

APA-2
6/96

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
DIVISION OF PESTICIDE MANAGEMENT

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and
Industries

Rule Nos. & Titles: 80-10-9-.18. Real Estate Transaction
Inspection Report - Official Alabama Wood Infestation
Inspection Report

Intended Action: To Amend

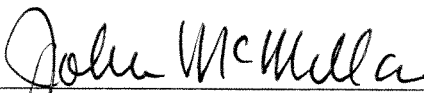
Substance of Proposed Action: Amend to correct misspelling
and clarify record-keeping responsibilities.

Time, Place, Manner of Presenting Views: Views may be
presented in writing to the contact person below or in
person on the meeting date, Tuesday, May 8, 2012, at 10:00
a.m., in the Board Room of the Richard Beard Building, 1445
Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 8,
2012

Contact Person at Agency: Daniel H. Autrey, Legal Advisor and
Assistant Attorney General, Department of Agriculture and
Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123,
Telephone No. 240-7117.

2-16-2012
Date



John McMillan,
Commissioner of Agriculture
and Industries

**80-10-9-.18 Rule Real Estate Transaction Inspection Report-
Official Alabama Wood Infestation Inspection Report.**

(1) The official Alabama wood infestation inspection report, which may be required as a condition of sale financing or refinancing of property shall be the written instrument for the purpose of determining the visible presence of an active or previous infestation of wood destroying organisms in an existing structure. The inspection conducted for issuance of this report shall only be performed by a qualified inspector and the report shall only be completed and issued by a person certified and permitted to engage in the category of structural pest control work involving control of wood destroying organisms. The inspection must be conducted so as to ensure examination of visible accessible areas in accordance with accepted procedures. While such an inspection may reveal wood destroying organisms, there are inaccessible areas where concealed infestations and/or damage may not be discovered. Inspection of inaccessible areas is not required. Such instrument shall carry a guarantee that if an infestation of wood destroying organisms from which apparent freedom is certified, is found within ninety (90) days from date of issuance, the infested structure(s) shall be treated by the licensee, free of charge, subject to the following:

(a) Subterranean Termites

1. Structures which show no evidence of a previous treatment or are not known to have been pretreated will receive a full minimum adequate treatment pursuant to Rule 80-10-9-20.

2. Structures which show evidence of previous treatment will be treated in such manner to adequately control the infestation.

(b) Powder post beetles and wood boring beetle--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.22.

(c) Wood decaying fungi--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.26.

(d) Dry wood termites--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.27.

(2) A copy of the official Alabama wood infestation inspection report, Part A and Part B, shall be kept in the files

of the permittee for a period of ~~one~~ ⁽¹⁾ three (3) years following inspection of the structure and made available to the commissioner or his authorized agent upon request.

(3) A copy of the official Alabama wood infestation inspection report, Part A and Part B, to include scope and limitations of inspection of said report, is attached to and made a part of this rule as *Exhibit "A." A copy of this report is available from the Commissioner of Agriculture and Industries for reproduction.

(4) The official Alabama wood infestation inspection report is evidence of an active or previous infestation of wood destroying organisms that were visible and accessible to a qualified inspector on the date the inspection was performed. The permittee is responsible for the accuracy of the inspection and the report as to evidence of an active or previous infestation of wood destroying organisms on the date of inspection.

***Note: See Exhibit "A" for Rule 80-10-9-.18 at end of Chapter.**

Authors: Charles H. Barnes, Robert J. Russell, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-28-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed

June 19, 1986. **Amended:** Filed May 22, 1991. **Amended (Exhibit A also):** Filed February 11, 2005; effective March 18, 2005.

Amended : Filed February 19, 2009; effective March 26, 2009. **Amended:**