



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

May 6, 2021

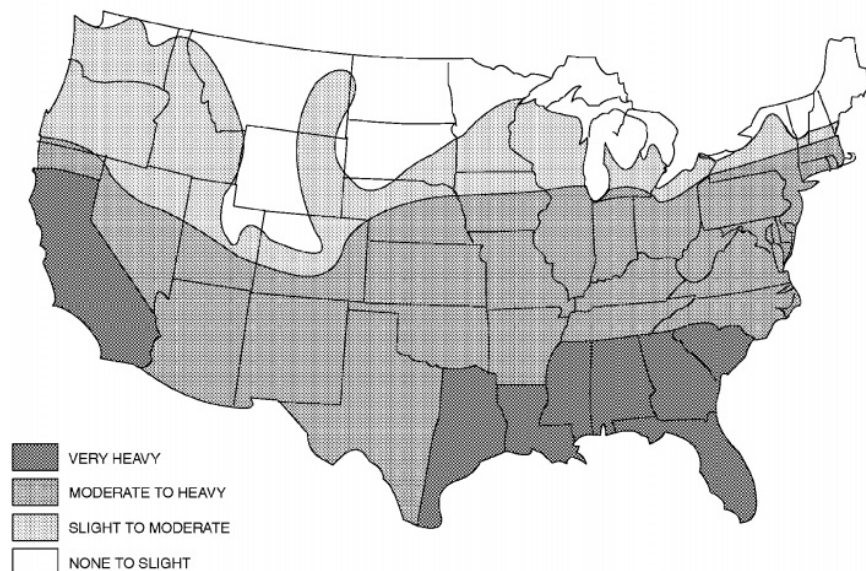
Mo Madani, Technical Director
Building Codes & Standards office
2601 Blair Stone Road
Tallahassee, Florida 32399

Subject: DS 2021-015

Dear Mr. Madani:

As you are aware, Florida's building code has had a pre-construction, soil termiticide treatment requirement since at least the late 1950's. All structures built in Florida were required to have a soil termiticide treatment with a five (5) year warranty against re-infestation by termites. (formerly Section 320 of older codes.)

Florida's temperate environment, soils and moisture provide a beneficial habitat for termites. (As indicated by the "Termite Infestation Probability Map" found in the Florida Building Code and provided here.)



Note: Lines defining areas are approximate only. Local conditions may be more or less severe than indicated by the region classification.

FIGURE R301.2(6)
TERMITE INFESTATION PROBABILITY MAP

Prior to 2000, there was no consistency in how a building department verified the performance of these treatments. In 2000, there was newer termiticide chemistry available (baits and direct wood treatments) that did not establish a soil barrier. Chapter 482, F.S., already required the issuance of termite contracts with disclosures of renewal, warranties and disclaimers for any termite treatments performed by licensees.

A large industry workgroup of builders, pest control operators, building department officials, scientists/researchers, homeowners and termiticide manufacturers assembled in order to develop some meaningful legislation that would serve the citizens of the State of Florida.

Research demonstrated that many of the termiticide failures was not due to the chemistry's degradation, but to common construction practices that influenced the ability of the termites to breach the chemical barriers.

Section 317 was developed to reduce or eliminate "conducive conditions" that resulted in termite breaches, such as: burying wood debris in the structure's vicinity; eliminate leaving wood plumbing forms within the foundation; preventing siding, stuccos and other exterior wall finishes from extending into the soil (providing both cover and access to the structure); reducing wood contact with the soil, and if unavoidable, requiring treated lumber to resist decay in those areas.

Section 318 incorporated the existing soil pre-treatment requirements and provided for the newer technologies of baiting and the direct treatment of structural wood. This section relies on the Florida Department of Agriculture and Consumer Services to develop a list of termiticides registered in Florida for preventive treatment of new construction.

In order to accomplish this, the Department developed Rule 5E-2.0311, Florida Administrative Code (F.A.C.), utilizing scientific methodologies to prove efficacy of the termiticides used for treatment of new construction, using the application directions for the construction, conditions, and environment found in Florida since all US EPA registered pesticides must be registered for use within Florida under Chapter 487, F.S.

Chapter 482, Florida Statutes (F.S.), authorizes the Florida Department of Agriculture and Consumer Services to regulate all structural pest control. This would include termite treatments, contracts and warranties. Our regulations require these treatments to be made by a licensed pest control business as stated in Section 318's opening paragraph.

I have attached the current list of approved termiticides and it appears that there are no registrants who have registered any AWPA, UC4 standard wood products.

Furthermore, Section 318 requires the performance of a “pest control treatment” that in accordance with Chapter 482, F.S., would require both a pest control licensee to perform the treatment and the issuance of a contract/warranty on the property for a period of 5 years.

Please let me know if I can provide any further clarification or details.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Parker", with a stylized flourish at the end.

Joseph E. Parker, Environmental Consultant
Bureau of Licensing and Enforcement
Division of Agricultural Environmental Services