



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Agriculture

RULE TYPE: Legislative

RULE TITLE: Regulations for Wood Infestation Reports

A public hearing on the above proposed regulations will be held at 1 p.m., Thursday, October 9, 1986, at the Guthrie Agricultural Complex, Building 2, John T. Johnson Conference Room, Charleston, West Virginia 25312.

Comments are not limited and may be oral or written.

A comment period on the above proposed rule has been scheduled and will end on October 10, 1986, at 4:00 P.M. Written comments are to be mailed to the following address: Plant Pest Control Division, West Virginia Department of Agriculture, Capitol Building, Charleston, WV 25305.

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate a review of these comments.

The issues to be heard shall be limited to the proposed regulations.

Gus R. Douglass

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PROPOSED
WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-16B

GENERAL INDEX

FOR

SERIES XIIf

TITLE: Regulations for Wood Infestation Reports

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WEST VIRGINIA LEGISLATIVE RULES
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-16B
SERIES XIIf

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SECRETARY OF STATE

TITLE: Regulations for Wood Infestation Reports

Section 1. General

1.1 Scope - These legislative regulations establish requirements for the inspection of homes and other structures for wood destroying pests as required for the sale or transfer of property or at anytime a fee is charged for such inspection.

1.2 Authority - W. Va. Code 19-16B-4

1.3 Filing Date

1.4 Effective Date

Section 2. Responsibilities

2.1 These regulations apply to each Licensed Pesticide Application Business, their employees or other persons performing wood infestation inspections for the sale of homes under the West Virginia Pesticide Use and Application Act, Chapter 19 Article 16B. Each wood destroying pest inspection shall be done according to the following standards by a person who is deemed by the inspecting company to be competent to determine the presence of target pests or their damage.

2.1.1 Each inspection shall include a careful visual observation and thorough examination of the readily accessible area, object, material, or part of a structure inspected. Particular attention shall be directed to those areas where target pests are likely to occur, based upon the habits and natural tendencies of the target pest.

2.1.2 The inspector shall report accurately all findings in writing to the person or persons for whom the inspection was performed.

2.1.3 The report shall indicate any findings or visible evidence of the target pest or pests.

2.1.4 A copy of any inspection report for pest control contracted shall be held by each licensee, permit or certificate holder for 3 years, and shall be made available, upon request, to the Department.

Section 3. Inspection Procedure

3.1 Any person performing an inspection shall sound or probe readily accessible structural members to inspect for wood destroying insects. Particular attention should be directed to the following areas of a structure.

3.1.1 Exterior. The exterior of a structure below eye level, without the use of ladders, shall be inspected.

3.1.2 Interior/General. The interior of the structure, including the readily accessible attic area, shall be inspected.

3.1.3 Interior/Basement. The interior of the basement area shall be inspected.

3.1.4 Interior/Crawlspace. The crawlspace area shall be inspected.

Section 4. Inspection Report

4.1 Each licensee shall use an inspection report form containing the following information:

4.1.1 The date of the inspection.

4.1.2 The name and address of the Licensed Pesticide Application Business performing the inspection.

4.1.3 The name of the person performing the inspection.

4.1.4 The name of the property owner or seller.

4.1.5 The address of the property or structure inspected.

4.1.6 A description of the structure inspected.

4.1.7 An indication of the areas of the structure inaccessible to the inspector, including, but not limited to, areas of the basement, crawlspace, main level, attic, exterior and attached garage or porch, and indicate the reason why the area is inaccessible.

4.1.8 An indication of the presence or absence of wood destroying insects.

4.1.9 A description of visible evidence, if any, of wood destroying insects, including the specific location of damage and insect, or insects involved.

4.1.10 A description of visible damage, if any, to a structure, and indicate if the observed damage has been or will be corrected and by whom.

4.1.11 An indication if insect control measures are recommended or were performed.

4.1.12 An indication of any evidence of previous treatment.

4.1.13 An indication of any finding or visible evidence of decay, moisture damage, or conditions such as earth-wood contact, faulty grades, or insufficient ventilation which may lead to infestation from subterranean termites.

4.1.14 The signature and title of the company representative.

4.2 The inspection report shall include a diagram of the structure or structures inspected that indicates locations where wood destroying insects are found. All visible damage and any inaccessible areas shall be noted in the report.



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DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

JOHN D. PERDUE
ASSISTANT COMMISSIONER

August 4, 1988

Mr. Rich O. Hartman, Director
W.Va. Secretary of State's Office
Administrative Law Division
State Capitol
Charleston, WV 25305

Dear Mr. Hartman:

Please consider this our formal request to have the following rules removed from the Rule Monitor of the West Virginia Register:

- 1) Wood Infestation Reports
- 2) Pesticide Use & Application Act -
Enforcement Procedures
- 3) Tobacco Markets

No further action is planned at this time to revive any of the above listed rules.

Sincerely,

John D. Perdue
Assistant Commissioner

JDP:jlf

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SECRETARY OF STATE