

**02 NCAC 34 .0505 SUBTERRANEAN TERMITE PREVENTION/RES BLDGS UNDER CONST**

(a) All treatments performed pursuant to this Rule shall only be performed at the label recommended rate and concentration.

(b) The following standards and requirements shall apply to the treatment of a building for subterranean termite control during construction if the building has a basement, crawl space, or slab:

- (1) Establish a vertical termiticide barrier in the soil by trenching or trenching and rodding along the inside of the main foundation wall; the entire perimeter of all multiple masonry chimney bases, pillars, pilasters, and piers; and both sides of partition or inner walls with a termiticide from the top of the grade to the top of the footing or to a minimum depth of 30 inches, whichever is less. Where footings are exposed, treatment shall be performed adjacent to the footing but not below the bottom of the footing. The trench shall be no less than six inches in depth or to the bottom of the footing, whichever is less. Where drain tile, french drains, or other foundation drainage systems present a hazard of contamination outside the treatment zone, treatment shall be performed in a manner that will not introduce termiticide into the drainage system.
- (2) After a building or structure has been completed and the excavation filled and leveled so that the final grade has been reached along the outside of the main foundation wall, establish a vertical termiticide barrier in the soil by trenching or trenching and rodding adjacent to the outside of the main foundation wall with a termiticide from the top of the grade to the top of the footing or to a minimum depth of 30 inches, whichever is less. Where footings are exposed, treatment shall be performed adjacent to the footing and not below the bottom of the footing. The trench shall be no less than six inches in depth or to the bottom of the footing, whichever is less. Where drain tile, french drains, or other foundation drainage systems present a hazard of contamination outside the treatment zone, treatment shall be performed in a manner that will not introduce termiticide into the drainage system.
- (3) Establish a horizontal termiticide barrier in the soil within three feet of the main foundation, under slabs, such as patios, walkways, driveways, terraces, gutters, etc., attached to the building. The treatment shall be performed before slab is poured but after fill material or fill dirt has been spread.
- (4) Establish a horizontal termiticide barrier in the soil under the entire surface of floor slabs, such as basements, porches, entrance platforms, garages, carports, breezeways, and sun rooms. The treatment shall be performed before slab is poured but after fill material or fill dirt has been spread.
- (5) Establish a vertical termiticide barrier in the soil around all critical areas, such as expansion and construction joints and plumbing and utility conduits, at their point of penetration of the slab or floor or, for crawl space construction, at the point of contact with the soil.
- (6) If concrete slabs are poured prior to treatment, treatment of slabs shall be performed as required by 02 NCAC 34 .0503(a) or (b) except that the buyer of the property or his or her authorized agent may release the licensee from further treatment of slab areas under this Rule provided such release is obtained in writing on the Subterranean Termite Sub-Slab Release Form provided by the Division. This form shall contain:
  - (A) the name of the builder;
  - (B) the address of the property;
  - (C) an identification of the slab areas not treated;
  - (D) the name and address of the structural pest control company; and
  - (E) shall be signed by the company representative and the home buyer.

This form may be obtained by writing the North Carolina Department of Agriculture and Consumer Services, Structural Pest Control and Pesticides Division, 1090 Mail Service Center, Raleigh, NC 27699-1090 or by calling (919) 733-6100. The form may also be obtained online at <https://www.ncagr.gov/SPCAP/structural/documents/TERMITICIDESAPPROVEDFORUSEINNORTHCAROLINA04222019.pdf>.

(c) Slab-on-Ground Construction. The requirements set forth in Paragraph (a) of this Rule shall be followed, as applicable, in treating slab-on-ground construction.

(d) All treating requirements specified in this Rule shall be completed within 60 days following the completion of the structure, as described in Subparagraph (b)(2) of this Rule.

(e) Paragraphs (b) and (c) of this Rule shall not apply to subterranean termite treatment performed using termite bait(s) labeled for protection of the entire structure if the licensee provides a warranty for the control of subterranean termites on the entire structure.

(f) Paragraphs (b) and (c) of this Rule shall not apply to subterranean termite treatment performed using EPA registered topically applied wood treatment termiticides labeled for the protection of the entire structure if the licensee applies the material according to labeled directions and provides a warranty for the control of subterranean termites on the entire structure.

(g) No later than the date of the completion of any treatment performed under this Rule, the licensee or his or her employee shall place a durable sticker or label, no less than three inches square, on the meter base, circuit breaker box, inside surface of kitchen cabinet door, or other readily noticeable location providing the following information:

- (1) The statement: "This structure was treated for the prevention of subterranean termites. A warranty has been issued to the builder. If you did not receive your copy of this warranty at closing, contact your builder or the company below for additional warranty information." in boldface type;
- (2) The name, address, and telephone number of the company performing the treatment; and
- (3) The date of final treatment.

(h) If the licensee uses a termiticide that has been approved by the Committee pursuant to 02 NCAC 34.0502(a)(2)(B) and the licensee complies with the requirements of that Part, the licensee shall not be required to comply with this Rule. For a list of termiticides the Committee has approved under 02 NCAC 34.0502(a)(2)(B), see <http://www.ncagr.gov/SPCAP/structural/documents/TTermiticidesApprovedForUseInNorthCarolinapdf.pdf>.

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