

Responsibilities of Unlicensed Persons for Posting and Notification

Texas Administrative Code

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TITLE 4 AGRICULTURE

PART 1 TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 7 PESTICIDES

SUBCHAPTER H STRUCTURAL PEST CONTROL SERVICE

DIVISION 3 COMPLIANCE AND ENFORCEMENT

RULE §7.148 Responsibilities of Unlicensed Persons for Posting and Notification

(a) Owners or managers of residential rental properties with five (5) or more units must:

(1) post a pest control sign at least 48 hours before the planned indoor treatment in an area of common access to residents; or

(2) distribute the application information consistent with §7.146(e) of this title, relating to Pest Control Sign, to each unit planned to be treated and each unit adjacent to those planned to be treated or in an adjacent or area of common access at least 48 hours before the planned time of treatment; and

(3) make the consumer information sheet available upon request.

(b) Employers, building managers, IPM Coordinators, and chief administrators of workplaces, hospitals, nursing homes, hotels, motels, lodges, warehouses, food-processing establishments, school or educational institutions, and day care centers must post a pest control sign in an area of common access at least 48 hours prior to each planned indoor treatment and make a consumer information sheet available to any individual working or residing in the building upon the request of that individual.

(c) Chief administrators or the IPM Coordinators of schools or educational institutions and day care centers must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements.

(d) The 48 hour pre-notification requirements of subsections (a) and (b) of this section may be waived if an emergency exists and the customer and certified applicator sign a statement attesting to the fact that an emergency exists that requires immediate treatment. The statement must be kept on file with the

pest control use records at the business license location. Certified noncommercial applicators may attest to an emergency by signing a statement attesting to the emergency and must keep the statement on file with the pest control use records. An emergency is defined as an imminent hazard to health and emergency treatment is limited to the localized area of the emergency.

(e) A person may not be considered in violation of this section if a pest control sign is removed by an unauthorized person or if the space to be treated is vacant, unused and unoccupied at the time of treatment.