

Title 4
AGRICULTURE
Part 1
TEXAS DEPARTMENT OF AGRICULTURE
Chapter 7
PESTICIDES
Subchapter H
STRUCTURAL PEST CONTROL SERVICE
Division 5
TREATMENT STANDARDS
Rule §7.178
Structural Fumigation Requirements

(a) Fumigation of structures to control wood destroying insects or other pests shall be performed only under the direct on-site supervision of a certified applicator licensed in the category of structural fumigation. Direct on-site supervision means that the certified applicator exercising such supervision must be present at the site of the fumigation during the introduction of the fumigant, any reentry prior to aeration, during the initial aeration process, and when the structure is released for occupancy.

(b) All motor vehicles used by a licensee or licensee's employees in conducting structural fumigation services, to include the transportation of tarps and fumigants, shall display the TPCL number of the business. The transportation of all fumigants shall be done consistent with label directions.

(c) A licensee licensed in the structural fumigation category may subcontract the performance of a structural fumigation to another licensee licensed in the structural fumigation category. The primary contractor shall notify the customer that the performance of the structural fumigation service will be performed by another properly licensed business other than the primary contractor. This written notification shall be a part of the disclosure documents as a separate statement itself or attached to the disclosure documents, and must be signed and dated by the customer. Both the primary contractor and the subcontractor shall maintain a copy of the disclosure documents issued to and signed and dated by the customer, and the report as described in subsection (l) of this section for a period of two (2) years.

(d) Structural fumigation shall be performed in compliance with all label requirements applicable to state and federal laws and regulations [including all label required stewardship training](#).

(1) During a fumigation, whenever the presence of two (2) persons trained in the use of fumigant is required by the fumigant label, at least one (1) of these persons must be the certified applicator providing direct on-site supervision as described in subsection (a) of this section and the second person must be trained in the necessary safety precautions.

(2) Two (2) trained persons shall be present at each fumigation site during the introduction of the fumigant, any reentry prior to aeration, during the initial aeration process, and if the label requires, until the active aeration period with all operable doors and windows open is completed and the structure is secured for the remaining aeration period.

(3) During these periods of time, two (2) operational Self-Contained Breathing Apparatuses (SCBA) must be present at the fumigation site. Fumigators must have in their possession any keys necessary to unlock secondary locking devices and/or an access device that would allow for immediate access to the structure the entire time the structure is under fumigation.

(4) A trained person in structural fumigation must be a registered apprentice, licensed technician, or certified applicator in the structural fumigation category having been trained in the proper use of a SCBA and clearing devices.

(e) Prior to the release of the fumigant, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the structure under fumigation and shall not be removed until the premises is determined safe for occupancy. Ventilation shall be conducted with due regard for public safety.

(f) Local fire, police, or emergency authorities shall be notified of the structural fumigation prior to introduction of the fumigant. Notification shall be made in writing, by email or by telephone as long as a record is made of the name of the person that was informed and the date and time. The same agency shall be informed that the structure is released for occupancy.

(g) The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation. The space to be fumigated shall be sealed in such manner to ensure that the concentration of the fumigant released is retained in compliance with the manufacturer's recommendations. Fumigation tarps with puncture holes, tears, rips, or splitting seams must be taped or repaired in such a manner to ensure that the concentration of the fumigant released is retained in compliance with the manufacturer's recommendations.

(h) Warning signs shall be printed in red on white backgrounds and shall contain the following statement in letters not less than two (2) inches in height: "Danger/Peligro"-Fumigation and "Area under Fumigation. DO NOT ENTER/NO ENTRE." Signs must also depict a skull and crossbones, not less than one (1) inch in height, the name of the fumigant, the date and time fumigant was introduced, and the name, license number, and telephone number where the certified applicator performing the fumigation may be reached twenty-four (24) hours a day.

(i) On any structure that has been fumigated, the certified applicator responsible for the fumigation shall, immediately upon completion, post a durable sticker on the wall adjacent to the electric breaker box, water heater, or beneath the kitchen sink. This must be a durable sticker not less than one (1) inch by two (2) inches in size. It must have the name and license number of the certified applicator, date of fumigation, fumigant used, and the purpose for which it was fumigated (target pest).

(j) A certified applicator performing the fumigation shall use adequate warning agents with all fumigants that lack such properties. When conditions involving abnormal hazards exist, the person exercising direct on-site supervision shall take such safety precautions in addition to those prescribed to protect the public health and safety. The certified applicator responsible for the fumigation shall visibly inspect the structures to assure vacancy prior to introduction of fumigant.

(k) The certified applicator responsible for the fumigation shall also post a person or persons to guard the location whenever a licensed applicator is not present from the time the fumigant is

introduced until the label concentration for aeration is reached. The person posted at the location shall deter entry into the structure by routinely inspecting the structure under fumigation at least once each hour. The person posted at the location shall remain alert and on duty as directed by the certified applicator. The certified applicator responsible for the fumigation shall secure all entrances to the structure in such a manner as to prevent entry by anyone other than the certified applicator responsible for the fumigation. The structure must remain secured by secondary locking devices until the structure is released for occupancy.

(l) For the purpose of maintaining proper safety, establishing responsibility in handling the fumigants, and to ensure a successful fumigation the business performing the structural fumigation shall compile and retain a report for each fumigation job and/or treatment for a period of at least two (2) years. The certified applicator responsible for the fumigation must have a copy of the report at the time of the fumigation. The report for each fumigation job or treatment must contain the following information to be recorded as the fumigation progresses:

(1) General Information:

- a. Fumigation Company
- b. Fumigation site address
- c. Structure type
- d. Target pest(s)

(2) Fumigation Introduction:

a. Dosing calculations:

- i. Dosage factor
- ii. Tarp condition
- iii. Under seal type
- iv. Seal condition
- v. Wind (mph)
- vi. Volume of fumigated space (1000 cubic feet) (B)
- vii. Underseal
- viii. Temperature
- ix. Hours of Exposure

b. Introduction of chloropicrin and sulfuryl fluoride:

- i. Name, license number, and signature of certified applicator responsible for introduction of chloropicrin and sulfuryl fluoride.
- ii. Name(s) of second trained person(s) and certified applicator(s) assisting with introduction of chloropicrin and sulfuryl fluoride.
- iii. Total ounces of warning agent chloropicrin introduced and number of introduction sites.
- iv. Cylinder serial number(s) of sulfuryl fluoride applied.
- v. Pounds of fumigant applied.
- vi. Date and time of fumigant release.

(3) Aeration:

- a. Name, license number, and signature of certified applicator responsible for initiating aeration.
- b. Name(s) of certified applicator(s) and second trained person(s) assisting with initiating aeration.

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c. Date and time of aeration initiated.

(4) Final clearance testing:

- a. Name, license number, and signature of certified applicator responsible for conducting final clearance testing.
- b. Name(s) of certified applicators assisting final clearance testing.
- c. Date and time final clearance testing completed.
- d. Clearance device model type

(5) Emergency response information:

“Get exposed person to fresh air. Call 911 or an ambulance. Keep exposed person warm and at rest. Make sure person can breathe freely. If breathing has stopped, give artificial respiration. Do not put anything in the mouth of an unconscious person.”

(6) Open comment field:

- a. This field is used to capture additional comments or issues not captured in other sections of the fumigation log.

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(1) name, address and business license number of the pest control business;

(2) name and address of property and owner;

(3) measured cubic feet fumigated;

(4) target pest or pest controlled;

(5) fumigant or fumigants used, EPA registration number and amount;

(6) name of warning agent and amount used;

(7) temperature and wind conditions;

(8) time gas introduced and aerated (date and hour);

(9) name and license number of the certified applicator responsible for the fumigation and providing direct on-site supervision;

(10) list of any extraordinary safety precautions taken;

(11) date and time released for occupancy (signed by certified applicator);

(12) the dates and times local fire, police or emergency authorities were notified;

(13) the identification of clearing devices used; and

(14) proof that the department was notified of the structural fumigation with the date and time of the notification:

(m) Fumigations for the purpose of controlling wood destroying insects are subject to the provisions of §7.174 of this chapter (relating to Wood Destroying Insect Treatment Disclosure Documents).

(n) Every licensee engaged in application of a fumigant is required to use an ~~approved effective~~ and calibrated clearance device consistent with the fumigant label. Effective clearance devices can be found at <https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride>.

(1) The ~~approved effective~~ and calibrated clearance device must be used consistently with the label.

(2) An independent and qualified facility or person must perform calibration of the clearance device not less than annually and anytime it is suspected to be inaccurate. Calibration must be in compliance with the manufacturer's requirements.

(3) Proof of calibration must be kept on file for a period of two (2) years and available for review by the department. The record of proof for each clearing device shall contain the date of calibration and the name of the independent and qualified facility or person who performed the calibration.

(o) The certified applicator responsible for the fumigation shall be responsible for following label requirements for aeration and clearing of the structure that is being fumigated.

(p) Notice of all fumigations of a structure must be submitted using the department's designated notification system between the hours of 6:00 a.m. and 9:00 p.m., at least four (4), and no more than twenty-four (24) hours prior to the structural fumigation application. If the structural fumigation is cancelled, notice of the cancellation must be sent using the department's designated notification system within three hours of the time the pest control company learns of the cancellation. The licensee must provide:

(1) address and site location;

(2) fumigant to be used;

(3) date and time of treatment (for the purposes of this section the time of treatment is when the business conducting the fumigation is scheduled to arrive at the fumigation site);

(4) measured cubic feet under contract;

(5) the name and license number of the business licensee; and

(6) the name and license number of the certified applicator responsible for overseeing the fumigation.

(q) Before an individual may apply for an initial certified applicator's license in the structural fumigation category the following experience requirements must be met:

(1) Attend a forty (40) hour structural fumigation school that has at least sixteen (16) hours of hands-on-training, and has been approved by the department; or

(2) Obtain forty (40) hours of on-the-job training with at least sixteen (16) hours of hands-on-training that is approved by the department. Department-approved hands-on-training includes the following:

- (A) Inspect the structure and identify pest(s) prior to fumigation;
- (B) Prepare disclosure documents pursuant to the provisions of §7.174, of this chapter;
- (C) Measure the structure and calculate volume;
- (D) Calculate dosage of fumigant;
- (E) Notify local fire, police or emergency authority as appropriate;
- (F) Secure materials left inside the structure, check pilot lights and appliances;
- (G) Tarp, place snakes, or otherwise seal the structure for fumigation;
- (H) Post the structure and secure entrances to the structure;
- (I) Instruct the person (guard) on duty at the site on responsibilities and safety precautions;
- (J) Set up equipment including splash pan and fans;
- (K) Introduce fumigant and warning agent (if required) to the structure;
- (L) Aerate the structure;
- (M) Take down tarps, remove snakes, remove locks, or otherwise remove sealing material;
- (N) Clear the structure;
- (O) Store and/or dispose of fumigant containers;
- (P) Prepare the report of fumigation required by subsection (I) of this section; and
- (Q) Securing the fumigant for transportation consistent with label directions.

(r) Current certified applicators with the structural fumigation category must receive four (4) hours of training per year to maintain their structural fumigation certification. The four (4) hours of training may be classroom or on the job training. Department-approved hands-on-training includes the following:

- (1) Inspect structure and identify pest(s) prior to fumigation;
- (2) Prepare disclosure documents pursuant to the provisions of §7.174 of this chapter;
- (3) Measure the structure and calculate volume;

- (4) Calculate dosage of fumigant;
 - (5) Notify local fire, police or emergency authority as appropriate;
 - (6) Secure materials left inside the structure, check pilot lights and appliances;
 - (7) Tarp, place snakes, or otherwise seal the structure for fumigation;
 - (8) Post the structure and secure entrances to the structure;
 - (9) Instruct the person (guard) on duty at the site on responsibilities and safety precautions;
 - (10) Provide onsite supervision during application (only one applicator per company may claim provision of onsite supervision);
 - (11) Set up equipment including splash pan and fans;
 - (12) Introduce fumigant and warning agent (if required) to the structure;
 - (13) Aerate the structure;
 - (14) Take down tarps, remove snakes, remove locks, or otherwise remove sealing material;
 - (15) Clear the structure;
 - (16) Provide onsite supervision during aeration and clearing (only one applicator per company may claim provision of onsite supervision);
 - (17) Store and/or dispose of fumigant containers;
 - (18) Prepare the report of fumigation required by subsection (l) of this section; and
 - (19) Secure the fumigant for transportation consistent with label directions.
- (s) In addition to the four (4) hours of training per year, certified applicators must acquire one (1) CEU per year in structural fumigation to maintain the certification following initial testing.
- (t) A verifiable performance/training records form will be made available to the department upon request. These performance/training records forms shall be kept on a format prescribed by the department in the business file for at least two (2) years. The responsible certified applicator for the company that performed the training must certify in the training records of each certified applicator that the certified applicator has completed the required training and has demonstrated competency. The verifiable performance/training records form will be made available to the certified applicator or technician upon written request.