the practice of structural pest control and the necessary knowledge and ability to recognize and control those hazardous conditions, which may affect human life and health. Applicants for certification as certified operator or branch supervisor for structural pest control shall be duly permitted to take the examinations for the various subcategories of structural pest control and shall submit to the commissioner evidence of qualifications, which shall include as minimum qualifications one (1) or more years of working experience as an

employee or owner-operator in the field of structural pest control for which certification is applied for; or a college degree, which includes instructions in entomology satisfactorily completed; or one (1) or more years training or equivalent training in structural pest control work under educational institutional supervision may be substituted for actual working experience with each year of such training being substituted for one (1) year of actual working experience.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.06 Certification For Ornamental And Turf Pest Control.

Applicants for certification as supervisor for professional work or services pertaining to ornamental and turf pest control, landscape horticultural and floricultural work and tree surgery shall submit a written statement outlining their training and experience in professional work or services for which examination is requested.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.07 Submission Of Applications For Examination.

Application for examination shall be submitted on a regular form furnished by the commissioner at least thirty (30) days prior to examination date. Applicant for examination shall be notified at least one week prior to date of the examination as to whether or not applicant's application for examination has been accepted. Examinations will be held on the third Tuesday in March, June, September and December. In the event any of these days fall on a legal holiday, the examination will be given the following day. Special examinations will be given when deemed advisable by the commissioner.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.08 Examination Fees.

The required examination fee of seventy-five dollars ($75.00) per examination shall be paid at the time the examination is given. If applicant fails the examination, the applicant may take the examination again at the next scheduled examination upon the payment of an additional fee of seventy-five dollars ($75.00) per examination.
Author: Reginald L. Sorrells, John P. Hagood
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.
Amended: Filed August 16, 2004; effective September 20, 2004.

80-10-9-.09 Issuance Of Certification Card.

When applicant for certification has been examined by the examining board and has met all levels of competency in the type of professional work or services for which he desires to be certified and has complied with all requirements and provisions of the chapter and regulations promulgated thereunder, the commissioner shall issue a certification card identifying the person as supervisor, certified operator, or branch supervisor in the appropriate category of professional work or services for which the person has been examined.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.10 Supervision Of Offices.

(1) Every person who engages in professional work or services, other than structural pest control work, shall conduct such work from an established place of business which shall be referred to as a main office. This person shall be certified by the examining board as supervisor and such person shall be responsible for supervision of the professional work or service conducted, or this person shall have another individual who is a full-time resident employee of such person who has been certified as a supervisor and such individual shall be responsible for supervision of the professional work or service of the permittee. Where a person has more than one separate place of business, each such separate place of business shall be under the supervision of an individual

certified as supervisor. No person who has been certified by the examining board as a supervisor shall be assigned or designated as supervisor of the activities of more than one place of business.

(2) Persons who engage in professional work or services defined as structural pest control work shall conduct such work from an established business location which shall be referred to as a main office. This person shall be certified by the examining board as being qualified as a certified operator and such person shall be responsible for the supervision of structural pest control work conducted or this person shall have another individual who is a full-time resident employee of such person who has been certified as a certified operator and such individual shall be in charge of and responsible for such person's structural pest control work. Where a person has more than one separate place of business and such place or places of business is a branch office, each separate place of business shall be under the supervision of an individual who has been certified by the examining board as certified operator or branch supervisor. No person having a permit as required by the chapter who has been certified by the examining board as certified operator or branch supervisor shall be assigned or designated to supervise the activities of more than one main office or more than one branch office of the permittee.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.11 Compliance With Chapter 25 Of Title 2, Code Of Ala. 1975.

No permit will be issued to a person to practice the professional work or services of landscape horticultural and floricultural work, as defined in Rule 80-10-9-.04(5)(b) of these rules, unless the provisions of Chapter 25 of Title 2 of Code of Ala. 1975 have been complied with relative to nursery dealer certificate and plants being moved and sold under proper certificate tags issued by the commissioner.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.12 Determination Of Responsibility And Residence.

(1) The permittee shall designate a supervisor, certified operator, or branch supervisor who shall be responsible for each

main office, branch office, and suboffice. In order to provide adequate supervision of professional work or services performed, the permittee shall be responsible for the actions of the supervisor, certified operator and branch supervisor and such person's compliance with the chapter and regulations promulgated thereunder. The supervisor, certified operator, or branch supervisor shall be in charge of and actually participate in the operation of the office.

(2) If the residence of the supervisor, certified operator or branch supervisor is not within normal commuting distance of the office of such permittee, the supervisor, certified operator, or branch supervisor shall upon the request of the commissioner submit to the commissioner in writing information to show that he is in fact supervising the professional work or services of permittee.

(3) It shall be the responsibility of permittee to inform the commissioner in writing of any change of location and address or the opening or closing of a main office, branch office, or suboffice or change in supervisor, certified operator, or branch supervisor at any such office within ten (10) days after such change has occurred.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.13 Marking Of Vehicles.

All vehicles and mobile equipment used by persons while soliciting and/or engaging in professional service work covered by Chapter 28, Title 2, Code of Ala. 1975, and these rules shall be marked for easy identification. Printed identification shall include the name of permittee in letters not less than three inches in size on contrasting colored background.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.

80-10-9-.14 Pesticide Use Requirements.

All pesticides used in the performance of professional work or service shall be pesticides that have been registered with the EPA and the Alabama Department of Agriculture and Industries and shall be used in a manner consistent with its label and labeling.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.15 Record-Keeping Requirements.

A permittee who engages in professional work or services shall keep complete and accurate records of all work performed including copies of contracts, if issued. Records shall be maintained for a period of one (1) year, except for pesticide use records, which shall be kept for a period of one (1) year from last date of treatment or one (1) year following its expiration date, or as required by EPA, and shall include the following:

(1) Name and address of property owner, or authorized agent and the name and address of permittee.

(2) Type of professional work or services performed.

(3) Date on which the professional work was performed.

(4) If applicable, pesticide use records as follows:

(a) Name of pesticide used,

(b) Amount of pesticide used, and

(c) Uses to which pesticide was put including:

1. Site on which used,

2. Common name(s) pest(s) being controlled, and

3. Date of pesticide application.

(5) Such records shall be available for examination by the commissioner or his authorized agent during reasonable business hours.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.16 Responsibilities Of Structural Pest Control Permittees For Subterranean Termite Control Work.

Persons holding a permit to engage in Structural Pest Control Work which involves subterranean termite work shall be responsible as follows:

(1) Before any work is begun, the permittee or authorized agent shall be responsible for executing a written contract with the property owner or authorized agent as to the type of work to be performed on structure to be treated. A single contract may cover multiple structures treated.

(2) A duplicate of each contract for subterranean termite work shall be kept in the files of the permittee for a period of one (1) year beyond the expiration date of the contract and made available to the commissioner or authorized agent upon request. By the 10th of each month, the permittee shall complete a report of all subterranean termite work performed during the prior month. Monthly reports shall contain the full names of property owners, complete addresses of structures treated and date of treatment. If no work is performed during any month, a report must be completed indicating that no work was performed. These reports shall be maintained by the permittee in each main or branch office location responsible for the supervision of the work performed. These reports shall be maintained in an accruing/succeeding order by the permittee in a file titled "Termite Reports for the Commissioner" and made available for inspection during normal business hours or furnished to the Commissioner or his authorized agents upon request. Each monthly report shall be maintained by the permittee for a period of three (3) years from the month it was filed.

(3) The executed contract pertaining to said treatment(s) shall be presented and furnished to property owner or authorized agent for acceptance and shall clearly set forth and include the following:

(a) Exact location of structure inspected and to be treated.

(b) Name and address of the property owner or authorized agent if different from (a) above.

(c) Name and address of the permittee.

(d) Signature of the permittee, or authorized agent.

(e) The date the written contract is to be entered into and the period of time covered by the contract. Permittees shall enter into a contract which covers subterranean termite service for at least one (1) year. This requirement shall not preclude the issuance of a renewable contract for periods longer than one (1) year.

(f) For existing structures, the contract shall include a foundation diagram or sketch of the structure(s) inspected and treated. This diagram shall clearly indicate and make full disclosure thereon of any visual evidence of any active or previous infestation of subterranean termites. The evidence of an active or previous infestation of subterranean termites may be synonymous with damage, and such damage and any need of corrective repairs needs to be evaluated by the property owner and/or their qualified building expert to determine the extent of damage and the need for repair.

(g) Time or intervals of reinspection, amount of renewal fee, and the number of years over which renewal fee will remain fixed.

(h) Total price to be charged for treatment service.

(i) Contracts issued for the subterranean termite work as to whether or not contract provides retreatment only and/ or repair of damage should subterranean termites reinfest a structure, shall contain at the top of the front page of the contract one of the following statements, in at least one-eight (1/8) inch bold letters and blocked in with a heavy black line:

1. This contract provides for retreatment of the infested areas of the covered structure(s) but does not provide for the repair of damage caused by subterranean termites; or

2. This contract provides for retreatment of the infested areas of the covered structure(s) and the repair of damage caused by subterranean termites only within the limits stated in this contract.

3. For pesticide products allowing a Defined Post Construction Soil Treatment consistent with individual product registered label directions; the contract shall clearly specify “Defined Post Construction Soil Treatment” within the blocked section following the mandatory statement(s) as set forth in Rule 80-10-9-.16(3)i 1 or 2.

Any deviation of a Defined Post Construction Treatment per product label and this Rule, shall be

considered Comprehensive Post Construction Treatment and shall meet all requirements of this Rule and Rule 80-10-9-.20.

(j) For a person performing subterranean termite work in multiple states and who is certified and permitted to solicit and engage in subterranean termite work in Alabama, similar statements that are required on subterranean termite contracts in other states may be substituted for those set forth in (i)1. and 2. of this rule, upon written approval by the Alabama Department of Agriculture and Industries.

(4) Whenever it is impossible or impractical to treat one or more areas of the structure in accordance with the minimum requirements for the control of subterranean termites as set forth in Rule 80-10-9-.20, the Official State of Alabama Waiver Form shall be used. Notation of any deviation from these requirements for subterranean termite treatment as set forth in Rule 80-10-9-.20, shall be explained in the Waiver Form and must be signed by the owner/agent of the structure(s) to be treated prior to treatment. A signed copy of the Waiver Form shall be given to the owner/agent of the structure and shall become a part of the subterranean termite contract. Any subsequent owner/agent of the structure shall be provided a copy of the said Waiver Form for the transfer of any subterranean termite guarantee or contract. Structures where a baiting system has been applied in lieu of a comprehensive post construction soil treatment will be required to meet minimum requirements for control of subterranean termites as set forth in Rule 80-10-9-.20, except for subparagraphs (6), (7), and (8). Structures where a defined post construction soil treatment has been applied in lieu of a comprehensive post construction soil treatment will be required to meet minimum requirements for control of subterranean termites as set forth in Rule 80-10-9-.20, with exception(s) for subparagraphs (6) and (8).

The Waiver Form shall contain all of the information and shall be equivalent to the format listed as Exhibit "B" at the end of Chapter. A copy of this form is available from the Commissioner of Agriculture and Industries for reproduction.

Note: See Exhibit "B" for Rule 80-10-9-.16 at end of Chapter.

(5) The permittee or authorized agent shall issue to the property owner or authorized agent after each annual inspection of the property or properties under contract a signed report of each inspection showing the conditions of the property with respect to the presence or absence of subterranean termites. If permittee or authorized agent is unable to schedule an annual inspection of the property as required by contract and has made a reasonable effort to

schedule the annual inspection, the requirement of an annual inspection for the current contract period is relieved. Reasonable effort to schedule the annual inspection shall be either a signed letter from the property owner stating the inability to provide access to the property for the current annual inspection or a letter submitted by the permittee or authorized agent to the property owner that the current annual inspection of property is available upon request by scheduled appointment. All subsequent annual inspections required by contract shall be regularly performed by permittee or authorized agent subject to provisions contained herein. A record of such inspections and documentation relating to reasonable efforts to schedule the annual inspections shall be kept on file by the permittee as long as the contract is in force. Such records shall be subject to inspection by the commissioner or authorized agent during reasonable business hours.

(6) Structures where baiting and/or monitoring systems or devices have been installed, shall be issued a contract. This contract must specify the baiting product used and include a foundation diagram or sketch of structure(s), indicating sites of active and previous infestation and placement (location) of baiting systems. Unless specifically indicated otherwise by product label or labeling, all termite baits, baiting systems and/or monitoring systems shall be monitored within a time period not to exceed ninety (90) days from the last monitoring date.

(7) Warranty sales are prohibited unless exempted in writing by the Commissioner. This does not preclude a company from reinstating an expired warranty or contract on a structure that it has previously treated.

Author: Reginald L. Sorrells, John Hagood, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002. **Amended:** Filed June 10, 2004; effective July 15, 2004. **Amended:** Filed August 20, 2007; effective September 24, 2007. **Amended:** Filed February 19, 2009; effective March 26, 2009. **Amended (Rule and New Exhibit B):** Filed August 17, 2009; effective September 21, 2009. **Amended:** Filed May 16, 2012; effective June 20, 2012.

80-10-9-.17 Rules For Structures Already Under Contract.

Structures already under a contract by a permittee for control of a particular type of wood-destroying organism shall not knowingly be placed under another contract by any other permittee for control of the same type of wood-destroying organism without first

obtaining specific written consent in letter form signed by the property owner or his authorized agent.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.

80-10-9-.18 Real Estate Transaction Inspection Report - Official Alabama Wood Infestation Inspection Report.

(1) The official Alabama wood infestation inspection report, which may be required as a condition of sale financing or refinancing of property shall be the written instrument for the purpose of determining the visible presence of an active or previous infestation of wood destroying organisms in an existing structure. The inspection conducted for issuance of this report shall only be performed by a qualified inspector and the report shall only be completed and issued by a person certified and permitted to engage in the category of structural pest control work involving control of wood destroying organisms. The inspection must be conducted so as to ensure examination of visible accessible areas in accordance with accepted procedures. While such an inspection may reveal wood destroying organisms, there are inaccessible areas where concealed infestations and/or damage may not be discovered. Inspection of inaccessible areas is not required. Such instrument shall carry a guarantee that if an infestation of wood destroying organisms from which apparent freedom is certified, is found within ninety (90) days from date of issuance, the infested structure(s) shall be treated by the licensee, free of charge, subject to the following:

(a) Subterranean Termites

1. Structures which show no evidence of a previous treatment or are not known to have been pretreated will receive a full minimum adequate treatment pursuant to Rule 80-10-9-20.

2. Structures which show evidence of previous treatment will be treated in such manner to adequately control the infestation.

(b) Powder post beetles and wood boring beetle-- structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.22.

(c) Wood decaying fungi--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.26.

(d) Dry wood termites--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.27.

(2) A copy of the official Alabama wood infestation inspection report, Part A and Part B, shall be kept in the files of the permittee for a period of one (1) year following inspection of the structure and made available to the commissioner or his authorized agent upon request.

(3) A copy of the official Alabama wood infestation inspection report, Part A and Part B, to include scope and limitations of inspection of said report, is attached to and made a part of this rule as *Exhibit "A." A copy of this report is available from the Commissioner of Agriculture and Industries for reproduction.

(4) The official Alabama wood infestation inspection report is evidence of an active or previous infestation of wood destroying organisms that were visible and accessible to a qualified inspector on the date the inspection was performed. The permittee is responsible for the accuracy of the inspection and the report as to evidence of an active or previous infestation of wood destroying organisms on the date of inspection. *Note: See Exhibit "A" for Rule 80-10-9-.18 at end of Chapter.
Author: Charles H. Barnes, Robert J. Russell, Daniel Autrey
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** Filed May 22, 1991. **Amended (Exhibit A also):** Filed February 11, 2005; effective March 18, 2005. **Amended:** Filed February 19, 2009; effective March 26, 2009. **Amended:** Filed May 16, 2012; effective June 20, 2012.

80-10-9-.19 Approved Pesticides For Use By Permitted Persons - Minimum Requirements.

(1) Pesticides approved for use by persons permitted in accordance with these rules will be those pesticides registered with the United States Environmental Protection Agency and the Alabama Department of Agriculture and Industries and such persons shall use all pesticides in a manner consistent with the pesticide label and labeling and consistent with Alabama Department of Agriculture and Industries rules, notices, and guidelines.

(2) Use of baiting systems for control of subterranean termites shall be in accordance with the label and labeling requirements of the pesticide product used in the baiting systems and consistent with Alabama Department of Agriculture and Industries rules, notices, and guidelines. All such baiting systems and pesticide products must be registered with the United States Environmental Protection Agency and the Alabama Department of Agriculture and Industries.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Repealed and New Rule:** November 27, 2001; effective January 1, 2002.

80-10-9-.20 Termite Treatment Requirements.

Minimum requirements for subterranean termite control or eradication in addition to treatment specifications of label and labeling:

(1) Access Openings. Provide suitable access opening to partially excavated areas and to any other areas requiring inspection or treatment for presence of subterranean termites.

(2) Sanitation. Remove all cellulose-bearing debris such as scrap wood, form boards, wood chips, paper, stumps, etc., from underneath or immediately adjacent to a building which would interfere with effective treatment and inspections. This excludes shavings or other cellulose material too small to be raked with the tines of an ordinary garden rake or other suitable implements; large stumps or roots that are too sound to be removed shall be trenched, drilled or rodded and treated provided they are six (6) inches or more from wood superstructure.

(3) Clearance. Provide by excavation, sufficient space for application of proper control measures and inspection by a person to all crawl space areas of a building. In any case, minimum clearance between soil and bottom of floor joists shall be twelve (12) inches, such clearance for subsills or supporting girders shall be eight (8) inches. If foundation footings are less than twelve (12) inches below edges of joists, subsills, or supporting girders, a sufficient bank of soil shall be left adjacent to footings for support purposes.

(4) Wood-to-Ground Contacts. Break all wood-to-ground contacts underneath and outside of structure. Wooden steps, support piers, trellises, lattice work and other such wooden parts of building shall be set on a concrete base or other base which is impervious to termites or shall be altered so that they are not in direct ground contact. The top of concrete base or other base shall be not less than four (4) inches above the ground. If because of financial or other consideration, the property owner does not give written consent to the removal of wood-to-ground contacts, wood treatment and soil treatment at the point of contact shall be used. Pressure-treated piling foundations are excepted from this requirement.

(5) Termite Tunnels. Scrape all subterranean termite tunnels from foundation walls, pillars, pilasters, piers, chimney, and step buttresses, and any pipes and other structures below the sill line.

(6) Treatment of Voids. Approved chemical(s) shall be applied to cracks and voids in foundation walls, piers, pillars, chimneys, pilasters, and step buttresses, and any void created by their placement, and other structure(s) or area(s) likely to be penetrated by subterranean termites. Chemical(s) shall be applied under sufficient pressure to treat all cracks and voids therein below level of application. It shall be the responsibility of the permittee to adequately treat these areas. In concrete block construction, drilling will not be required where accessibility to voids is already available through construction.

(7) Treatment of Dirt-filled Area. Treat soil under dirt-filled structures such as porches, carports, driveways, terraces, or other similar structures attached to the building by voiding, rodding, and/or drilling. It shall be the responsibility of the permittee to adequately treat these areas.

(8) Spot Treatment. (when used in reference to subterranean termite treatment, or control work) Spot treatment(s) shall not be used in lieu of Comprehensive or Defined Post Construction Soil Treatment unless structure is currently under contract by permittee performing treatment(s). Spot treatment(s) are intended to protect a specific location, or spot of the structure and is not intended for the purpose of complete structural protection. In the event of less than complete treatments (spot treatments), the contract shall specify spot treatment and shall clearly identify the areas treated.

Author: Charles H. Barnes, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** Filed February 19, 2009; effective March 26, 2009.

80-10-9-.21 Annual Retreatment For Termite Control.

The annual retreatment of a structure under contract for subterranean termite control, after an initial treatment of a structure, is prohibited except under the following conditions:

(a) Visible evidence of a reinfestation of subterranean termites; or

(b) Soil types or conditions permitting percolation of the pesticide(s) out of the treated area; or

(c) Altered conditions, including but not limited to construction and excavation, that would disrupt the soil barrier in the treated area; or

(d) The structure is not currently under contract for subterranean termite service; or

(e) Evidence of the breakdown of the pesticide barrier in the soil.

Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.

80-10-9-.22 Requirements For Treatment Of Wood Destroying Beetles.

(1) The permittee, certified operator, branch supervisor or their authorized representative making the inspection shall be responsible for determining the presence or absence of an active infestation of wood-destroying beetles before recommending a treatment or selling a service to control the infestation. Treatment in the absence of an infestation is not recommended.

(2) Minimum adequate treatment for control or prevention of wood destroying beetles, including but not limited to powder post beetles, wood borers, and old house borers, shall include the application of a pesticide registered by the Environmental Protection Agency and/or the Alabama Department of Agriculture and Industries, in strict accordance with the product's registered directions for use.

(3) When wood-destroying beetles are present at or below the subfloor level, control measures should be applied from beneath using a registered pesticide. If there is evidence to indicate or reasonable cause to suspect an active infestation of wood-destroying beetles existing above subfloor level, fumigation with a registered pesticide is recommended, provided the property owner or his authorized agent has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of substructure only if it is actively infested.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** Filed May 22, 1991.

80-10-9-.23 Causes For Revocation Or Refusal To Issue Permit Or Certification Card.

Acts in violation of the chapter and rules and regulations thereunder which are grounds for revocation or denial of a permit or certification card shall include, but not be limited to, the following:

(1) Misrepresentations for the purpose of defrauding, deceiving or the making of a false or fraudulent statement for the purpose of inducing others to act thereon.

(2) The use of methods or materials which are not reasonably suitable for the purpose intended.

(3) Failure of the permittee, certified operator, branch supervisor, or supervisor to give the commissioner, or his authorized representative, upon request, complete information regarding methods and materials used or work performed.

(4) To violate any of the provisions of the chapter or rules adopted thereunder.

(5) Performing or supervising work in a category for which the permittee or certified operator, branch supervisor, or supervisor does not hold a permit or certification.

(6) Failure to perform a contract or work in accordance with requirements of the chapter and rules adopted thereunder.

(7) Failing or refusing to keep and maintain records or to make reports as required hereunder or making false or fraudulent records or reports.

(8) A conviction in any of the courts of the state of a violation of the chapter or rules adopted thereunder.

(9) The use of a pesticide in a manner inconsistent with its label and labeling.

(10) Failure or refusal to maintain a bond and insurance as required by the chapter.

(11) Failure to have a full-time resident employee certified as certified operator, branch supervisor or supervisor.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.24 Inspection Of Premises By Commissioner.

The commissioner or his authorized agent shall be authorized to examine structures treated by permittee engaged in structural pest control work for the purpose of determining the effectiveness of the treatment performed and if such treatment is ineffective, permittee shall be required to take corrective action upon receipt of written notice from the commissioner or his authorized agent. The permittee shall be required to begin application of remedial treatment or take appropriate action within twenty (20) days following receipt of such written notice. The permittee is required to notify the commissioner or his authorized agent that the structure or structures has (have) been reexamined and retreated, giving the date of such action.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.25 Penalty For Violation Of Rules.

Any person found guilty of violating the provisions of these rules shall be subject to the penalty provisions of Code of Ala. 1975, §2-28-11.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986.

80-10-9-.26 Requirements For Treatment Of Wood Destroying Fungi.

Minimum adequate treatment for control or prevention of wood destroying fungi shall include the following:

(1) Installation of a soil cover such as polyethylene or other water impervious vapor barrier to at least seventy (70) percent and not more than eighty (80) percent of the exposed soil surface in the crawl space.

(2) Provide adequate ventilation by installation of one (1) standard ventilator (8" x 16") for each corner of foundation wall. At least two vents opposite one another are recommended for cross ventilation.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed May 22, 1991.

80-10-9-.27 Requirements For Treatment Of Dry Wood Termite Control.

Minimum adequate treatment for dry wood termites shall include the application of an approved pesticide in strict accordance with the product's registered directions for use or other such methods or techniques which, to the satisfaction of the commissioner or his agents, have been demonstrated to be effective in controlling this pest.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: Filed May 22, 1991.

80-10-9-.28 Financial Responsibility For Insurance Coverage.

(1) Before a permit is issued or reissued to engage in the category of control of Wood-Destroying Organisms, as described by Rule 80-10-9-.04(1); Industrial Institutional and Household Pest Control, as described by Rule 80-10-9-.04(2); and Fumigation Pest Control, as described by Rule 80-10-9-.04(3), each applicant shall be required to secure insurance coverage with an insurance company qualified to do business in Alabama. Proof of insurance must be furnished on a form provided by the Commissioner. The insurance shall insure against liability for damage to persons or property occurring as a result of applicant’s work or service to premises or any other property under applicant’s care, custody, or control. The minimum insurance coverage shall not be less than $150,000.00. In addition, those applicants permitted to engage in Control of Wood-Destroying Organisms shall have insurance to include errors and omissions on the Official Alabama Wood Infestation Inspection Report, as defined by Rule No. 80-10-9-.02(24), and damages caused by wood-destroying organisms. The minimum insurance coverage for errors and omissions shall not be less than $100,000.00.

(2) This rule shall take effect and be in force from and after January 1, 2002, provided, however, that any insurance policy issued before the effective date shall be sufficient for permitting purposes until the expiration or anniversary date for such insurance policy. In no event, however, shall the aforementioned grace period for insufficient insurance coverage exceed twelve (12) months from the effective date.
Author: Reginald L. Sorrells
Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.
History: New Rule: November 27, 2001; effective January 1, 2002.

80-10-9-A **Appendix.**

AGRICULTURE AND INDUSTRIES

EXHIBIT A TO RULE 80-10-9-.18

OFFICIAL ALABAMA WOOD INFESTATION INSPECTION REPORT -- Part A
(Report Consists of Part A and Part B)

Company Name _____ License No. _____

Address _____

Telephone No. _____ Date of Inspection _____ Date of Issuance _____

Seller _____ Purchaser _____ Inspector _____

SCOPE OF INSPECTION

An inspection of the structure(s) listed below was/were performed by a qualified inspector employed by this firm to determine only the visible presence of an active or previous infestation of the listed organisms under findings section of this report and is not intended to be a report of damage. If visible evidence of active or previous infestation of listed organisms is reported, it should be assumed that some degree of damage is present. **This report is issued without expressed or implied warranty or guarantee, except as provided in Rule No. 80-10-9-.18, ALABAMA ADMINISTRATIVE CODE, or subject to any treatment contract specified below.**

This inspection is limited to those parts of the structure that are visible and accessible at the time of the inspection. Examples of inaccessible areas include but are not limited to (1) areas concealed by wall coverings, floor coverings, furniture, equipment and stored articles, siding and (2) any portion of the structure in which inspection would necessitate removing, dismantling or defacing any part of the structure including the surface appearance of any part of the structure. This inspection does not cover any condition or damage which was not visible at the time of the inspection but which may be revealed in the course of repair or replacement work

This inspection does not cover the presence or absence of health related molds or fungi. If you are concerned about indoor air quality related to fungi, mold or any mold-like conditions, you should consider assessment of such concerns by an industrial hygienist and/or certified mold inspector.

Due to the characteristics and behavior of various wood destroying organisms, it may not always be possible to determine the presence of an infestation without defacing or removing parts of the structure being inspected. Previous damage to trim, wall surface, etc. is frequently repaired prior to the inspection with putty, spackling, tape or other decorative devices. Damage that has been concealed or repaired with putty, spackling, tape, etc. may not be visible except by defacing the surface appearance of these areas.

☐ Main Structure Only _____ Other Structures (Specify) _____
Address of Structures(s) _____

☐ It appears that the structure(s) or a portion thereof may have been previously treated. Evidence of previous treatment: _____
_____
This company can give no assurances with regard to work that may have been previously performed by other companies. The company, which treated the property, should be contacted by the Buyer for treatment and contract information.

FINDINGS

Inspection Reveals Visible Evidence of:	Active Infestation		Previous Infestation	
	Yes	No	Yes	No
Subterranean Termites	☐	☐	☐	☐
Powder Post Beetles	☐	☐	☐	☐
Wood Boring Beetles	☐	☐	☐	☐
Dry Wood Termites	☐	☐	☐	☐
Wood Decaying Fungi	☐	☐	☐	☐

Remarks/Additional Findings _____
_____
_____

NOTE: A diagram showing location of any visible evidence of an active or previous infestation is shown on Part B of this report.

TREATMENT

☐ The above-described structure(s) was/were treated by this company as follows:

Organisms	Date of Treatment	Contract Expiration Date
Subterranean Termites	_____	_____
Powder Post Beetles	_____	_____
Wood Boring Beetles	_____	_____
Dry Wood Termites	_____	_____
Wood Decaying Fungi	_____	_____

The present treatment contract(s) is/are:

___ Transferable to any subsequent property owner on or before the expiration date above. Company must be contacted to transfer contract.
___ Not transferable to any subsequent owner of property.

☐ The above structure(s) is/are not covered under a treatment contract by this company.

The undersigned buyer hereby acknowledges receipt of a copy of this report, Part A and B, and has read and understands any recommendations and the important **CONSUMER INFORMATION SECTION** regarding the scope and limitations of this inspection as shown on Part B of this report.

Buyers Signature _____ Date _____

Copies To: _____ Buyer _____ Mortgagee _____ Real Estate Agent _____ Seller _____ Pest Control Company

THIS REPORT, PART A, MUST BE SIGNED BY THE BUYER. A LEGIBLE COPY OF THIS SIGNATURE PAGE MUST BE RETURNED TO THE INSPECTING COMPANY BY THE PERSON ORDERING THIS INSPECTION

OFFICIAL ALABAMA WOOD INFESTATION INSPECTION REPORT -- Part B
(Report Consists of Part A and Part B)

Address_____ Date_____

IMPORTANT CONSUMER INFORMATION REGARDING THE SCOPE AND LIMITATIONS OF THIS REPORT
(Read this entire page, as it is a part of the report)

ATTENTION HOME BUYER:

1. This report is limited to the five (5) organisms listed under the Findings Section on the front of this report.
2. This report covers only those structures listed on the front of this report under Scope of Inspection.
3. The inspection covered the accessible areas of the structure that permitted entry during inspection. This inspection did not include any areas that were obstructed or inaccessible at the time of inspection. No inspection was made in areas which required the dismantling and/or removal of any structural component or object including, but not limited to: moldings, floor coverings, wall coverings, siding, fixed ceilings, insulation, E.I.F.S. (Exterior Insulation Finishing Systems), R.B.I. (Rigid Board Insulation) or other similar materials (collectively referred to as stucco) at ground level of foundation and exterior of building, furniture, appliances, and/or personal possessions, nor where areas inspected which were obstructed and/or inaccessible for physical access. If there were inaccessible areas that have been made accessible, then the inspection company may be contacted for additional inspections. An additional fee may apply.
4. The inspection for fungi, commonly referred to as wood rot or wood decay, is limited to infestations that occur below the first-floor level. It is not intended to cover damage to structure from excessive moisture conditions resulting from roof or plumbing leaks, improper structural design, or improper surface water drainage, or moisture conditions related to foundation insulation or E.I.F.S. construction. Wood decay fungi conditions of foundation pilings is not included in this report. It should be assumed that some degree of wood rot related damage would be present to pilings beneath the soil line proportionally to the age of the structure.
5. The term wood-boring beetles means only those beetles that are known to establish and maintain a continuing infestation in structures such as, but not limited to, the old house borer.
6. THIS IS NOT A STRUCTURAL DAMAGE REPORT. The inspecting firm is not responsible to repair any damage disclosed by this inspection, including but not limited to any wood-destroying organism infestation and/or damage which exists in areas or in wood which were not accessible for inspection as of the date of the inspection. Also, be informed that wood-destroying organism infestation and/or damage may exist in concealed or inaccessible areas. The evidence of an active or previous infestation may be synonymous with damage and such damage and any corrective repairs should be evaluated by the Buyer and/or their qualified building expert to determine the extent of damage and the need for repair. This report is not a guaranty or warranty as to the absence of wood-destroying organism nor is it a report as to the structural integrity of the building.
7. This inspection was not performed to determine the presence or absence of health related molds or fungi. Therefore, no testing, monitoring or sampling was performed for health related molds or fungi. If you are concerned about indoor air quality related to fungi, mold or any mold-like conditions, you should consider assessment of such concerns by an industrial hygienist and/or certified mold inspector.

Inspection of accessible areas of this property indicates visible evidence of active or previous infestation as follows:

_____ A. Evidence of wood destroying organisms was observed. No control measures were performed.
_____ B. Evidence of wood destroying organisms was observed. Proper control measures were performed.
_____ C. Evidence of active or previous infestation exists as checked below: (**NOTE**: A written description of the location of the infestation such as floor joist, sill, siding, etc. must be given.)

ACTIVE	PREVIOUS	
☐	☐	SUBTERRANEAN TERMITES _____
	☐	POWDER POST BEETLES _____
	☐	WOOD BORING BEETLE _____
☐	☐	DRY WOOD TERMITES _____
☐	☐	WOOD DECAYING FUNGI _____

DIAGRAM

THIS DIAGRAM MUST SHOW THE LOCATION OF INFESTATION AS NOTED ABOVE. IN ADDITION, ANY HISTORY OF PRIOR INFESTATIONS, RETREATMENTS, AND REPAIRS MADE KNOWN TO THE COMPANY THROUGH ITS OBLIGATION UNDER ANY CONTRACTS ON THE PROPERTY WILL BE SHOWN.

KEYS

ST	- Subterranean Termites	DT	- Dry Wood Termites
PPB	- Powder Post Beetles	F	- Wood Decaying Fungi
WB	- Wood Boring Beetles	P	- Previous
A	- Active		

CONSTRUCTION TYPE:
(CHECK ALL THAT APPLY)
BASEMENT _____ SLAB __ CRAWL

Buyer's Signature:_____ Date:_____

Neither I nor the company for which I am acting have had, presently have, or contemplate having any interest in the property.

Authorized Agent signature: _____ Date of Inspection:_____

COPIES TO: _____ BUYER _____ MORTGAGEE _____ REAL ESTATE AGENT _____SELLER _____ PEST CONTROL COMPANY

THIS REPORT, PART B, MUST BE SIGNED BY THE BUYER. A LEGIBLE COPY OF THIS SIGNATURE PAGE MUST BE RETURNED TO THE INSPECTING COMPANY BY THE PERSON ORDERING THIS INSPECTION.

AGRICULTURE AND INDUSTRIES

EXHIBIT B TO RULE 80-10-9-.16

OFFICIAL STATE OF ALABAMA

WAIVER FORM

FOR WAIVER OF MINIMUM REQUIREMENTS FOR SUBTERRANEAN TERMITE CONTROL (Part "A")

(Note: Form Consists of Part "A" and Part "B" both pages must be completed)

Rule 80 – 10 – 9 – .16, Subparagraph (4)
Whenever it is impossible or impractical to treat one or more areas of the structure in accordance with the minimum requirements for the control of subterranean termites as set forth in Rule 80 - 10 - 9 - .20, the Official State of Alabama Waiver Form shall be used. Notation of any deviation from these requirements for subterranean termite treatment as set forth in Rule 80 - 10 - 9 .20, shall be explained in the Waiver Form and must be signed by the owner/agent of the structure(s) to be treated prior to treatment. A signed copy of the Waiver Form shall be given to the owner/agent of the structure and shall become a part of the subterranean termite contract. Any subsequent owner/agent of the structure shall be provided a copy of the said Waiver Form for the transfer of any subterranean termite guarantee or contract. Structures where a baiting system has been applied in lieu of a comprehensive post construction soil treatment will be required to meet minimum requirements for control of subterranean termites as set forth in Rule 80-10-9-.20, except for subparagraphs (6), (7), and (8). Structures where a defined post construction soil treatment has been applied in lieu of a comprehensive post construction soil treatment will be required to meet minimum requirements for control of subterranean termites as set forth in Rule 80-10-9-.20, with exception(s) for subparagraphs (6) and (8).

NOTICE TO PROPERTY OWNERS: DO NOT SIGN THIS DOCUMENT UNTIL YOU HAVE READ AND SIGNED "CONDITIONS GOVERNING THE USE OF THE WAIVER FORM" ON PART "B" OF THIS DOCUMENT. THESE "CONDITIONS" MUST BE CONSIDERED PART OF THIS DOCUMENT. YOU MUST RECEIVE A COPY OF THIS REPORT AND SUPPORTING GRAPH. *PLEASE ONLY PLACE YOUR INITIALS NEXT TO THE TREATMENT REQUIREMENTS THAT ARE CHECKED *"NO".*

PERMITTEE TREATING PROPERTY: _____ PERMIT #_____

PERMITTEE'S ADDRESS: _____ ( ) _____
(Street) (City) (zip) (Phone)

PROPERTY OWNER: _____

PROPERTY ADDRESS: _____ ( ) _____
(Street) (City) (zip) (Phone)

Requirements for Soil Barrier termite treatments in addition to treatment specifications of label and labeling. NOTE: TREATMENT MUST BE CONSISTENT WITH PRODUCT LABEL AND LABELING.
(Check One) COMPREHENSIVE POST CONSTRUCTION: ☐ DEFINED POST CONSTRUCTION: ☐

Date Job Completed:_____

	Yes	No	N/A	*Property Owner Initials
(1) Access Openings. Suitable access provided and/or available to all areas requiring inspection and treatment	☐	☐	☐	_____
(2) Sanitation. All cellulose debris removed from crawl space and next to the structure(s)	☐	☐	☐	_____
(3) Clearance. Minimum clearance between wood & soil in crawl space will be 8" for girders & 12" for joists..	☐	☐	☐	_____
(4) Wood-to-Ground Contacts. All wood-to-ground contacts underneath and outside of structure broken and wood insulated from soil with at least (4) inches of concrete or other material impervious to termites	☐	☐	☐	_____
(5) Termite Tunnels. All termite tunnels scraped from all structural elements below sill line	☐	☐	☐	_____
(6) Treatment of Voids. All cracks and voids adequately drilled and treated	☐	☐	☐	_____
(7) Treatment of Dirt-filled Areas. All dirt-filled structures such as porches, carports, driveways, terraces and other similar structures attached to the building were either drilled, rodded, or voided and treated	☐	☐	☐	_____

Requirements for Non Soil Pesticides, Device, Bait or Baiting System – NOTE: TREATMENT MUST BE CONSISTENT WITH PRODUCT LABEL AND LABELING.

Type Treatment Provided:_____

Date Job Completed?_____

	Yes	No	N/A	*Property Owner Initials
(1) Access opening adequate?	☐	☐	☐	_____
(2) All debris removed?	☐	☐	☐	_____
(3) Adequate clearance present or provided?	☐	☐	☐	_____
(4) Wooden contacts removed?	☐	☐	☐	_____
(5) Termite tunnels removed (except at locations where an above ground bait device is installed)?	☐	☐	☐	_____

Explain *in detail* what areas of the structure do not meet treatment standards and why it is not possible to meet these treatment standards. Simple statements such as "Owner did not want work performed" are not considered valid explanations. Also, complete the graph on Part "B" of this form indicating the area(s) that were not treated to minimum standards. Failure to complete Parts "A & B" of this Waiver form and provide a *detailed* written explanation will void this document.

_____

_____

_____

_____

_____

_____

_____

_____
Signature of Property Owner(s) Date

_____
Signature of Permittee or Agent Date

_____
Signature of New Property Owner(s) if issued during a real estate transaction Date

OFFICIAL STATE OF ALABAMA

WAIVER FORM

FOR WAIVER OF MINIMUM REQUIREMENTS FOR SUBTERRANEAN TERMITE CONTROL (Part "B")

(Note: Form Consists of Part "A" and Part "B" both pages must be completed)

CONDITIONS GOVERNING THE USE OF THE WAIVER FORM

1. The Waiver Form, For Waiver of Minimum Requirements for Subterranean Termite Control, is intended to be used ONLY in situations where it is not possible or practical to meet the minimum treatment standards established by the Alabama Department of Agriculture & Industries.

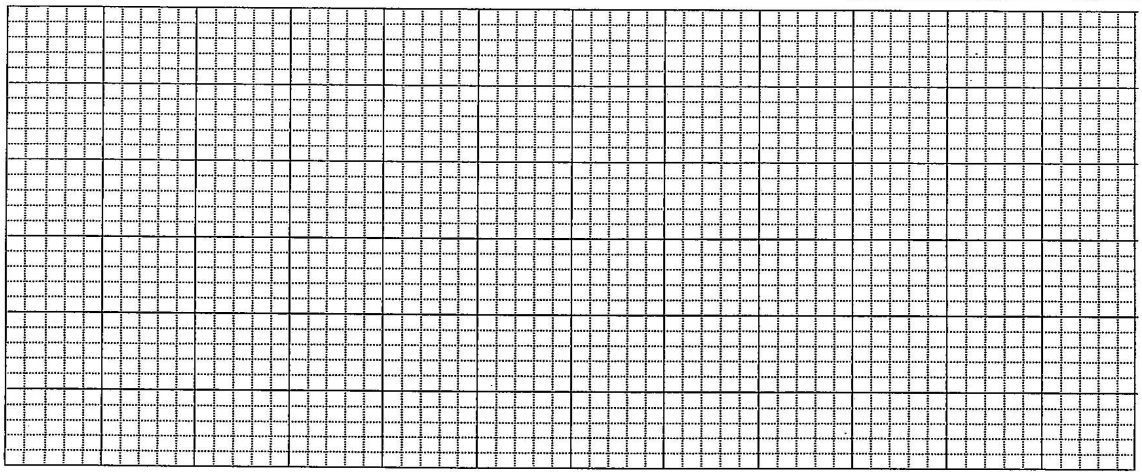
2. The Waiver Form is not to be used to bypass the minimum treatment standards nor is it used to notify any agency of government that subterranean termite work has been completed. The graph on this form shall not be used for the grafting requirements of Rule 80-10-9-.16(3)(f).

3. By signing this document the property owner acknowledges that the property identified will not receive a complete minimum treatment. Signing this document does not affect the terms of any guarantee between the property owner and the pest control company.

4. Each "no" must be initialed by the property owner and explained in detail in the area provided on Part "A" and identified on the Graph on Part "B" of this document as to specifically what areas of the structure do not meet the treatment standards and why it is not possible to meet these treatment standards. Additional space is provided below.

5. All sections of Part "A & B" of this document must be filled out completely. Failure to comply with this requirement or failure to provide the explanation required in "Condition #4" above will constitute a violation involving misuse of this form and may render it void.

Additional Explanations: _____



GRAPH KEYS: Use the numbers and abbreviated Keys in the corresponding areas of the graph where items are being waived.

▪ ACCESS OPENINGS (1)	▪ SANITATION (2)	▪ CLEARANCE (3)	▪ WOOD TO EARTH CONTACT (4)	▪ TERMITE TUNNELS (5)	▪ TREATMENT OF VOIDS (6)
▪ ACCESS OPENINGS (7)					
▪ EIFS (EIFS)	▪ BRICK (BR)	▪ FLOATING SLAB (F-SL)	▪ SUPPORTED SLAB (S-SL)	▪ MONOLITHIC SLAB (MONO)	▪ BASEMENT (BMNT)
▪ OTHER_____	▪ BLOCK (BL)	▪ CRAWL SPACE (CRL)	▪ SUSPENDED SLAB PORCH (SS-P)	▪ FILLED SLAB PORCH (FS-P)	▪ CHIMNEY (CHIM)

_____ Signature of Property Owner Date

_____ Signature of Permittee or Agent Date

_____ Signature of New Property Owner(s) if issued during a real estate transaction Date

Note: This form consists of Part "A" and Part "B" and both parts ("A" & "B") must signed by the Property Owner/Agent and the Permittee/Agent and both parts become part of the contract. If either part ("A" or "B") are missing or are not properly signed it will render the Waiver Form void.

Supp. P. 2

Author:

Statutory Authority:
History: