

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-10-9
PROFESSIONAL SERVICE

80-10-9-.02 Definitions.

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

- (1) **Accessible Area.** An area that a person can physically enter and/or inspect.
- (2) **Board.** The State Board of Agriculture and Industries of the State of Alabama.
- (3) **Branch Office.** A place of business at an established location other than the main office having equipment and three or more employees directly engaged in structural pest control work from such place of business, which place of business is a subdivision or branch of the main office, point of headquarters or principal operation of the firm.
- (4) **Branch Supervisor.** A person who has been certified by the examining board as qualified to supervise the operation of a branch office only, and in no event shall such person be qualified to supervise structural pest control work from a main office.
- (5) **Business Location.** Any location in or from which professional work or services are solicited, accepted or conducted.
- (6) **Certification Card.** A document issued by the commissioner attesting that all standards have been met in competency in one or more categories of professional work or services as certified by the examining board.
- (7) **Certified Operator.** A person who has been certified by the examining board as qualified to supervise the operation of a main office or branch office.
- (8) **Chapter.** Chapter 28 of Title 2 of Code of Ala. 1975, §§2-28-1 through 2-28-12.
- (9) **Chemical(s).** Pesticide(s), collectively and individually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(31) **Pesticide.**

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

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

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

(33) **Qualified Inspector.** A person who holds certification as a certified operator or branch supervisor or an employee who works under direct supervision of a certified operator or branch supervisor and has training in wood destroying organisms inspection procedures. Being a qualified inspector does not indicate or include the ability to detect damage beyond what is visible to the human eye.

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

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

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

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

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

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

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

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

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

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

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

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

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Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** November 27, 2001; effective January 1, 2002.

Amended: Filed August 20, 2007; effective September 24, 2007.

Amended: Filed February 19, 2009; effective March 26, 2009.