

Completing the Wood Destroying Organisms Report

Purpose

To enable those completing the wood destroying organisms report to properly complete the form based on legal and industry practices.

Agency

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Legal Citation

Policy

Compliance

Persons who complete the Wood Destroying Insect Report

Exemption

Persons who do not hold either WDI or Category 7b Pesticide Certification.

Requirements

- Pest management professionals (PMPs) and home inspectors have been wrestling with some of the nuances of form NPCA-1 and the laws regarding its use. Below are some of the most frequently asked questions and answers that have been reviewed by structural pest control regulatory staff for the Office of Indiana State Chemist (OISC).

Question 1. Are drill holes in the sill plate of the structure considered evidence that at least a portion of the structure may have been previously treated for termite control?

A. Yes. The purpose of checking this box in Section 2 of the form is to alert the buyer that someone thought it necessary to make an attempt to prevent or control termites. The form does not ask you to make a judgment as to whether the treatment was performed correctly or by today's standards. A recognizable pattern of drill holes in the sill plate is indicative of a wood treatment such as the old pentachlorophenol treatment that was once used to control termites; the holes should be reported as evidence of a previous treatment.

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Requirements

Question 2. If a pest management professional obtains a signed waiver, can he/she do a partial treatment and check “yes” under Section III of the form, which deals with treatment?

A. Yes, but in recent years the introduction of nonrepellent termiticides has caused some in the industry to experiment with partial treatments such as outside trench only. However, current soil termiticide labels do not consider this an approved practice. You must also remember that OISC policy statement 01-1214 requires that the customer be warned that your partial treatment is not endorsed by US EPA or OISC and does not conform to industry standards and practices. The OISC policy also requires you to spell out every treatment specification mandated by the label that you are going to omit. A copy of the disclaimer form covering policy statement 01-1214 can be obtained at the OISC web page at <http://www.isco.purdue.edu/>.

The complicating factor in performing a partial treatment as part of a real estate transaction is that the person ordering and paying for the treatment is usually operating on behalf of the *seller* of the property; but if the partial treatment does not control the termites, the *buyer* is the one left to deal with the fact that a less than “standard” treatment was done. The buyers are usually not pleased when they learn that the termite control service performed on their new home was sub standard. Therefore, OISC strongly discourages partial treatments as part of real estate transactions.

Question 3. Is termite-damaged wood in the crawl space evidence of an infestation in the structure that *must be reported*?

A. No, not always. Legally you will not be held accountable by OISC if you do not report evidence of termites in wood debris in the crawl space. This is assuming, however, that no other evidence of termite infestation is present in the structure. The same reasoning can be applied to evidence of infestation in landscape timbers, fences, tree stumps, decks, etc., outside the home. The purpose of the form is to report all evidence of termites *in the structures* that you list in the box in Section 1 of form NPCA-1. Having said that, most of the industry feels a moral obligation (and perhaps a civil responsibility) to alert the potential buyer to such evidence even though it is not in the structure itself; and, absent of any inspection standard or legal mandate, industry practices often default to reporting evidence that is within 3 feet of the structure.

Requirements

Question 4. What has to be inspected?

- A. There is no law administered by OISC that dictates which structures must be inspected. In Section 1 of the form is a box for listing "Structure(s) Inspected." In this box you are required to list everything within the scope of your inspection, such as house and detached garage, house only, etc. If you have listed a structure, OISC and everyone else involved in the transaction assumes that you inspected it. If you failed to list anything in the box, OISC assumes that you inspected every structure on the property.

Question 5. Is it legally permissible for a home inspector who is not licensed by OISC to make casual mention on his/her report about the presence of wood destroying pests?

- A. No. The Indiana Pesticide Use and Application Law, section 14(9)(B) states that it is a violation if anyone is "engaged in or professed to be engaged in the business of making a diagnostic inspection (for hire) to determine infestations of a wood destroying pest on the property of another without having a pesticide business license." A home inspector may report that there is a need to contact a licensed pest inspector for further evaluation, but the unlicensed home inspector may not legally mention wood destroying insects or fungus. Any mention of wood destroying pests may be falsely construed by the buyer as a wood destroying pest infestation report.

Question 6. Is a termite swarm evidence of an infestation in the home, in the absence of any other evidence?

- A. Professional judgment dictates the correct answer to this question. If the swarming termites are coming from a window sill, yes, it indicates that the infestation is in the home; it is reasonable to presume that the termites had to come up through the structure to come out the window sill.

If the swarm is in the crawl space or outside the structure, maybe not. In this situation it is possible for two inspectors to respond somewhat differently. One inspector may state that he/she believes that the home is infested and recommend a treatment. Another inspector may state that they cannot determine the origin of the swarm and, in the absence of any other evidence, report that the home does not appear to be infested and therefore not recommend a treatment. Legally you are only

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Requirements

required to report the structural infestation of wood destroying pests if you have evidence that they are actually in the structure. Many industry professionals believe it is prudent to report a swarm regardless of where it occurs; they feel a moral obligation to report the presence of wood destroying pests if they are within three feet of the structure. However, this is an acceptable industry practice, and not a legal requirement.

Training

None

Source

Wrestling with the NPCA-1 Form. Frequently Asked Questions. 2002 Spring OISC newsletter Indiana Pesticide Newsletter.