

Clemson University Department of Pesticide Regulation

Proper Use of the Official Waiver of Standards Form

A Guide for Applicators



Department of
Pesticide Regulation

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Bulletin 20

Termite treatment standards were first implemented in South Carolina in 1980. Those regulations also provided for the use of an "Official Waiver of Standards Form" in situations where a Standard could not be completed. The waiver must be signed by the property owner prior to beginning the treatment. It documents the property owner's agreement that less than the full treatment required by the Standards will be performed, and it authorizes the pest control operator (PCO) to proceed on that basis.

Because of recent changes to the South Carolina Rules & Regulations (which took effect on January 1, 2006), the protocol for using a waiver has changed somewhat. This bulletin is intended to clarify the requirements for using a waiver.

When the South Carolina treatment standards were implemented in 1980, only liquid treatments were being made. This continued until the advent of termite baits and borate wood treatments in the mid-1990s. In the early days of alternative treatment technologies, PCOs were still required to document any of the "normally performed" standards (*i.e.*, liquid soil treatment) that were not being completed as a part of any termite treatment. Also, when installing termite baiting systems, PCOs were required to complete a "disclosure form," which explained the termite monitoring and baiting program to the consumer.

In 2002, a modified waiver was developed for the convenience of the pest control industry that incorporated elements of both the waiver and termite bait disclosure form. This document was titled "Alternative Treatment and Waiver of Minimum Treatment Standards Disclosure Form."

As familiarity with bait & borate treatment technology increased, it became apparent that it was no longer necessary to require the routine use of the waiver for termite baits, borates or other alternative technology termite treatments. When the Rules and Regulations for the Enforcement of the SC Pesticide Control Act were amended in 2005, a new waiver form was developed. These changes made the combined waiver and disclosure form unnecessary, and the requirement for its use was dropped.

The "new" waiver form is similar to the old waiver form that has been in use since 1980. The regulations still require that any necessary waiver must be completed and signed by the property owner or their authorized agent before a treatment is made. Much like the old waiver, the new waiver form requires the completion of the following standards:

1. Remove cellulose debris and form boards from crawlspace.
2. Remove wood-to-ground contact.
3. Remove termite tubes.
4. Treat soil along foundation walls, piers, *etc.*
5. Treat hollow masonry voids.
6. Treat soil beneath attached slabs.
7. Provide adequate ventilation.
8. Provide minimum clearance of 8" between soil and wood.
9. Treat soil beneath slab foundations.

For any treatment in which use of the form is necessary, simply check the blank beside the relevant standard (*i.e.*, the one not being completed). Then check the reasons below and/or write in an explanation as to why that particular standard is not being completed; also include any necessary explanation for situations where part of a standard is being completed and part is not. (*i.e.*, which area is not being treated).

The “new” regulations require that for any type of termite treatment, the PCO must either correct or waive the standards listed on the waiver form as items 1, 2, and 3 - if those conditions exist in the structure being treated. This is required regardless of the type of treatment made (*e.g.*, soil-applied liquids, baits, borates, or some other alternative technology), and is required whether it is a preconstruction treatment or an existing structure. For example, if you are performing an existing structure treatment and there are termite shelter tubes on the foundation and wood, these must be scraped down; if for some reason that is not going to be done, that standard must be specifically addressed on a waiver and signed by the property owner.

Standard # 7 (ventilation) only needs to be addressed (*i.e.*, corrected or waived) on post-construction treatments. The reason PCOs will no longer be required to address ventilation on pretreats is that on new construction, proper crawl-space ventilation should be assured by oversight from building codes enforcement officials.

The remaining standards (# 4, 5, 6, 8 and 9) only have to be completed or waived on pretreatments or post-construction treatments that use conventional soil-applied termiticides.

If a termiticide label permits less than a full liquid treatment, such as is the case with Termidor® EP/LI, it is not necessary for the PCO to waive those elements that are not required by the label. For example, under the EP/LI section of the Termidor® label, treatment of hollow masonry voids is not required. So if you are performing that type treatment, you would not have to specifically waive voids. (Note that if a PCO is using Termidor® under the full conventional treatment portion of the label, all relevant standards must be either completed or waived.)

Waivers can not be used to “legalize” perimeter-only termite treatments with termiticide products for which labeling does not support that type of termite treatment. Waivers are also not permitted on pre-construction treatments except in cases where the design or construction of the building actually prevents proper completion of the relevant treatment standard. In such cases, the PCO must contact the local DPR Regulatory Specialist to obtain approval in writing for a waiver to be issued. These restrictions were put in place by policy in 2002, and they were included in the 2005 revisions to the regulations which took effect on January 1, 2006.

Multiple structures can be included on the same waiver form only if there is a common owner or authorized agent for all the structures and the same standard is being waived on all buildings. Waivers are NOT required for retreatments or booster treatments made under an existing contract or partial treatments that are made to reinstate a contract that has lapsed for less than one year.

A copy of any issued waiver must be maintained by the PCO firm for a period of two (2) years after treatment, or for as long as the contract/warranty is in effect, whichever is longer.

The new Regulations state “five years or the life of the warranty” in one location and “two years or the life of the warranty” in another location. The Department will enforce the records retention requirement as “two years or the life of the warranty for existing structures” and “five years or the life of the warranty” for pre-construction treatments.

Please call the Clemson University Department of Pesticide Regulation at 864.646.2150 for any questions regarding the Official Waiver Standards form.

You may download a copy of the waiver form from our website at <http://dpr.clemson.edu/forms/>.

Anderson..... 843.494.2332
 Aynor..... 843.957.1727
 Beaufort..... 843.255.6060 Ext 111
 Charleston..... 843.225.7065
 Clemson..... 803.260.1462
 Columbia..... 803.736.7680 Ext 112
 Florence..... 843.667.1393
 Newberry..... 803.403.7262
 North Myrtle Beach..... 843.360.1512
 York..... 803.628.0303



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