

Subpart 3-Bureau of Plant Industry

Chapter 11-Regulation of Professional Services

Subchapter 01- Regulations Governing Commercial Insect, Rodent, Plant Disease, and Weed Control Work

Definitions

100 For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of *Miss. Code Ann.* Sections 69-19-1 through 69-19-11.

1. "Act" shall mean *Miss. Code Ann.* Sections 69-19-1 through 69-19-11.
2. "Advisory Board" shall mean the board established under the provisions of *Miss. Code Ann.* Section 69-25-3.
3. "Bona fide Employee" shall be a person who receives all or part of his salary, pay or commission from a licensee or the company employing a licensee and whose salary, pay or commission is regularly reported by the licensee or the company employing a licensee under the Federal Social Security and/or income tax laws. A bona fide employee must be under the direct supervision of a licensee or a permit holder.
4. "Branch Office" shall mean any place of business other than the office, as defined in these regulations, that has at least one employee capable of answering questions and from which a pest control firm carries out its pest control activities. The maintenance of personnel, pesticides and equipment at these locations, where pest control activities are carried out, constitutes a branch office under this chapter. The branch office must be managed by a license holder or permit holder in which any type of pest control services are offered. A home office may be a branch office. A telephone answering service is not a branch office.
5. "Bureau" shall mean the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce created under the provision of *Miss. Code Ann.* Section 69-25-3.
6. "Certification" shall mean the recognition by the Bureau that a person is competent and thus authorized to use or supervise the use of restricted use pesticides in the category or categories listed on said certificate.
7. "Certified Applicator" shall mean a licensee or his employee who has met the requirements for certification.
8. "Commissioner" shall mean the commissioner of the Mississippi Department of Agriculture and Commerce.
9. "Competent" shall mean a person who is capable of performing the various functions associated with pesticide application and pest control; the degree of capability required being directly related to the nature of the activity and the associated responsibility.
10. "Direct Supervision" shall mean daily or routine contact by a licensee or permit holder with all employees registered under his supervision. Supervision includes activities such as giving routine or special instructions, prescribing

- pesticides, calculating volume of pesticides to be applied, calibrating equipment and being physically available, whenever and wherever needed.
11. "Entomologist" shall mean a person skilled in the biology of, and remedial measures employed for the control of and eradication of insect pests or rodents.
 12. "Fumigation" shall mean the use of a substance or mixture of substances which exist in the gaseous state or from which a gas or gases are liberated or emitted, for the purpose of destroying pests. Aerosols are excluded from this definition.
 13. "Insect Pest" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example: spiders, mites, ticks, centipedes and millipedes.
 14. "License" shall mean a document issued by the Bureau which indicates that a person has met the requirements set forth in the Act and these rules and regulations to receive fees for services in the categories indicated on said document.
 15. "Mississippi Official Wood Destroying Insect Report" shall mean an inspection performed under subsection 117.01 and reported on the Mississippi Official Wood Destroying Insect Report form.
 16. "Office" shall mean the primary place of business managed by a license holder where any types of pest control services are performed.
 17. "Pathologist" shall mean a person knowledgeable in the biology of and skilled in the necessary remedial measures to apply for the control and eradication of plant diseases.
 18. "Permit" shall mean a document issued by the Bureau indicating that a person has thorough understanding of the pest or pests that a licensee is licensed to control and is competent to use or supervise the use of a restricted use pesticide under the categories listed on said document at any branch office. A permit is not a license.
 19. "Permit Holder" shall mean a bona fide employee of a license holder who has passed a permit examination for each category in which work is performed and is responsible for supervising the activities indicated on said permit at a branch office.
 20. "Person" shall mean any individual, partnership, corporation, association, company or organized group of persons whether incorporated or not.
 21. "Pest" shall mean any insect, rodent, nematode, fungus, weed, bacteria, virus, mycoplasma, viroid (except viruses, bacteria, or other microorganisms on or in living man or other living animals) that either compete with humans for natural resources or transmit disease to humans.
 22. "Plant Disease" shall mean the pathological condition in or on plants and plant products caused by fungi, bacteria, nematodes, viruses, mycoplasma and viroids.

23. "Professional Services" shall mean any of the professional services performed as designated by the various categories listed under subsection 104.04.
24. "Real Estate Transaction Inspection" shall mean the inspection of an existing structure for determining factors relating to termites and other wood destroying insects which is required as a condition of sale, financing or refinancing of property.
25. "Registered Technician" shall mean a bona fide employee of a license holder who has completed the verifiable training as described in subsection 114.02 of this chapter and who has obtained a registered technician identification card from the Bureau.
26. "Restricted Use Pesticides" shall mean a pesticide that is classified for restricted use by the Environmental Protection Agency or the Bureau.
27. "Status" shall mean death, retirement, prolonged illness, merger of companies, sale, change of ownership, etc. of a licensee or permit holder.
28. "Trainer" shall mean a licensed person or a registered technician who has been registered for at least the twelve previous months or a knowledgeable person approved by the Bureau.
29. "Weed" shall mean any plant which grows where it is not wanted.
30. "Weed Control Work" shall mean receiving fees for the actual spraying or other pesticide application methods used for the control or eradication of any weed.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

License Application; Qualifications

- 103 Application for a license shall be submitted on a regular form furnished by the Bureau, in time to be approved ten (10) days prior to regular scheduled examinations. No application for a license shall be accepted unless the applicant shall furnish written proof that he meets one of the following requirements:
1. Must be graduated from a recognized college or university with at least 15 semester hours or the equivalent in the category for which applicant is requesting a license.
 2. Must have no less than two years college or university training with special training in the category for which applicant is requesting a license.
 3. Must be at least a high school graduate or equivalent and have had, in addition, at least four years experience with a licensed operator within the past six years, if qualifying for categories "Wood destroying insect control" or "General pest and rodent control" or "Fumigation pest control" as covered by subsection 104.04(1, 3, 7) of this chapter.
 4. Must be at least a high school graduate or equivalent, and having had, in addition, at least one years experience with a licensed operator within the past two years, if qualifying for categories "Utility pole pest control" or "Orchard pest control" or "Mosquito and biting fly control" or

“Horticultural pest control” or “Domestic animal pest control” or “Agricultural pest control” or “Agricultural weed control” or “Aquatic weed control” or “Right-of-way weed control” or Horticultural weed control” as covered by subsection 104.04(1, 2, 4, 5, 6, 8, 9,10,11,12) of this chapter.

5. If applicant is not a high school graduate or equivalent, proof of at least two years experience working with a licensed operator within the past three years is required if qualifying for categories “Agricultural weed control” or “Aquatic weed control” or “Right-of-way weed control” or “Horticultural weed control” as covered by subsection 104.04(9,10,11,12) of this chapter.
6. In special cases where an applicant can submit proof of education, relevant experience and training equal to or exceeding the requirements, as covered by this section, he shall be allowed to take the required examinations.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

License ; Examination; Categories

104.01 Each person required to secure a license in accordance with the Act shall be examined as follows: When the firm is under the control of one person who is solely responsible for the work, this person alone shall be required to pass the examination. When more than one person is responsible, then each shall be required to pass the examination. A person may designate an employee who is regularly and actively in charge to take the examination and the license will be issued naming the employee as supervisor. Both the employee and the person to whom the license is issued will be held responsible for the professional services rendered.

104.02 The license applicant shall take and pass a written examination. This examination will cover the professional services designated in the application and include the general standards for certification of commercial applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4.

104.03 Examination dates. Examinations shall be given at least once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. If the applicant fails the examination twice in consecutive attempts, the applicant shall wait a full year before taking the examination again. Applicants who have failed any licensing exam twice in consecutive attempts must submit a new application and meet the requirements of subsection 103 of this chapter.

(Amended June 27, 2008)

104.04 Categories in which examinations are to be given and for which licenses will be issued:

1. Wood destroying insect control (WDIL) - This category includes persons engaged in control of termites, beetles, or other wood destroying insects in buildings and other structures, including homes, warehouses, stores, docks and/or other structures. Control of Formosan termites attacking trees is included in this category. An examination may be given and a license issued to include only control of insect pests of utility poles (UPL).
2. Orchard pest control (ORPL) - This category includes persons engaged in the control of insect pests, plant diseases or pest animals of various fruit and nut trees, brambles, vineyards and all plants normally classed as nut trees or fruit orchards
3. General pest and rodent control (GRCL) - This category includes persons engaged in control of insect pests or pest animals which may invade homes, restaurants, stores and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself, as for example: roaches, silverfish, ants, flies, mosquitoes, carpet beetles, clothes moths, fleas, stored food insects, rats, mice, centipedes, etc. It includes services in the mosquito and biting fly category as set forth in subsection 104.04(4) of this chapter. Individuals issued the general pest and rodent control license may request MBFL as a separate license without taking the exam, PROVIDED, that the licensee submits an application that the license is needed to operate a company solely for performing mosquito and biting fly control services.
4. Mosquito and biting fly control (MBFL) – This category includes persons engaged solely in control of mosquitoes and biting flies including mosquito misting systems and back pack applications.
5. Horticultural pest control (HCPL) - This category includes persons engaged in control of insect pests, plant diseases, or pest animals of ornamental plants, shade trees (which may include nut or fruit trees if used as ornamental plants or shade trees) and lawns in residential, commercial, public, industrial and manufacturing areas.
6. Domestic animal pest control (DAPL) - This category includes persons engaged in control of insect pests of domestic animals.
7. Fumigation pest control (FUMPL) - This category includes persons engaged in control of pests by fumigation. A person holding a license or permit shall be present at the time fumigant is released.
8. Agricultural pest control (AGPL) - This category includes persons engaged in control of insect pests, plant diseases, or animal pests of agricultural crops during production. This category includes anyone soliciting and/or receiving a fee for these services who utilize ground application equipment.
9. Agricultural weed control (AGWL) - This category includes control of weeds in field crops, vegetable crops, pastures and rangeland. This category includes anyone soliciting and/or receiving a fee for these services who utilize ground application equipment.

10. Aquatic weed control (AQWL) - This category includes control of weeds in and around edges of lakes, ponds and streams.
11. Right-of-way weed control (ROWL) - This category includes control of weeds of rights-of-way, forest lands and drainage ditches.
12. Horticultural weed control (HCWL) - This category includes control of weeds in ornamental plants and turf in residential, commercial, public, industrial and manufacturing areas.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Issuance of a License

105.01 If the qualifications and other requirements of the license applicant are satisfactory, the Bureau shall then require that said applicant submit a detailed statement of the methods he will employ. He must submit in writing his proposed company name for approval. No license shall be issued for two companies with the same or similar names. If these are approved, said applicant shall then furnish a bond in the proper amount as set forth in subsection 112.01 of this chapter in conformity to *Miss. Code Ann.* Section 69-19-9. After all requirements have been met by the applicant for licensing, the Bureau shall then issue said applicant a license, PROVIDED, that no license shall be issued any person who fails to disclose to the Bureau the ingredients used in his practice, or who uses any material or method which has not been approved by the Bureau. A license is not transferable. When there is a change in a licensee's status, ninety (90) days shall be allowed for a qualified person to meet the requirements of section 102 of this chapter. When the death or disability of a licensee occurs, the Bureau may extend the period for qualifying a new licensee an additional 90 days before revoking or canceling the work of the operation.

(Amended June 27, 2008)

105.02 Persons requesting a license must have passed the required examination within the past year or have been actively engaged in related work with no regulatory violations since passing the examination, or be reexamined before the license can be issued or reissued.

105.03 An individual shall not have more than one (1) license to perform the same service at any given time.

105.04 When a license holder changes his mailing address or physical location, the Bureau must be notified in writing within ten (10) working days and required documents for reissuance of license must be submitted.

105.05 When the status of a license holder changes, the license shall be returned to the Bureau within ten (10) working days.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Expiration of a License or a Permit and Conditions for Renewal

110.01 All licenses and permits shall expire thirty-six months from the date of issuance. To renew said license or permit, the holder of same shall submit a request for renewal on a form prescribed by the Bureau and show that he is knowledgeable of current control recommendations, techniques and abreast of changing technology and pesticide usage. To meet these requirements, the licensee or permit holder shall have attended a training course approved by the Bureau within the past twelve (12) months or successfully complete an examination administered by the Bureau. It is the responsibility of the licensee or permit holder to know when his/her license or permit expires and to get the license or permit renewed prior to the expiration date.

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Denial, Suspension or Cancellation of a License, a Permit or an Identification Card;
Refusal to Issue or Renew Same

111.01 Where the holder of a license, permit or identification card commits any of the following acts or omissions, it shall be grounds to suspend, modify, deny, cancel or revoke such license, permit or identification card, in addition to those grounds set forth in *Miss. Code Ann.* §69-19-9, §69-25-51, to-wit:

1. Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be used;
2. Operated in a faulty, careless or negligent manner or knowingly operated faulty or unsafe equipment in a manner as to cause damage to property or person;
3. Refused, or after notice neglected to comply with the provisions of the Act, the regulations adopted hereunder or any lawful order of the commissioner;
4. Refused, or neglected to keep and maintain, or failed to make available to the Bureau, records required by the Act or to make reports when required;
5. Made false or fraudulent records, invoices or reports;
6. Used fraud or misrepresentation in making application for a license or permit;
7. Aided or abetted any person in evading the provisions of the Act, allowed one's license to be used by an unlicensed person;
8. Impersonated any state or federal official;
9. Convicted in a court of law of a violation under the Federal Insecticide, Fungicide and Rodenticide Act;
10. Convicted in a court of law for using any pesticide in a manner which is determined to be inconsistent with its labeling;
11. Misrepresented for the purpose of deceiving or defrauding;
12. Made a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their detriment;

13. Performed work in a category for which the licensee does not hold a license;
14. If repeated inspections by inspectors of the Bureau reveal that the licensee is not performing services in a manner consistent with the Act and these regulations;
15. Failed to register agents or solicitors or failure to make reports within the time specified in these regulations;
16. Convicted in any of the courts of this state of a violation of the Act or these rules and regulations;
17. Refused to yield a pesticide sample to an employee of the Bureau;
18. Failed to correct work not performed in accordance with the Act and these rules and regulations after sufficient notice;
19. Failed to maintain in force or renew the insurance policy or bond required in subsections 112.01, 112.02 and 112.03 of this chapter.
20. Failed to renew a license or permit prior to the expiration date.
21. The licensee ceases to personally supervise and be in direct charge of business operations.

111.02 During the time a license, a permit or an identification card of an individual is under suspension or has been cancelled, another license, permit or identification card shall not be issued to such individual merely because he becomes employed by a different company or other licensed entity.

111.03 During the time a license holder has his license under suspension; he shall not solicit any new business or perform any new work. He shall be allowed to inspect and/or retreat all properties on which he has current contracts.

111.04 When a license or permit has been cancelled, the bonding and insurance companies shall be notified in writing.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Bond and Insurance Requirements

112.01 Before a license shall be issued or reissued to engage in the control of any kind of pests, a surety bond must be furnished on a form provided by the Bureau. This bond shall be conditioned so that the principal therein named shall conduct honestly such business in accordance with the laws and regulations of this state, and shall faithfully perform all his professional service contracts. Bonding requirements are based on the category of pest control to be performed. For categories involving insect, rodent and plant disease control work this bond shall not be less than \$5,000.00. For categories involving weed control work this bond shall not be less than \$2,500.00. If insect, rodent, plant disease and weed control work are to be performed the bond shall not be less than \$5,000.00. No surety

bond shall be accepted except from companies approved by the Commissioner of Insurance of Mississippi.

112.02 Insurance is not required for licensees engaged in the control of weeds. Before a license shall be issued or reissued to engage in the control of insect, rodent and plant diseases, proof of general liability insurance must be furnished on a form provided by the Bureau. This insurance shall insure against negligent or careless acts of the insured. This insurance shall not be less than \$100,000.00 per occurrence, with a minimum annual aggregate of \$200,000.00 for all occurrences. No insurance shall be accepted except from companies admitted to do business in Mississippi, companies that are non-admitted but approved to do business in Mississippi, or risk retention and purchasing groups registered by the Commissioner of Insurance of Mississippi. This \$200,000.00 minimum coverage shall include coverage for pollution and contamination, property damage, personal injury and errors and omissions. Those licensed for wood destroying insect control as defined by subsection 104.04(1) of this chapter shall have insurance to include (1) errors and omissions on Mississippi Official Wood Destroying Insect Reports as defined by subsection 100(15) of this chapter and (2) damages caused by structural pests.

112.03 Bonds and insurance shall expire at the same time. The license to engage in such professional services shall be invalid upon expiration of bond and insurance. (Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Section 115-120 applicable to wood destroying insect licenses and permits, only.

115 Contracts

1. Persons holding a license in the category "Wood destroying insect control" as covered by subsection 104.04(1) of this chapter shall enter into a written contract with the person employing him. Work performed under the contract shall comply with the regulations set forth in subchapter 01 of this chapter.
2. A contract shall not be issued unless an approved termite treatment is performed, except as covered in subsection 115(15) of this chapter.
3. Said contract for control of and protection from termites and/or other structural pests shall guarantee the performance of the work to the original owner and subsequent owners for at least one year after initial date of contract to the original owner and that said property meets the minimum standards set forth in these regulations for such work, unless an exception of the minimum standards is clearly set forth in a separate statement on the face of the contract. Exceptions of the minimum standards shall not exclude treatment requirements, as stated on the product use label, of the pesticide being used. Exceptions of the minimum standards for such work are limited to structures where treatment is not possible because an area of the structure is inaccessible and/or treatment will result in defacement to the actual structure that is

unacceptable to the owner of the property. Exceptions of the minimum standards for such work shall not be allowed unless the owner of the property signs in a space next to each exception on the face of the contract acknowledging that the work is not being performed to minimum standards. Exceptions of the minimum standards do not eliminate the requirement for termite treatment to be performed.

4. A copy of a work order covering a complete plot or diagram showing the location of visible damage and an outline of the work to be carried out shall be given to the property owner and one copy shall be maintained by the operator with a copy of the contract for as long as the contract is in force.
5. The contract must clearly state in bold letters on the face of the contract if damage repairs are included or if only retreatment is provided.
6. The contract issued for pretreatment for termite control, as covered by subsection 118.05 of this chapter, shall clearly state in bold letters on the face of the contract that damage repairs are included and the perimeter treatment, as covered by subsection 118.05(1) of this chapter, is required to be completed within one (1) year of completion of the horizontal barrier treatment.
7. Before the expiration date of said contract and annually thereafter, the operator shall re-examine the property treated for termites and/or beetles and a written report of the reexamination showing the condition of the property with respect to the presence or absence of termites and/or beetles shall be filed with the owner of the property and a copy maintained in the operator's file.
8. The annual reexamination must include an exterior inspection and interior inspection of the structure. However, where the efforts of the pest control operator to schedule an inspection have been unsuccessful because the customer has failed to respond to the pest control operator or to make their premises available for an inspection, the pest control operator shall be relieved of the responsibility to perform the inspection provided the pest control operator has made reasonable efforts to perform the inspection and notified the customer in writing the inspection was not performed. A copy of this notification shall be maintained in the pest control operator's customer file.
9. All subsequent inspections, as provided by the terms of the contract, shall be regularly made by the operator who shall report the results to the homeowner and make them available to the Bureau if such information shall be requested.
10. When a termite control pretreat contract is issued, an inspection before the contract expires is required.
11. A complete plot or diagram giving the dimensions and shape of the property pretreated shall be given to the structure owner and one copy shall be maintained by the licensee.
12. Annual re-treatment of a structure, covered by a contract, is prohibited unless there is clear documented site evidence that re-infestation and/or treatment zone disruption has occurred.
13. When a pest control operator elects not to renew a structural contract, the owner must be notified in writing at least thirty (30) days prior to the contract expiration date. A copy of this notification shall be maintained in the pest control operator's customer file.

14. For control systems other than a soil barrier, a contract must be issued at the time of initial installation of the system and reported to the Bureau on the monthly report. The contract must specify product, the procedure, a graph of sites of infestation and damage, placement, and frequency of inspections to be performed. This contract must be in force to the original owner and subsequent owners for at least two (2) years after initial date of contract to the original owner and renewable by agreement unless subsequent owners request in writing that the contract be cancelled.
15. Licensed companies acquiring a termite control and protection soil barrier contract from another company must honor the terms of the acquired contract, whether or not a new contract is issued, until the acquired contract expiration date and are required, at no cost to the property owner, to treat the structure identified in the contract to Mississippi's minimum requirements, if there is evidence this was not done. Upon expiration of an acquired soil barrier contract, a new soil barrier contract may be issued. To avoid over-treatment of a previously treated structure, it is prohibited to apply a new soil barrier treatment to the structure named in the acquired contract, unless at least one of the following occurs: there is clear documented site evidence that re-infestation has occurred; there is clear documented site evidence of treatment zone disruption; there is clear documented evidence of pesticide degradation below acceptable efficacy levels; there is relevant published research data that the pesticide may have degraded below acceptable efficacy levels.

(Amended June 27, 2008, May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

116. Reporting

1. In addition to record keeping requirements as covered by subsection 113.01 of this chapter additional information is required if termiticide pretreat applications are being performed. This includes: beginning time of application, ending time of application, vehicle identification number (VIN) of vehicle(s) used to transport application equipment to termiticide pretreat site, application volume per minute, application tank(s) size(s), application nozzle type and size, application psi and total volume of diluted termiticide applied. Records, providing proof of purchase of EPA registered products must be maintained for two (2) years after purchase date on invoices.

(Amended June 27, 2008)

2. Persons operating under a license in the category "Wood destroying insect control" as covered by subsection 104.04(1) of this chapter shall by the 20th day of each month remit to the Bureau a report, on forms approved by the Bureau, of structural pest treatments applied during the previous calendar month. Reports must include the property owner's name, the physical address of the treated property, the type of treatment and such other information as required by the Bureau. Preventive treatments for all pre-construction (defined as structure under construction up to and including the installation of

the final grade) and preventive and curative treatments for all post-construction (defined as after the final grade and not part of the construction process) must be reported. Reporting of work for pre-construction treatments must be done upon completion of treatment of each construction phase (e.g., treatment of footing, treatment of horizontal barrier, treatment of dried in phase, treatment of exterior perimeter). Reporting of work for post-construction treatments must be done upon completion of treatment. A report shall be filed each month even though no work is performed.

(Amended June 27, 2008, May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Approved Pesticides; Minimum Requirements

118.01 Acceptable pesticides for control and/or prevention of pests.

1. All pesticides recommended by the USDA Forest Service, Wood Products Insect Research Unit at Starkville, Mississippi, and registered by the Bureau will be acceptable for use in structural pest control work performed under these regulations.
2. Pesticides applied for control and/or prevention of termites and other structural pests shall be applied in accordance with the label.
3. Pesticides applied for control and/or prevention of termites and other structural pests shall not be applied at concentrations or volumes less than specified on the label of the pesticide product being applied. Special exceptions may be made with prior approval of the Bureau.

118.02 Treatment Requirements - Subterranean Termites - Pier-Type (Crawl Space) Construction

1. Remove all cellulose-bearing debris such as scrap wood, wood chips, paper, stumps, dead roots, etc., from underneath buildings. Large stumps or roots that are too sound to be removed may be trenched, drilled or rodded and treated provided they are six inches or more from foundation timbers.
2. Remove all wooden contacts between building and soil, both inside and outside. Wooden supports under buildings must rest on a concrete footing, a brick capped with concrete, or other non-cellulose materials. The top of the brick or footing should not be less than six inches above the ground. This includes but is not limited to wood steps, skirting and lattice work, form boards, piers and stiff legs. (Pressure treated piling foundations are exempt from this requirement.)
3. Termite tunnels - Scrape off all termite tunnels from foundation walls and pillars.
4. Trenches - Cut trenches a minimum of four inches wide and deep, but not below top of footing, in contact with masonry around all exterior and interior foundation walls and pillars and apply pesticide according to label directions. Soil injection techniques will be accepted by the Bureau when they are used in accordance with label directions.

5. Pipes - Pipes underneath the structure should be treated by rodding or trenching according to label directions. All non-metal packing around pipes should be saturated with an approved pesticide.
6. Treatment of Masonry and Voids - Approved pesticides shall be applied to porous areas, cracks and voids in foundation walls, piers, chimneys, step buttresses and other structures likely to be penetrated by termites. (1) Flood all cracks in concrete. (2) Drill mortar joints on all two course brick formations such as piers, foundation walls, chimneys, step buttresses, etc., in a horizontal line at sufficient intervals to provide thorough saturation of wall voids but in no case shall the distance between holes exceed 24 inches. Holes shall be deep enough to reach the center mortar joint and shall be flooded under sufficient pressure to flood all cracks and voids therein. Drilling shall not be required when solid concrete footing extends above grade level or when wall is capped with solid concrete. (3) Drill mortar joints on all brick formations with three or more courses of brick on each side of formation at the end of every other brick but with the locations of the holes on each side of the formation alternating as much as is practicable and flood under pressure all cracks and voids therein. Where the outside finish of a three course brick wall makes drilling from each side of wall impractical, this wall can be drilled from one side by extending holes two bricks deep. (4) Drill into the center of each vertical core in a complete row of hollow concrete (or other light weight aggregate) blocks in construction using this type of building material and apply an approved pesticide into the openings. In hollow concrete block construction, drilling will not be required where accessibility to the opening is already available through construction.
7. Dirt Fills - All dirt filled structures such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by excavating, trenching, and applying pesticides in the same manner as around pillars and foundations. EXCEPTION: If due to construction, it is impractical to break into and excavate dirt filled areas, a method acceptable to the Bureau such as drilling, flooding or rodding may be employed.
8. Beetles - Approved controls must be applied in accordance with subsections 119.01, 119.02 and 119.03 of these regulations for beetles in timbers, walls and flooring, if beetles are present, unless contract states that protection against beetle injury is not included.

118.03 Existing Slab - Type Construction-

1. Treat the entire perimeter of the slab foundation.
2. Treat all traps, foundation walls, and other openings in the slab.
3. Treat all expansion joints, visible cracks and other voids in slab by rodding under or drilling through slab and thoroughly saturating the area beneath the slab where the above stated conditions exist. When the foundation wall or slab is drilled or rodded, the holes must not be more than 24 inches apart along the above stated areas.
4. Remove all non-pressure treated wood contacting soil and building.

118.04 Use of baiting systems in lieu of chemical barrier for control of subterranean termites shall be in accordance with label specifications of product used. All products must be registered by the United States Environmental Protection Agency and the Bureau.

118.05 Pretreatment For Termite Control -

1. All pretreats shall be made in accordance with label directions as specified on the label of the pesticide being used. All perimeter treatments must be performed within one year of treatment of the horizontal barrier. Upon completion of a perimeter treatment, the technician shall post a weather resistant durable sign to the exterior electrical meter box attached to the structure that was treated. The sign shall be a minimum size of 3.5 inches by 1 inch and give company name, company address, name of licensee or permit holder, the date of the perimeter treatment and a statement that the notice should not be removed. It will be a violation of this section for any licensee or their employees to remove or deface a posted notice.

(Amended December 04, 2008)

2. Wood treatment alone shall not be used for the only termite pretreatment protection. Wood treatment may be used with horizontal barrier, vertical barrier and critical areas soil treatment, or when used as specified in subsection 118.06(3) of this chapter.

(Amended December 04, 2008)

3. Termite bait as a stand-alone pretreatment is only permitted after a written request is received by a licensed structural pest operator from the resident purchaser. A copy of the written request must be retained in the files of the pest control operator.

118.06 Alternative treatments

1. Spot Treatment- for existing structures.
Spot or localized area treatment is allowed for all construction types, provided the purchaser requests in writing to the licensee this type of treatment prior to the termiticide application. A copy of the customer's request shall be maintained in the pest control operator's customer file. The licensee shall write on the face of the contract "Spot Treatment" and clearly define area treated on the graph. The contract must guarantee the area treated for one year. The monthly structural report shall state "Spot Treatment".
2. Termidor® 80WG & SC Exterior Perimeter/Localized Interior (EP/LI) Post Construction Structural Treatment-
Termidor® EP/LI treatment may be performed on existing structures according to the Termidor® label instructions. Subsections 118.02 (1), (2), (3), (5) and/or 118.03 (4) of these regulations must be followed. The face of the contract shall specify "Termidor® Exterior Perimeter/Localized Interior" and the areas treated and the application methods used shall be clearly defined on the graph and application records. Known termite activity at time of treatment must be clearly noted on the graph. The monthly structural report shall state "Termidor® EP/LI." Proof of licensee training in the use of

Termidor® EP/LI, as approved by the Bureau, is required prior to the initial use of Termidor® as an EP/LI treatment.

3. Bora-Care® shall be applied, in accordance with product label directions, as a subterranean termite preventative treatment for new slab-type, crawl-space or basement construction. A supplemental exterior soil applied perimeter treatment must be performed within one year of the Bora-Care® treatment. Only EPA registered termiticides with 24(c) supplemental labels approved for this use in Mississippi may be used.

(Adopted December 04, 2008)

118.07 Special Cases. In special cases, where it is apparent that these specifications are either insufficient or more than sufficient to insure adequate protection, the operator shall consult the Bureau for advice before treatment is started.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Wood Destroying Beetles; Requirements

119.01 When Treatment Will Be Permitted - After it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i. e., Anobiidae, Lyctidae, Bostrichidae, Cerambycidae (old house borer and flat oak borer only) and Curculionidae. Preventative treatment in the absence of an infestation is not recommended and is prohibited without approval of the Bureau. Treatment is expressly prohibited for the control or prevention of other beetles that may cause damage to seasoned wood in structures such as Ambrosia beetles, Bark beetles, Flat headed borers, long-horned borers, Metallic wood borers, Pin worms, Roundheaded borers other than old house and flat oak borers, Timber beetles, and the Siricidae (woodwasps) or Marine borers except with prior approval of the Bureau and specification of the organism involved on the treatment or service proposal.

119.02 Determining Active Infestations-

1. Determining the activity of Anobiidae (anobiid powder-post) beetles in sub-structures, attached garages or other outbuildings, and stored lumber.
 - a. The presence of frass the color of fresh cut wood will be acceptable as evidence of an active infestation of the Anobiidae.
 - b. The presence of holes alone or holes and dull-colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases where live larvae and pupae are found in wood members.
NOTE: Where numerous holes alone and/or dull-colored frass are found in wood members, this should encourage the licensee or his representative(s) to check the upper living areas for infestation and to recheck the property during the optimum time for frass production by Anobiidae (March 15 to July 15). It should be pointed out that Anobiidae

beetles usually infest products older than ten years and most infestations are confined to softwoods such as pine, whereas the Lyctidae only actively infest recently processed hardwoods such as domestic oak and pecan or foreign woods such as banak, meranti and obeche.

- c. Numerous other beetles may cause damage in the products that the Anobiidae and Lyctidae infest. Identification aids for these beetles are: (1) timber beetles and pin worms - no frass in tunnels, tunnel walls stained darker than surrounding wood, no activity in products older than five years, and (2) bark beetles or bostrichids in softwoods - holes few in number in or near bark, larval tunnels beneath bark scoring bark and wood, some of the frass is same color as inner bark.
2. Determining the activity of powderpost beetles (*Lyctidae*) infestations is not required if infested products are less than ten years old. Otherwise, fresh frass and/or live larva or pupae in wood will be acceptable evidence of activity.
3. Determining the activity of old house borer (*Hylotrupes bajulus* L.) infestations.
 - a. The presence of adult beetles and oval exit holes with fresh sawdust-like frass in southern pine, Douglas fir, or spruce wood will be evidence of an active infestation of the old house borer.
 - b. The presence of live larvae or pupae in the above softwoods will be evidence of an active old house borer infestation, if the frass is sawdust-like.
 - c. NOTE: It should be pointed out that other long-horned borers, flat-headed borers, Siricid woodwasps, and marine borers sometimes damage softwood used in building construction. These other long-horned borers produce loosely packed fibrous tobacco like frass, the flat headed borers make tunnels three times wider than high, whereas old house borer tunnels are less than three times wider than high, Siricids make perfectly circular exit holes, and marine borer excavations usually contain whitish calcium deposits but no frass.

119.03 Treatment Procedures –

1. When wood-destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using an approved pesticide in accordance with label directions.
2. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood-destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the sub-structure only if it is actively infested. At least 48 hours prior to the scheduled release of the fumigant, the licensee must notify the Bureau of the location and time of treatment and the type of infestation present.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

(NOTE: Subchapter 01 was adopted on March 29, 1977. The department amended this subchapter 01 on September 18, 1979, June 25, 1980, December 18, 1984, March 30, 1989, April 3, 1991, March 19, 1993, May 12, 1995, June 5, 1998, July 25, 2000, June 14, 2001, September 1, 2004, April 4, 2005, July 26, 2005, July 5, 2007, July 27, 2008, December 4, 2008 and May 20, 2010.)

Subpart 3-Bureau of Plant Industry
Chapter 11-Regulation of Professional Services
Subchapter 01- Regulations Governing Commercial Insect, Rodent, Plant Disease, and Weed Control
Work

Definitions

- 100 For the purpose of these regulations, the following words, names and terms shall be construed within the meaning and purpose of *Miss. Code Ann.* Sections 69-19-1 through 69-19-11 ~~and Sections 69-23-101 through 69-23-133.~~
1. "Act" shall mean *Miss. Code Ann.* Sections 69-19-1 through 69-19-11 ~~and Sections 69-23-101 through 69-23-133.~~
 2. "Advisory Board" shall mean the board established under the provisions of *Miss. Code Ann.* Section 69-25-3.
 3. "Bona fide Employee" shall be a person who receives all or part of his salary, pay or commission from a licensee or the company employing a licensee holder and whose salary, pay or commission is regularly reported by the licensee or the company employing a licensee under the Federal Social Security and/or income tax laws. A bona fide employee must be under the direct supervision of a licensee or a permit holder.
 4. "Branch Office" shall mean any place of business other than the office, as defined in these regulations, that has at least one employee capable of answering questions and from which a pest control firm carries out its pest control activities. The maintenance of personnel, pesticides and equipment at these locations, where pest control activities are carried out, constitutes a branch office under this chapter. The branch office must be managed by a license holder or permit holder in which any type of pest control services are offered. A home office may be a branch office. A telephone answering service is not a branch office.
 5. "Bureau" shall mean the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce created under the provision of *Miss. Code Ann.* Section 69-25-3.
 6. "Certification" shall mean the recognition by the Bureau that a person is competent and thus authorized to use or supervise the use of restricted use pesticides in the category or categories listed on said certificate.
 7. "Certified Applicator" shall mean a licensee or his employee who has met the requirements for certification.
 8. "Commissioner" shall mean the commissioner of the Mississippi Department of Agriculture and Commerce.
 9. "Competent" shall mean a person who is capable of performing the various functions associated with pesticide application and pest control; the degree of capability required being directly related to the nature of the activity and the associated responsibility.
 10. "Direct Supervision" shall mean daily or routine contact by a licensee or permit holder with all employees registered under his supervision. Supervision includes activities such as giving routine or special instructions, prescribing

- pesticides, calculating volume of pesticides to be applied, calibrating equipment and being physically available, whenever and wherever needed.
11. "Entomologist" shall mean a person skilled in the biology of, and remedial measures employed for the control of and eradication of insect pests or rodents.
 12. "Fumigation" shall mean the use of a substance or mixture of substances which exist in the gaseous state or from which a gas or gases are liberated or emitted, for the purpose of destroying pests. Aerosols are excluded from this definition.
 13. "Insect Pest" shall mean any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example: spiders, mites, ticks, centipedes and millipedes.
 14. "License" shall mean a document issued by the Bureau which indicates that a person has met the requirements set forth in the Act and these rules and regulations to receive fees for services in the categories indicated on said document.
 15. "Mississippi Official Wood Destroying Insect Report" shall mean an inspection performed under subsection 117.01 and reported on the Mississippi Official Wood Destroying Insect Report form.
 16. "Office" shall mean the primary place of business managed by a license holder where any types of pest control services are performed.
 17. "Pathologist" shall mean a person knowledgeable in the biology of and skilled in the necessary remedial measures to apply for the control and eradication of plant diseases.
 18. "Permit" shall mean a document issued by the Bureau indicating that a person has thorough understanding of the pest or pests that a licensee is licensed to control and is competent to use or supervise the use of a restricted use pesticide under the categories listed on said document at any branch office. A permit is not a license.
 19. "Permit Holder" shall mean a bona fide employee of a license holder who has passed a permit examination for each category in which work is performed and is responsible for supervising the activities indicated on said permit at a branch office.
 20. "Person" shall mean any individual, partnership, corporation, association, company or organized group of persons whether incorporated or not.
 21. "Pest" shall mean any insect, rodent, nematode, fungus, weed, bacteria, virus, mycoplasma, viroid (except viruses, bacteria, or other microorganisms on or in living man or other living animals) that either compete with humans for natural resources or transmit disease to humans.
 22. "Plant Disease" shall mean the pathological condition in or on plants and plant products caused by fungi, bacteria, nematodes, viruses, mycoplasma and viroids.

23. "Professional Services" shall mean any of the professional services performed as designated by the various categories listed under subsection 104.04.
24. "Real Estate Transaction Inspection" shall mean the inspection of an existing structure for determining factors relating to termites and other wood destroying insects which is required as a condition of sale, financing or refinancing of property.
25. "Registered Technician" shall mean a bona fide employee of a license holder who has completed the verifiable training as described in subsection 114.02 of this chapter and who has obtained a registered technician identification card from the Bureau.
26. "Restricted Use Pesticides" shall mean a pesticide that is classified for restricted use by the Environmental Protection Agency or the Bureau.
27. "Status" shall mean death, retirement, prolonged illness, merger of companies, sale, change of ownership, etc. of a licensee or permit holder.
278. "Trainer" shall mean a licensed person or a registered technician who has been registered for at least the twelve previous months or a knowledgeable person approved by the Bureau.
289. "Weed" shall mean any plant which grows where it is not wanted.
2930. "Weed Control Work" shall mean receiving fees for the actual spraying or other pesticide application methods used for the control or eradication of any weed.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

License Application; Qualifications

- 103 Application for a license shall be submitted on a regular form furnished by the Bureau, in time to be approved ten (10) days prior to regular scheduled examinations. No application for a license shall be accepted unless the applicant shall furnish written proof that he meets one of the following requirements:
1. ~~Application requirements for insect, rodent and plant disease control work~~
 - 1a. Must be graduated from a recognized college or university with at least 15 semester hours or the equivalent in the category for which applicant is requesting a license.
 - 2b. Must have no less than two years college or university training with special training in the category for which applicant is requesting a license.
 - 3e. Must be at least a high school graduate or equivalent and have had, in addition, at least four years experience with a licensed operator within the past six years; ~~PROVIDED, that in special cases where an applicant can submit proof of education, experience and training equal to or exceeding these requirements he shall be allowed to take the required examinations, if~~ qualifying for categories "Wood destroying insect control" or "General pest and rodent control" or "Fumigation pest control" as covered by subsection 104.04(1, 3, 6) of this chapter.

~~4d.~~ Must be at least a high school graduate or equivalent, and having had, in addition, at least one years experience with a licensed operator within the past two years, if qualifying for categories “Utility pole pest control” or “Orchard pest control” or “Mosquito and biting fly control” or “Horticultural pest control” or “Domestic animal pest control” or “Agricultural pest control” or “Agricultural weed control” or “Aquatic weed control” or “Right-of-way weed control” or Horticultural weed control” as covered by subsection 104.04(1, 2, 4, 5, 6 7, 8, 9,10,11,12) of this chapter.

~~2. Application requirements for weed control work~~

~~a. Must be graduated from a recognized college or university with at least 15 semester hours or the equivalent in the category for which applicant is requesting a license.~~

~~b. Must have no less than two years college or university training with special training in the category for which applicant is requesting a license.~~

~~5e. Must be at least a high school graduate or equivalent, and having had, in addition, at least one year’s experience with a licensed operator within the past two years, or if applicant is not a high school graduate or equivalent, proof of at least two years experience working with a licensed operator within the past three years is required if qualifying for categories “Agricultural weed control” or “Aquatic weed control” or “Right-of-way weed control” and or “Horticultural weed control” as covered by subsection 104.04(8, 9,10,11,12) of this chapter.~~

6. In special cases where an applicant can submit proof of education, relevant experience and training equal to or exceeding the requirements, as covered by this section, he shall be allowed to take the required examinations.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

License ; Examination; Categories

104.01 Each person required to secure a license in accordance with the Act shall be examined as follows: When the firm is under the control of one person who is solely responsible for the work, this person alone shall be required to pass the examination. When more than one person is responsible, then each shall be required to pass the examination. A person may designate an employee who is regularly and actively in charge to take the examination and the license will be issued naming the employee as supervisor. Both the employee and the person to whom the license is issued will be held responsible for the professional services rendered.

104.02 The license applicant shall take and pass a written examination. This examination will cover the professional services designated in the application and include the

general standards for certification of commercial applicators as set forth in the Environmental Protection Agency Code of Federal Regulations, Title 40, Section 171.4.

104.03 Examination dates. Examinations shall be given at least once each quarter at Mississippi State, Mississippi. The dates for written examinations shall be the second Tuesday in each quarter of the calendar year. If the applicant fails the examination twice in consecutive attempts, the applicant shall wait a full year before taking the examination again. Applicants who have failed any licensing exam twice in consecutive attempts must submit a new application and meet the requirements of subsection 103 of this chapter.

(Amended June 27, 2008)

104.04 Categories in which examinations are to be given and for which licenses will be issued:

1. Wood destroying insect control (WDIL) - This category includes persons engaged in control of termites, beetles, or other wood destroying insects in buildings and other structures, including homes, warehouses, stores, docks and/or other structures. Control of Formosan termites attacking trees is included in this category. An examination may be given and a license issued to include only control of insect pests of utility poles (UPL).
2. Orchard pest control (ORPL) - This category includes persons engaged in the control of insect pests, plant diseases or pest animals of various fruit and nut trees, brambles, vineyards and all plants normally classed as nut trees or fruit orchards. ~~Effective July 14, 2010, the control of pests of pecan orchards license and permit exams will be eliminated and included in the orchard pest control license and permit exams.~~
3. General pest and rodent control (GRCL) - This category includes persons engaged in control of insect pests or pest animals which may invade homes, restaurants, stores and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself, as for example: roaches, silverfish, ants, flies, mosquitoes, carpet beetles, clothes moths, fleas, stored food insects, rats, mice, centipedes, etc. It includes services in the mosquito and biting fly category as set forth in subsection 104.04(4) of this chapter. Individuals issued the general pest and rodent control license may request MBFL as a separate license without taking the exam, PROVIDED, that the licensee submits an application that the license is needed to operate a company solely for performing mosquito and biting fly control services.
4. Mosquito and biting fly control (MBFL) – This category includes persons engaged solely in control of mosquitoes and biting flies including mosquito misting systems and back pack applications.
54. Horticultural pest control (HCPL) - This category includes persons engaged in control of insect pests, plant diseases, or pest animals of ornamental plants, shade trees (which may include nut or fruit trees if used as ornamental plants

or shade trees) and lawns in residential, commercial, public, industrial and manufacturing areas.

- 65. Domestic animal pest control (DAPL) - This category includes persons engaged in control of insect pests of domestic animals.
- 76. Fumigation pest control (FUML) - This category includes persons engaged in control of pests by fumigation. A person holding a license or permit shall be present at the time fumigant is released.
- 87. Agricultural pest control (AGPL) - This category includes persons engaged in control of insect pests, plant diseases, or animal pests of agricultural crops during production. This category includes anyone soliciting and/or receiving a fee for these services who utilize ground application equipment.
- 98. Agricultural weed control (AGWL) - This category includes control of weeds in field crops, vegetable crops, pastures and rangeland. This category includes anyone soliciting and/or receiving a fee for these services who utilize ground application equipment.
- 109. Aquatic weed control (AQWL) - This category includes control of weeds in and around edges of lakes, ponds and streams.
- 110. Right-of-way weed control (ROWL) - This category includes control of weeds of rights-of-way, forest lands and drainage ditches.
- 124. Horticultural weed control (HCWL) - This category includes control of weeds in ornamental plants and turf in residential, commercial, public, industrial and manufacturing areas.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Issuance of a License

105.01 If the qualifications and other requirements of the license applicant are satisfactory, the Bureau shall then require that said applicant submit a detailed statement of the methods he will employ. He must submit in writing his proposed company name for approval. No license shall be issued for two companies with the same or similar names. If these are approved, said applicant shall then furnish a bond in the proper amount as set forth in subsection 112.01 of this chapter in conformity to *Miss. Code Ann.* Section 69-19-9. After all requirements have been met by the applicant for licensing, the Bureau shall then issue said applicant a license, PROVIDED, that no license shall be issued any person who fails to disclose to the Bureau the ingredients used in his practice, or who uses any material or method which has not been approved by the Bureau. A license is not transferable. When there is a change in the status of a licensee's holder status due to uncontrollable circumstances, ninety (90) days shall be allowed for a qualified person to meet the requirements of section 102 of this chapter. When the death or disability of a licensee occurs, the Bureau may extend the period for qualifying a new licensee an additional 90 days before revoking or canceling the work of the operation.

(Amended June 27, 2008)

105.02 Persons requesting a license must have passed the required examination within the past year or have been actively engaged in ~~the~~ related work with no regulatory violations since passing the examination, or be reexamined before the license can be issued or reissued.

105.03 An individual shall not have more than one (1) license to perform the same service at any given time.

105.04 When a license holder changes his mailing address or physical location, the Bureau must be notified in writing within ten (10) working days and required documents for reissuance of license must be submitted.

105.05 When the status of a license holder changes, the license shall be returned to the Bureau within ten (10) working days.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Expiration of a License or a Permit and Conditions for Renewal

110.01 All licenses and permits shall expire thirty-six months from the date of issuance. To renew said license or permit, the holder of same shall submit a request for renewal on a form prescribed by the Bureau and show that he is knowledgeable of current control recommendations, techniques and abreast of changing technology and pesticide usage. To meet these requirements, the licensee or permit holder shall have attended a training course approved by the Bureau within the past twelve (12) months or successfully complete an examination administered by the Bureau. It is the responsibility of the licensee or permit holder to know when his/her license or permit expires and to get the license or permit renewed prior to the expiration date.

~~110.02 Individuals who are valid license and/or permit holders and/or registered technicians for a licensed company in the categories as set forth in subsection 105.04 of the Regulations Governing Commercial Insect, Pest Animal and Disease Control Work, as amended on December 04, 2008 and Regulations Governing Commercial Weed Control Work as amended June 27, 2008 will retain the license and permit category names on their licenses, permits and/or registered technician identification cards until Bureau issues new documents or until their expiration. Category names on valid Bureau issued licenses and/or permits are covered by these regulations. Category name changes do not reflect change in description of work except in the following categories. Individuals with the Control of Pests of Pecan Orchards license or permit will retain it until the Bureau issues new documents or until their expiration, at which time it will be combined with Orchard Pest Control. Individuals with the Industrial Weed Control license~~

~~or permit will retain it until the Bureau issues new documents or until their expiration, at which time it will be combined with Horticultural Weed Control. (Amended May 20, 2010)~~

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Denial, Suspension or Cancellation of a License, a Permit or an Identification Card; Refusal to Issue or Renew Same

~~111.01 The commissioner, with the approval of the advisory board may suspend for not more than thirty days and then after opportunity for a hearing may deny, suspend, cancel or modify the provisions of a license, a permit, or an identification card if he finds that a person holding a license, a permit, or an identification card has committed any of the following applicable to him each of which is declared to be a violation of the Act and these regulations: Where the holder of a license, permit or identification card commits any of the following acts or omissions, it shall be grounds to suspend, modify, deny, cancel or revoke such license, permit or identification card, in addition to those grounds set forth in *Miss. Code Ann.* §69-19-9, §69-25-51, to-wit:~~

1. Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be used;
2. Operated in a faulty, careless or negligent manner or knowingly operated faulty or unsafe equipment in a manner as to cause damage to property or person;
3. Refused, or after notice neglected to comply with the provisions of the Act, the regulations adopted hereunder or any lawful order of the commissioner;
4. Refused, or neglected to keep and maintain, or failed to make available to the Bureau, records required by the Act or to make reports when required;
5. Made false or fraudulent records, invoices or reports;
6. Used fraud or misrepresentation in making application for a license or permit;
7. Aided or abetted any person in evading the provisions of the Act, allowed one's license to be used by an unlicensed person;
8. Impersonated any state or federal official;
9. Convicted in a court of law of a violation under the Federal Insecticide, Fungicide and Rodenticide Act;
10. Convicted in a court of law for using any pesticide in a manner which is determined to be inconsistent with its labeling;
11. Misrepresented for the purpose of deceiving or defrauding;
12. Made a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their detriment;
13. Performed work in a category for which the licensee does not hold a license;
14. If repeated inspections by inspectors of the Bureau reveal that the licensee is not performing services in a manner consistent with the Act and these regulations;
15. Failed to register agents or solicitors or failure to make reports within the time specified in these regulations;

16. Convicted in any of the courts of this state of a violation of the Act or these rules and regulations;
17. Refused to yield a pesticide sample to an employee of the Bureau;
18. Failed to correct work not performed in accordance with the Act and these rules and regulations after sufficient notice;
19. ~~Failure to renew the insurance and bond required in subsections 112.01, 112.02, and 112.03 of this chapter means automatic cancellation.~~ Failed to maintain in force or renew the insurance policy or bond required in subsections 112.01, 112.02 and 112.03 of this chapter.
20. ~~Failure~~ Failed to renew a license or permit prior to the expiration date.
21. The licensee ceases to personally supervise and be in direct charge of business operations.

111.02 During the time a license, a permit or an identification card ~~has been suspended or canceled, they shall not be reissued for another company.~~ of an individual is under suspension or has been cancelled, another license, permit or identification card shall not be issued to such individual merely because he becomes employed by a different company or other licensed entity.

111.03 During the time a license holder has his license under suspension; he shall not solicit any new business or perform any new work. He shall be allowed to inspect and/or retreat all properties on which he has current contracts.

~~111.04 Any person who is denied a license or a permit or whose license or permit is suspended, canceled or modified by the commissioner shall be afforded an opportunity for a fair hearing before the advisory board in connection therewith upon written application to the commissioner within thirty days after receipt of notice from the commissioner of such denial, suspension, cancellation or modification. The commissioner shall set a time and place for such hearing and shall convene the board within ten days following receipt of the written application for a hearing. The board shall receive evidence and affirm, modify or reverse the determination of the commissioner within five days.~~

~~111.05 Any person aggrieved by the determination of the board may petition the chancery court of the county of residence of such person, or the Chancery Court of Hinds County, for review with supersedeas. The chancellor shall grant a hearing on said petition and may grant such review with supersedeas; the appellant may be required to post bond with sufficient sureties in an amount to be determined by the chancellor. Upon the review of any such decision, additional evidence may be received and considered but any record made or evidence heard before the board or commissioner may be submitted. Any such petition by either party from the determination of the chancellor shall proceed as otherwise provided by law.~~

~~111.06 Any person who is refused a license or a permit or whose license or permit is not renewed, or when the Bureau contemplates invalidation of said license or permit,~~

~~shall have the right of a hearing by filing a written request for a hearing with the Bureau by registered or certified mail. The person requesting the hearing may appear in person or be represented by an attorney on the date and at the place set by the Bureau.~~

~~111.07 111.04 When a license or permit has been cancelled, the bonding and insurance companies licensee shall be notified in writing. ~~The bonding and insurance companies shall be notified of the action taken, but revoking a license shall in no way invalidate the bond and insurance for the duration of the contract entered into by the licensee. When a permit has been canceled, the person holding said permit shall be notified in writing.~~~~

~~111.08 A license shall automatically become invalid when the person whose name appears on the license ceases to personally supervise and be in direct charge of operations and shall remain invalid until some other person, having met the requirements and been examined in accordance with these rules and regulations becomes licensed in his stead; except as provided for in subsections 105.01-105.05 of this chapter.~~

~~111.09 Nothing in these rules and regulations shall be construed as requiring the commissioner to report for prosecution or for the institution of libel proceedings of minor violations of the Act or these rules and regulations whenever he believes that the public interest will best be served by a suitable notice of warning in writing.~~

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Bond and Insurance Requirements

112.01 Before a license shall be issued or reissued to engage in the control of any kind of pests, a surety bond must be furnished on a form provided by the Bureau. This bond shall be conditioned so as to insure to the purchaser of services from said licensee the fulfillment of any contract or guarantee made by the licensee and that the principal therein named shall conduct honestly such business in accordance with the laws and regulations of this state, and shall faithfully perform all his professional service contracts. Bonding requirements are based on the category of pest control to be performed. For categories involving insect, rodent and plant disease control work this bond shall not be less than \$5,000.00. For categories involving weed control work this bond shall not be less than \$2,500.00. If insect, rodent, plant disease and weed control work are to be performed the bond shall not be less than \$5,000.00. No surety bond shall be accepted except from companies approved by the Commissioner of Insurance of Mississippi.

112.02 Insurance is not required for licensees engaged in the control of weeds. Before a license shall be issued or reissued to engage in the control of insect, rodent and

plant diseases, proof of general liability insurance must be furnished on a form provided by the Bureau. This insurance shall ~~be conditioned as to~~ insure against negligent or careless acts of the insured. This insurance shall not be less than \$100,000.00 per occurrence, with a minimum annual aggregate of \$200,000.00 for all occurrences. No insurance shall be accepted except from companies admitted to do business in Mississippi, companies that are non-admitted but approved to do business in Mississippi, or risk retention and purchasing groups registered by the Commissioner of Insurance of Mississippi. This \$200,000.00 minimum coverage shall include coverage for pollution and contamination, property damage, ~~bodily~~ personal injury and errors and omissions. Those licensed for ~~structural pest~~ wood destroying insect control as defined by subsection 104.04(1) of this chapter shall have insurance to include (1) errors and omissions on Mississippi Official Wood Destroying Insect Reports as defined by subsection 100(15) of this chapter and (2) damages caused by structural pests.

112.03 Bonds and insurance shall expire at the same time. The license to engage in such professional services shall be invalid upon expiration of bond and insurance. (Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Section 115-120 applicable to wood destroying insect licenses and permits, only.

115 Contracts

1. Persons holding a license in the category "Wood destroying insect control" as covered by subsection 104.04(1) of this chapter shall enter into a written contract with the person employing him. Work performed under the contract shall comply with the regulations set forth in subchapter 01 of this chapter.
2. A contract shall not be issued unless an approved termite treatment is performed, except as covered in subsection 115(15) of this chapter.
3. Said contract for control of and protection from termites and/or other structural pests shall guarantee the performance of the work to the original owner and subsequent owners for at least one year after initial date of contract to the original owner and that said property meets the minimum standards set forth in these regulations for such work, unless an exception of the minimum standards is clearly set forth in a separate statement on the face of the contract. Exceptions of the minimum standards shall not exclude treatment requirements, as stated on the product use label, of the pesticide being used. Exceptions of the minimum standards for such work are limited to structures where treatment is not possible because an area of the structure is inaccessible and/or treatment will result in defacement to the actual structure that is unacceptable to the owner of the property. Exceptions of the minimum standards for such work shall not be allowed unless the owner of the property signs in a space next to each exception on the face of the contract acknowledging that the work is not being performed to minimum standards.

Exceptions of the minimum standards do not eliminate the requirement for termite treatment to be performed.

4. A copy of a work order covering a complete plot or diagram showing the location of visible damage and an outline of the work to be carried out shall be given to the property owner and one copy shall be maintained by the operator with a copy of the contract for as long as the contract is in force.
5. The contract must clearly state in bold letters on the face of the contract if damage repairs are included or if only retreatment is provided.
6. The contract issued for pretreatment for termite control, as covered by subsection 118.05 of this chapter, shall clearly state in bold letters on the face of the contract that damage repairs are included and the perimeter treatment, as covered by subsection 118.05(1) of this chapter, is required to be completed within one (1) year of completion of the horizontal barrier treatment.
7. Before the expiration date of said contract and annually thereafter, the operator shall re-examine the property treated for termites and/or beetles and a written report of the reexamination showing the condition of the property with respect to the presence or absence of termites and/or beetles shall be filed with the owner of the property and a copy maintained in the operator's file.
8. The annual reexamination must include an exterior inspection and interior inspection of the structure. However, where the efforts of the pest control operator to schedule an inspection have been unsuccessful because the customer has failed to respond to the pest control operator or to make their premises available for an inspection, the pest control operator shall be relieved of the responsibility to perform the inspection provided the pest control operator has made reasonable efforts to perform the inspection and notified the customer in writing ~~by certified mail~~ the inspection was not performed. A copy of this notification shall be maintained in the pest control operator's customer file.
9. All subsequent inspections, as provided by the terms of the contract, shall be regularly made by the operator who shall report the results to the homeowner and make them available to the Bureau if such information shall be requested.
10. When a termite control pretreat contract is issued, an inspection before the contract expires is required.
11. A complete plot or diagram giving the dimensions and shape of the property pretreated shall be given to the structure owner and one copy shall be maintained by the licensee.
12. Annual re-treatment of a structure, covered by a contract, is prohibited unless there is clear documented site evidence that re-infestation and/or treatment zone disruption has occurred.
13. When a pest control operator elects not to renew a structural contract, the owner must be notified in writing ~~by certified mail~~ at least thirty (30) days prior to the contract expiration date. A copy of this notification shall be maintained in the pest control operator's customer file.
14. For control systems other than a soil barrier, a contract must be issued at the time of initial installation of the system and reported to the Bureau on the monthly report. The contract must specify product, the procedure, a graph of

sites of infestation and damage, placement, and frequency of inspections to be performed. This contract must be in force to the original owner and subsequent owners for at least two (2) years after initial date of contract to the original owner and renewable by agreement unless subsequent owners request in writing that the contract be cancelled.

15. Licensed companies acquiring a termite control and protection soil barrier contract from another company must honor the terms of the acquired contract, whether or not a new contract is issued, until the acquired contract expiration date and are required, at no cost to the property owner, to treat the structure identified in the contract to Mississippi's minimum requirements, if there is evidence this was not done. Upon expiration of an acquired soil barrier contract, a new soil barrier contract may be issued. To avoid over-treatment of a previously treated structure, it is prohibited to apply a new soil barrier treatment to the structure named in the acquired contract, unless at least one of the following occurs: there is clear documented site evidence that re-infestation has occurred; there is clear documented site evidence of treatment zone disruption; there is clear documented evidence of pesticide degradation below acceptable efficacy levels; there is relevant published research data that the pesticide may have degraded below acceptable efficacy levels.

(Amended June 27, 2008, May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

116. Reporting

1. In addition to record keeping requirements as covered by subsection 113.01 of this chapter additional information is required if termiticide pretreat applications are being performed. This includes: beginning time of application, ending time of application, vehicle identification number (VIN) of vehicle(s) used to transport application equipment to termiticide pretreat site, application volume per minute, application tank(s) size(s), application nozzle type and size, application psi and total volume of diluted termiticide applied. Records, providing proof of purchase of EPA registered products must be maintained for two (2) years after purchase date on invoices.

(Amended June 27, 2008)

2. Persons operating under a license in the category "Wood destroying insect control" as covered by subsection 104.04(1) of this chapter shall by the 20th day of each month remit to the Bureau a report, on forms approved by the Bureau, of structural pest treatments applied during the previous calendar month. Reports must include the property owner's name, the physical address of the treated property, the type of treatment and such other information as required by the Bureau. Preventive treatments for all pre-construction (defined as structure under construction up to and including the installation of the final grade) and preventive and curative treatments for all post-construction (defined as after the final grade and not part of the construction process) must be reported. Reporting of work for pre-construction treatments

must be done upon completion of treatment of each construction phase (e.g., treatment of footing, treatment of horizontal barrier, treatment of dried in phase, treatment of exterior perimeter). Reporting of work for post-construction treatments must be done upon completion of treatment. ~~for each property, on which a contract has been issued during the previous calendar month on forms furnished or approved by the Bureau. A report shall be filed each month even though no work is performed. If on inspection by the Bureau, it is found that a contract has not been fulfilled, the licensee shall be notified by the Bureau and shall be allowed fifteen calendar days in which to apply such remedial measures as are necessary and shall notify the Bureau in writing that the work has been performed. Additional regulatory action by the Bureau may be taken against the licensee.~~

(Amended June 27, 2008, May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Approved Pesticides; Minimum Requirements

118.01 Acceptable pesticides for control and/or prevention of pests.

1. All pesticides recommended by the USDA Forest Service, Wood Products Insect Research Unit at Starkville, Mississippi, and registered by the Bureau will be acceptable for use in structural pest control work performed under these regulations.
2. Pesticides applied for control and/or prevention of termites and other structural pests shall be applied in accordance with the label.
3. Pesticides applied for control and/or prevention of termites and other structural pests shall not be applied at concentrations or volumes less than specified on the label of the pesticide product being applied. Special exceptions may be made with prior approval of the Bureau.

118.02 Treatment Requirements - Subterranean Termites - Pier-Type (Crawl Space) Construction

1. Remove all cellulose-bearing debris such as scrap wood, wood chips, paper, stumps, dead roots, etc., from underneath buildings. Large stumps or roots that are too sound to be removed may be trenched, drilled or rodded and treated provided they are six inches or more from foundation timbers.
2. Remove all wooden contacts between building and soil, both inside and outside. Wooden supports under buildings must rest on a concrete footing, a brick capped with concrete, or other non-cellulose materials. The top of the brick or footing should not be less than six inches above the ground. This includes but is not limited to wood steps, skirting and lattice work, form boards, piers and stiff legs. (Pressure treated piling foundations are exempt from this requirement.)
3. Termite tunnels - Scrape off all termite tunnels from foundation walls and pillars.

4. Trenches - Cut trenches a minimum of four inches wide and deep, but not below top of footing, in contact with masonry around all exterior and interior foundation walls and pillars and apply pesticide according to label directions. Soil injection techniques will be accepted by the Bureau when they are used in accordance with label directions.
5. Pipes - Pipes underneath the structure should be treated by rodding or trenching according to label directions. All non-metal packing around pipes should be saturated with an approved pesticide.
6. Treatment of Masonry and Voids - Approved pesticides shall be applied to porous areas, cracks and voids in foundation walls, piers, chimneys, step buttresses and other structures likely to be penetrated by termites. (1) Flood all cracks in concrete. (2) Drill mortar joints on all two course brick formations such as piers, foundation walls, chimneys, step buttresses, etc., in a horizontal line at sufficient intervals to provide thorough saturation of wall voids but in no case shall the distance between holes exceed 24 inches. Holes shall be deep enough to reach the center mortar joint and shall be flooded under sufficient pressure to flood all cracks and voids therein. Drilling shall not be required when solid concrete footing extends above grade level or when wall is capped with solid concrete. (3) Drill mortar joints on all brick formations with three or more courses of brick on each side of formation at the end of every other brick but with the locations of the holes on each side of the formation alternating as much as is practicable and flood under pressure all cracks and voids therein. Where the outside finish of a three course brick wall makes drilling from each side of wall impractical, this wall can be drilled from one side by extending holes two bricks deep. (4) Drill into the center of each vertical core in a complete row of hollow concrete (or other light weight aggregate) blocks in construction using this type of building material and apply an approved pesticide into the openings. In hollow concrete block construction, drilling will not be required where accessibility to the opening is already available through construction.
7. Dirt Fills - All dirt filled structures such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by excavating, trenching, and applying pesticides in the same manner as around pillars and foundations. EXCEPTION: If due to construction, it is impractical to break into and excavate dirt filled areas, a method acceptable to the Bureau such as drilling, flooding or rodding may be employed.
8. Beetles - Approved controls must be applied in accordance with subsections 119.01, 119.02 and 119.03 of these regulations for beetles in timbers, walls and flooring, if beetles are present, unless contract states that protection against beetle injury is not included.

118.03 Existing Slab - Type Construction-

1. Treat the entire perimeter of the slab foundation.
2. Treat all traps, foundation walls, and other openings in the slab.
3. Treat all expansion joints, visible cracks and other voids in slab by rodding under or drilling through slab and thoroughly saturating the area beneath the

slab where the above stated conditions exist. When the foundation wall or slab is drilled or rodded, the holes must not be more than 24 inches apart along the above stated areas.

4. Remove all non-pressure treated wood contacting soil and building.

118.04 Use of baiting systems in lieu of chemical barrier for control of subterranean termites shall be in accordance with label specifications of product used. All products must be registered by the United States Environmental Protection Agency and the Bureau.

118.05 Pretreatment For Termite Control -

1. All pretreats shall be made in accordance with label directions as specified on the label of the pesticide being used. All perimeter treatments must be performed within one year of treatment of the horizontal barrier. Upon completion of a perimeter treatment, the technician shall post a weather resistant durable sign to the exterior electrical meter box attached to the structure that was treated. The sign shall be a minimum size of 3.5 inches by 1 inch and give company name, company address, name of licensee or permit holder, the date of the perimeter treatment and a statement that the notice should not be removed. It will be a violation of this section for any licensee or their employees to remove or deface a posted notice.

(Amended December 04, 2008)

2. Wood treatment alone shall not be used for the only termite pretreatment protection. Wood treatment may be used with horizontal barrier, vertical barrier and critical areas soil treatment, or when used as specified in subsection 118.06(3) of this chapter.

(Amended December 04, 2008)

3. Termite bait as a stand-alone pretreatment is only permitted after a written request is received by a licensed structural pest operator from the resident purchaser. A copy of the written request must be retained in the files of the pest control operator.

118.06 Alternative treatments

1. Spot Treatment- for existing structures.

Spot or localized area treatment is allowed for all construction types, provided the purchaser requests in writing to the licensee this type of treatment prior to the termiticide application. "Spot Treatment" shall not be done except with permission of the Bureau for residential structures. Existing commercial slab-type construction may be "Spot Treated" when it is impractical to treat the entire slab and where the property owner requests this type of treatment. A copy of the customer's request shall be maintained in the pest control operator's customer file. The licensee shall write on the face of the contract shall specify "Spot Treatment" and clearly define area treated on the graph. The contract must guarantee the area treated for one year. The monthly structural report shall state "Spot Treatment". If a "Spot Treatment" is

~~requested in association with a wood infestation report, the purchaser must request in writing permission to “Spot Treat”.~~

3. Termidor® 80WG & SC Exterior Perimeter/Localized Interior (EP/LI) Post Construction Structural Treatment-
Termidor® EP/LI treatment may be performed on existing structures according to the Termidor® label instructions. Subsections 118.02 (1), (2), (3), (5) and/or 118.03 (4) of these regulations must be followed. The face of the contract shall specify “Termidor® Exterior Perimeter/Localized Interior” and the areas treated and the application methods used shall be clearly defined on the graph and application records. Known termite activity at time of treatment must be clearly noted on the graph. The monthly structural report shall state “Termidor® EP/LI.” Proof of licensee training in the use of Termidor® EP/LI, as approved by the Bureau, is required prior to the initial use of Termidor® as an EP/LI treatment.
3. Bora-Care® shall be applied, in accordance with product label directions, as a subterranean termite preventative treatment for new slab-type, crawl-space or basement construction. A supplemental exterior soil applied perimeter treatment must be performed within one year of the Bora-Care® treatment. Only EPA registered termiticides with 24(c) supplemental labels approved for this use in Mississippi may be used.
(Adopted December 04, 2008)

118.07 Special Cases. In special cases, where it is apparent that these specifications are either insufficient or more than sufficient to insure adequate protection, the operator shall consult the Bureau for advice before treatment is started.
(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

Wood Destroying Beetles; Requirements

119.01 When Treatment Will Be Permitted - After it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i. e., Anobiidae, Lyctidae, Bostrichidae, Cerambycidae (old house borer and flat oak borer only) and Curculionidae. Preventative treatment in the absence of an infestation is not recommended and is prohibited without approval of the Bureau. Treatment is expressly prohibited for the control or prevention of other beetles that may cause damage to seasoned wood in structures such as Ambrosia beetles, Bark beetles, Flat headed borers, long-horned borers, Metallic wood borers, Pin worms, Roundheaded borers other than old house and flat oak borers, Timber beetles, and the Siricidae (woodwasps) or Marine borers except with prior approval of the Bureau and specification of the organism involved on the treatment or service proposal.

119.02 Determining Active Infestations-

1. Determining the activity of Anobiidae (anobiid powder-post) beetles in sub-structures, attached garages or other outbuildings, and stored lumber.
 - c. The presence of frass the color of fresh cut wood will be acceptable as evidence of an active infestation of the Anobiidae.
 - d. The presence of holes alone or holes and dull-colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases where live larvae and pupae are found in wood members.
NOTE: Where numerous holes alone and/or dull-colored frass are found in wood members, this should encourage the licensee or his representative(s) to check the upper living areas for infestation and to recheck the property during the optimum time for frass production by Anobiidae (March 15 to July 15). It should be pointed out that Anobiidae beetles usually infest products older than ten years and most infestations are confined to softwoods such as pine, whereas the Lyctidae only actively infest recently processed hardwoods such as domestic oak and pecan or foreign woods such as banak, meranti and obeche.
 - c. Numerous other beetles may cause damage in the products that the Anobiidae and Lyctidae infest. Identification aids for these beetles are: (1) timber beetles and pin worms - no frass in tunnels, tunnel walls stained darker than surrounding wood, no activity in products older than five years, and (2) bark beetles or bostrichids in softwoods - holes few in number in or near bark, larval tunnels beneath bark scoring bark and wood, some of the frass is same color as inner bark.
2. Determining the activity of powderpost beetles (*Lyctidae*) infestations is not required if infested products are less than ten years old. Otherwise, fresh frass and/or live larva or pupae in wood will be acceptable evidence of activity.
3. Determining the activity of old house borer (*Hylotrupes bajulus* L.) infestations.
 - a. The presence of adult beetles and oval exit holes with fresh sawdust-like frass in southern pine, Douglas fir, or spruce wood will be evidence of an active infestation of the old house borer.
 - b. The presence of live larvae or pupae in the above softwoods will be evidence of an active old house borer infestation, if the frass is sawdust-like.
 - c. NOTE: It should be pointed out that other long-horned borers, flat-headed borers, Siricid woodwasps, and marine borers sometimes damage softwood used in building construction. These other long-horned borers produce loosely packed fibrous tobacco like frass, the flat headed borers make tunnels three times wider than high, whereas old house borer tunnels are less than three times wider than high, Siricids make perfectly circular exit holes, and marine borer excavations usually contain whitish calcium deposits but no frass.

1. When wood-destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using an approved pesticide in accordance with label directions.
2. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood-destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the sub-structure only if it is actively infested. At least 48 hours prior to the scheduled release of the fumigant, the licensee must notify the Bureau of the location and time of treatment and the type of infestation present.

(Amended May 20, 2010)

Source: *Miss. Code Ann.* §69-19-1 & *Miss Code Ann.* §69-23-109.

(NOTE: Subchapter 01 was adopted on March 29, 1977. The department amended this subchapter 01 on September 18, 1979, June 25, 1980, December 18, 1984, March 30, 1989, April 3, 1991, March 19, 1993, May 12, 1995, June 5, 1998, July 25, 2000, June 14, 2001, September 1, 2004, April 4, 2005, July 26, 2005, July 5, 2007, July 27, 2008, December 4, 2008 and May 20, 2010.)