

§ 1970.4. Pesticide Disclosure Requirement.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

The properly signed form or a copy, written or electronic, thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.

~~(c) Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a written notice identifying the common, generic or chemical name of each pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.~~

~~(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.~~

~~(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.~~

~~(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.~~

§ 1970.41 Pesticide Pre-Application Notice Requirements for Commercial, Industrial, or Multi-Unit Structures.

For commercial, industrial, and multi-unit residential structures, “conspicuous place” as used in section 8538 of the code, means heavily frequented areas, including, but not limited to: the on-site manager's office or unit, and all multi-unit or cluster mailboxes, laundry rooms, and community rooms.

§ 1970.42 Pesticide Post-Application Notice Requirements.

(a) In addition to notification required by section 8538 of the code, whenever a licensee employed by a registered Branch 2 or Branch 3 company has applied or used a pesticide the licensee must provide a post-application notice immediately after the service visit as follows:

(1) When applied around or to the exterior of any structure, the post-application notice must be provided in writing or electronically to the owner or owner's agent.

(2) When applied within a unit or structure where there is an occupant, the post-application notice must be provided in writing and left in a visible location on the door of the unit or within the unit or structure.

(b) The post-application notice specified in (a) may be a door hanger, invoice, billing statement or other similar document and must include:

(1) The brand or product name, and the active ingredient(s) of each pesticide applied;

(2) The date of service; and

(3) The registered company's name, address, and telephone number.

(c) A registered company must provide to any person, within 24 hours after request, the brand or product name and the active ingredient of each pesticide applied or used within, around, or to any structure.

§ 1970.43 Reporting Death or Serious Injury.

Any death or serious injury relating to a pesticide application or use, whether to the owner, an employee of the registered structural pest control company, or a member of the public, must be reported immediately to both the Structural Pest Control Board office and the County Agricultural Commissioner's office in the county where the pesticide application occurred.