

POTPOURRI
Louisiana Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission

Public Hearing—Substantive Changes to Proposed Rules:
Structural Pest Control (LAC 7:XXV.101, 119, 121, 141)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, and pursuant to the authority set forth in R.S. 3:3366, the Department of Agriculture and Forestry (“Department”) published a Notice of Intent to amend LAC 7:XXV.101, 111, 117, 119, 121, 141, 147 regarding structural pest control at LR 46:54-57 (January 20, 2020). As a result of public comments received on the proposed amendments, notice is hereby given that the department is seeking to incorporate substantive changes to LAC XXV.101, 109, 121, 141, and 147. The proposed changes clarify the definition of readily accessible area and certain terms pertaining to the types of pests for which treatment is rendered.

Title 7
AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission
§101. Definitions

A. – B. ...

Readily Accessible Area—areas that are unobstructed and that are able to be reached and entered for visible examination at the time of inspection. Readily accessible areas do not include areas that are concealed by walls, ceilings, floor coverings, furniture, appliances, equipment, or stored articles; and crawl spaces and attics inaccessible due to openings too small to enter or without permanent ladders or staircases or due to undecked areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016); LR 44:1235 (July 2018); LR 45:

§119. Contracts for Termite Control Work

A. – A.5. ...

6. provide for the treatment of all subterranean termites, dry-wood termites, powder post beetles, or old house borers; and

B. – G.5....

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3370.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:2437 (November 2000), LR 27:1179 (August 2001), LR 27:2084 (December 2001), LR 28:1171 (June 2002), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 30:1144 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and

Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 35:1468 (August 2009), LR 37:282 (January 2011); LR 45:

§121. Wood Destroying Insect Report

A. – A.2. ...

B. A wood destroying insect report shall be issued by a person who is licensed by the commission in termite control or a certified WDIR technician who is working under the supervision of a person who is licensed by the commission in termite control. The report shall carry a guarantee that the property will be treated without charge should live subterranean termites covered by the report be found in any readily accessible area within 90 days from the date of inspection.

C. – D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3670.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 23:856 (July 1997), LR 24:631 (April 1998), LR 25:235 (February 1999), LR 25:829 (May 1999), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:797 (May 2006), repromulgated LR 32:1017 (June 2006), amended LR 37:282 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 39:3238 (December 2013); LR 45:

§141. Minimum Specifications for Termite Control Work

A. – G. ...

1. Whenever an active infestation of subterranean termites, dry-wood termites, powder post beetles, or old house borers is found at any property under a current contract for that type of wood destroying insect, the pest control business that is responsible for the contract shall retreat within 30 days of discovery or notification.

H. – L.9....

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016); LR 45:

Public Hearing

In accordance with R.S. 49:968(H)(2), a public hearing on the proposed substantive changes will be held on August 21, 2020 at 9:00 a.m., at the Department of Agriculture and Forestry in the Veterans' Memorial Auditorium, 5825 Florida Boulevard, Baton Rouge, LA 70806. Interested persons may submit written comments, data, opinions and arguments regarding the proposed substantive changes. Written submissions must be directed Harry Schexnayder, Director of the Structural Pest Control Commission, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4:30 p.m. on the 21st day of August, 2020.

Mike Strain, DVM
Commissioner of Agriculture and Forestry