

NOTICE OF PROPOSE RULE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES

BUREAU OF ENTOMOLOGY AND PEST CONTROL

RULE TITLE:

RULE NO.:

Entomology –Pest Control Regulations

5E-14

Use of Pesticides – Labels, Limitations, Precautions

5E-14.106

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

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

SPECIFIC AURHORITY: 482.051, F.S.

LAW IMPLEMENTED: 482.051, 482.161, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

Date and Time: April 8, 2005 at 10:00 a.m.

Place: George Eyster Auditorium, 3125 Conner Blvd. Tallahassee, Fl. 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steve Dwinell, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399. Telephone 850-488-7447.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

(8) When a pesticide registered as a preventive treatment for new construction has been applied as a preventive treatment for a structure in accordance with 5E-14.106(6), a secondary treatment using a second pesticide registered for preventive treatment for new construction is not subject to the provisions of 5E-14.106(6) or (7), provided that the application is consistent with label directions.

Specific Authority 482.051, F.S. Law Implemented 482.051(1) F.S. P.L.92-516, Section 1, Chapter 92-203, Laws of Florida. History- New 1-1-77, Amended 6-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE; Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven Rutz, Director, Division of Agricultural Environmental Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2005.