

ARKANSAS STATE PLANT BOARD

Minutes

March 18, 2025

9:30 a.m.

Chairman Reynold Meyer called the quarterly board meeting to order.

Members present: Bruce Alford, Sammy Angel, Kyle Baltz, Jon Bierbaum, George Dunklin, David Gammill, Reynold Meyer, Matthew Miles, Nathan Reed, Travis Senter, Dr. Nathan Slaton, Sam Stuckey, Robert Thorne, Caleb Wall

Members present via Zoom: Dr. Ken Korth, David Wallace, Jr.

Member(s) absent: Garrett Frost, Robin Ralston

Scott Bray, Director, Plant Industries Division, and other Arkansas Department of Agriculture staff were in attendance.

1. **Opening comments and introductions**

Chairman Meyer welcomed all who were in attendance and asked each member to introduce themselves and state who they represent.

2. **Consider minutes of the December 10, 2024 meeting**

Moved by Angel, seconded by Miles to approve the minutes as presented.

Motion carried.

3. **Authorize expense reimbursements for 2025 for each board member performing official board duties**

Moved by Baltz, seconded by Senter to approve expense reimbursements as presented.

Motion carried.

4. Final approval of Pest Control and Pesticide rule changes

Bray stated the board approved the Pest Control and Pesticide rules several months ago. The purpose of the rule changes is basically to bring program rules in alignment with our certification and training plan with EPA. The changes would outline some record keeping requirements, which is already being done by either the label requirements or our own rule requirements, or a combination of both. Both rules have been through the 30-day public comment period and no comments were received. The purpose of bringing the proposed rules before the board today is to receive final approval to proceed through the final promulgation process to become final rules.

Bray stated there is some wording associated with training technicians that was inadvertently put in the Pesticide rule that should not be there. To remove the wording is considered a substantial change, therefore, Bray recommends that the board pull back the rule and begin the promulgation process over.

Bray also stated in an upcoming Pesticide Committee meeting there will likely be discussion on pesticide registration and licensing of drone use, which the board may want to address in this rule as well.

The board agreed to wait until the next Pesticide Committee meeting and address all changes at that time.

Moved by Wall, seconded by Senter to approve the rule changes for Arkansas Pest Control Law, Act 488 of 1975, shown as Attachment 4.

Motion carried.

5. Arkansas Seed Council representatives

Bray stated the Arkansas Seed Council (ASC), an advisory council applying to foundation seed and the University of Arkansas (U of A). The two members that served on the ASC, representing the Arkansas State Plant Board, are no longer board members. Bray stated two members need to be elected today to serve on ASC. Bray recommends Sammy Angel and David Wallace, Jr., since they are members that are associated with the seed business.

Moved by Reed, seconded by Baltz to nominate Sammy Angel and David Wallace, Jr. to serve on the ASC.

Motion carried.

6. Pest Control Section

Dr. Korth presented the pest control examination results from December 2024 through December 2025, for approval. **Attachment 6**

Moved by Alford, seconded by Bierbaum to approve the pest control exam results as presented.

Motion carried.

7. Pesticide Section

Committee Chair George Dunklin summarized the minutes of the March 10, 2025, Pesticide Committee meeting. **Attachment 7a**

Committee Chair Dunklin shared that Garrett Frost requested the addition of an unmanned drone category under Arkansas' existing aerial category. After discussion, staff will look into the matter and report back to the committee at a later date.

Susie Nichols, Pesticide Section Manager, provided an update on licensed drone operators. She reported that there are currently 11 licensed aerial firms with 15 drones, 2 pending firms with 11 drones, and 4 firms on hold with 5 drones.

Nichols provided a summary of Arkansas's history with the product registration of the Feral Hog Bait Kaput.

In 2018 the manufacturer applied for registration in the state but withdrew due to concerns about exposure of non-target animals. The Feral Hog Eradication Task Force evaluated Kaput to advise the State Plant Board. Presentations were made by Richard Poché, Scimetrix Corporation, Dr. John Tomeček, representative for Texas A & M Agrilife, and Mr. Ryan Farney, Chair of the Arkansas Feral Hog Eradication Task Force. The task force recommendations are as follows:

- Kaput be registered as a Restricted Use Pesticide, requiring a license for purchase and use
- Restrict use to counties with no recorded black bear harvest since 2023
- Limit the use to specific time frames when black bears are denning

The Pesticide Committee recommends proceeding with rulemaking based on the tags force's recommendations to the Board.

Discussion was held between the board and Spencer Daniels, black bear Program Coordinator and Ryan Farney, Chair, Arkansas Feral Hog Eradication Task Force.

Poché recommended to the Pesticide Committee that, if the product were approved for use in Arkansas, it should only be used during black bear hibernation and in counties where no black bears have been harvested. He also emphasized actively working on a delivery system to prevent bears from accessing and consuming the product.

Moved by Dunklin, seconded by Wall to approve the recommendations of the Pesticide Committee to develop a draft rule that would allow the registration of this product under restricted conditions based on the recommendation of the Arkansas Feral Hog Eradication Task Force, as outlined.

Motion carried.

Dunklin stated that the committee requested an update on dicamba and the potential for a Section 18 label.

Bray stated the last information he received from EPA was that there is not going to be a product registered of dicamba for in-crop use for the upcoming season. Bray stated there has been some discussion on whether a 24c or Section 18 Emergency Exemption could be allowed for use of this product. EPA advised that their legal staff reviewed those two options and did not see that they would be approved.

Nichols presented highlights of the definitions of a Section 24c Special Local Need Registration (SLN), and a Section 18 Emergency Exemptions, shown as **Attachment 7b**

Bray presented plans for trying to manage the upcoming season for pesticide complaints. He plans to increase outreach/educational efforts, pursue the possibility of public announcements reminding the public that the product is not labeled for use, and increase sampling and inspections during the high use months.

Bray noted unresolved complaints dating back to 2017 and expressed a desire to address the backlog. Staff has issued settlement offers for complaint cases from 2017 to 2020, proposing to resolve them with warnings through informal settlement

agreements. These agreements will first be reviewed by the Pesticide Committee before being presented to the State Plant Board for final approval.

Questions were raised regarding product supply. Kerrie Ihnen, BASF stated at this point they do not have enough supply to meet the demand, and not just for Arkansas, but for all states. However, she noted that they are open to discussions as they plan ahead for 2026.

George Sabbagh from Bayer Crop Science stated that there is currently no registered product available for use and they do not anticipate having an over-the-top product ready in 2025. However, for 2026, they are actively collaborating with the EPA to introduce an over-the-top product to the market.

Eric Palmer, Syngenta, stated they are at the same point, and would be looking at 2026 for product as well.

Nichols provided further details about drones, noting that they are currently classified as aerial applications in Arkansas. She outlined the existing testing procedures and discussed plans for future testing and training programs for both manned and unmanned drones.

Bray summarized the pesticide section report, noting staff efforts to draft a pesticide rule for presentation to the Pesticide Committee. This draft aims to refine language, potentially introduce restrictions for registering Kaput, and establish two aerial subcategories for manned and unmanned drone use. Additionally, the Pesticide Committee will address unresolved pesticide complaints from 2017 to 2020 (and possibly 2021) by reviewing and proposing warning-based settlement agreements to reduce the backlog.

Moved by Dunklin, seconded by Angel to approve the Pesticide Committee meeting minutes as presented.

Motion carried.

8. Bureau of Standards

In the absence of Committee Chair Ralston, Nikhil Soman, Bureau of Standards Division Manager, summarized the minutes of the February 13, 2025, Bureau of Standards Committee meeting. **Attachment 8**

Forty-seven civil penalties were presented to the committee for review and recommendation to the board:

37 for expired or no decal – Table 1

32 first offense

3 second offense

1 third offense

1 fourth offense

9 for water contamination in fuel – Table 2

8 first offense

1 second offense

1 for flash point failure – Table 3

1 first offense

1 warning letter to registered service agency – Table 4

Failing to properly affix approved decal(s) and/or security seal(s) on the calibration mechanism.

The committee recommends approval of these civil penalty recommendations.

Moved by Alford, seconded by Reed to approve the civil penalty assessments as presented.

Motion carried.

Moved by Alford, seconded by Dunklin to approve the Bureau of Standards Committee meeting minutes as presented.

Motion carried.

9. Boll Weevil Eradication Program

Committee Chair Stuckey summarized the Boll Weevil Subcommittee meeting held November 12, 2024. Attachment 9a

The July 9, 2024, Boll Weevil Subcommittee meeting minutes were approved by the subcommittee.

The October financial statement was reviewed and approved.

Updates were presented by Regina Coleman, Executive Director, Arkansas Boll Weevil Eradication Foundation to include:

- Update on collection as of November
- Update on certificates of deposits and interest rates
- Grower rebate for 2024 and investing from sweep accounts to CDs short term
- Update the online reporting and verifying options in the boll weevil application

Employee incentive packages were presented and approved.

Committee Chair Stuckey summarized the Boll Weevil Subcommittee meeting held February 26, 2025. **Attachment9b**

The subcommittee was presented information to include projected cash flow, discussion on new mapping programs and updates for online grower reporting and verifying acres. The subcommittee approved a \$1 per acre grower rebate for 2024 and a \$3 per acre assessment for the 2025 growing season.

December financial statements and the Delta Invoice were presented and approved.

Coleman presented the board additional information on the subcommittee report.

Moved by Stuckey, seconded by Senter to approve the \$1 per acre grower rebate for the 2024 crop season, the \$3 per acre assessment for the 2025 crop season, and the Delta invoice as presented.

Motion carried.

Moved by Stuckey, seconded by Senter to approve the minutes of the November 12, 2024 Boll Weevil Subcommittee meeting and the meeting report of the February 26, 2025 Boll Weevil Subcommittee meeting as presented.

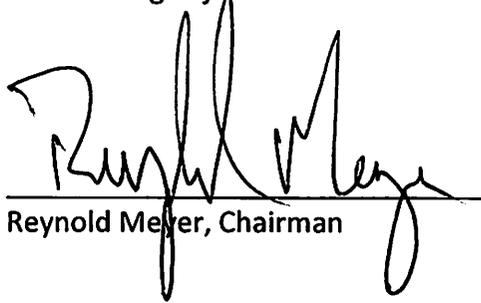
Motion carried.

9. **Other business**

Bray announced that he will be retiring as of July 1, 2025.

10. **Date for the next quarterly board meeting.** The next quarterly board meeting is scheduled for June 5, 2025, at 9:30 a.m.

Meeting adjourned.



Reynold Meyer, Chairman



Kyle Baltz, Secretary

**PEST CONTROL RULES AND REGULATIONS OF THE STATE
PLANT BOARD**

The following Rules ~~and Regulations~~ have been promulgated and adopted by the State Plant Board under ~~the~~ authority of the Arkansas Pest Control Law, Act 488 of 1975 as amended, (Ark. Code ~~§§17-37-101 et seq).~~ and are administered by the Arkansas Department of Agriculture (Department).

Classifications:

The following classifications have been established for applicator licensing and certification purposes.

I. Commercial Applicator License (Licensed Operator):

A. Structural Pest Control

1. Termite and Other (Wood Destroying) Structural Pest Control
2. Household Pest and Rodent Control
3. General Fumigation

B. Ornamental Pest Control

4. Tree and Turf Pest Control
5. Weed Control
6. Golf Course Pest Control

II. ~~Non-Commercial~~Noncommercial Applicator Certificate (see restrictions in Section VIII):

A. Structural Pest Control

7. ~~Non-Commercial~~Noncommercial Pest Control
8. ~~Non-Commercial~~Noncommercial Fumigation

B. Ornamental Pest Control

9. ~~Non-Commercial~~Noncommercial Tree & Turf Pest Control
10. ~~Non-Commercial~~Noncommercial Golf Course Pest Control

**SECTION I
REGULATIONS RULES APPLYING TO ALL LICENSEES AND
APPLICATORS**

- LICENSE HOLDERS (business owner, firm, corporation, etc.)
- COMMERCIAL APPLICATORS (Licensed Operator)
- ~~NON-COMMERCIAL~~NONCOMMERCIAL APPLICATORS
- REGISTERED AGENTS

1. Applying for Examinations (Commercial Applicators and ~~Non-Commercial~~Noncommercial Applicators):

All applicants must submit an application to the ~~Plant Board, Department~~ on forms furnished by the ~~Plant Board~~Department at least 5 working days prior to the examinations. Processing of each application must be completed before the examinations are given. All applicants must be a minimum age of eighteen (18).

2. Examination Dates:

~~The written examinations in classifications 1, 2, and 3 will be given the second Monday of January, March, May, July, September, and November. Examinations in classifications 4, 5, 6, 7, 8, 9, and 10 will be given the second Monday of February, April, June, August, October and December at a time and place designated by the State Plant Board. In the event of technological advances that allow for changes in the administration of the exams, circumstances beyond the control of the State Plant Board occur, or any of the designated dates occur on a day, when State offices are closed, the Director of the State Plant Board may designate alternate dates for the examinations. The examinations will be graded by an examiner designated by the Plant Board.~~

Online exam registration in classifications 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 is available after completion of application and payment of proctoring fees.

Written examinations in classifications 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 will be given onsite at the request of the applicant after submitting an exam application provided by the Department and the required exam fee. Upon receipt of the exam application and required fee, the applicant will be scheduled to take the exam within 10 business days.

3. Applying for License or certificate:

(a) License Holder (Commercial Classifications 1, 2, 3, 4, 5, or 6):

Applicants must be a minimum age of eighteen (18). Applicants must submit an application to the ~~Plant Board~~ Department on forms provided by the Commercial Pest Control ~~Section~~ Program. The license holder must themselves be or shall employ and maintain at least one commercial applicator licensed for each classification of pest control service work provided by the license holder. The commercial applicators shall maintain direct supervision over all pest control services provided by the license holders business. No more than 30 registered agents shall be supervised by ~~any~~ one (1) commercial applicator. The license holder's license shall be issued in the name of the Pest Control firm. Prior to the issuance of the license for Classifications 1, 2, or 3 the license holder shall provide the ~~Plant Board~~ Department with copies of all required surety bond and/or insurance policies. The surety bond and insurance shall be issued to the license holder and the license holder shall guarantee that the insurance and bond policies cover all pest control service work performed by the license holder's commercial applicators and/or registered agents.

(b) Commercial Applicator (Licensed Operator):

Applicants must be a minimum age of eighteen (18). After passing the appropriate examinations (1, 2, 3, 4, 5, or 6), all commercial applicators must submit an application and the required fees to the ~~Plant Board~~ Department on forms provided by the Pest Control ~~Section~~ Program. Commercial applicator applicants must themselves be or must be employed by a license holder prior to the issuance of an applicator's license. A commercial applicator's license shall become invalid in the event they cease to be themselves a license holder or employed by a license holder. The applicators license shall remain invalid until such time the applicator re-establishes employment with a license holder or acquires a license holder's license.

(c) ~~Non-Commercial~~ Noncommercial Applicator:

Applicants must be a minimum age of eighteen (18). After passing the appropriate examinations (7, 8, 9 or 10), all ~~non-commercial~~ noncommercial applicators must submit an application and the required fees to the ~~Plant Board~~ Department on forms provided by the Pest Control ~~Section~~ Program.

4. Fees:

The following fees have been established to carry out the provisions of Arkansas Pest Control Law.

License Holder License (Must be renewed prior to June 30 annually):

- 0 – 30 Registered agents.....\$100.00
- 31 – 60 Registered agents.....\$250.00
- 61 or more Registered agents\$500.00

Commercial Applicator License (Must be renewed prior to June 30 annually):

- Applicators First Classification \$150.00
- Each Additional Classification.....\$100.00
- Maximum per Applicator.....\$300.00

Agent Registration (Must be renewed prior to June 30 annually):

- Initial registration.....Exam Fee
- Annual renewal.....\$30.00

~~Non-Commercial~~Noncommercial Applicator Certificate (Must be renewed prior to June 30 annually):

- Per Applicator\$70.00

Commercial and ~~Non-Commercial~~Noncommercial Applicator Examination:

- Each classification.....\$100.00

Registered Agent Examination:

- Per Exam.....\$30.00

Reporting:

- Each building on which a Class 1 structural pest contract is issued\$5.00
- Late fee (30 or more days after due date)\$10.00
- Each first 5 building treated by new Class 1 licensee.....\$20.00

Inspection (Each building treated for Class 1 structural pest found not in compliance):

- First Notice\$50.00
- Second Notice\$100.00
- Third Notice\$500.00

5. Agent Training, Examination, and Registration:

Registered agents must be a minimum age of eighteen (18). License holders of classifications 1, 2, 3, 4, 5 or 6 shall register with the Plant Board Department all individuals employed by them for the purpose of performing pest control services, including those employed for solicitation as their agent. Clerical staff are excluded. Each agent shall be registered only in the classification of pest control for which the license holder is licensed to perform. Agent trainees must be on-the-job trained by the license holder within 20 working days of their employment. In accordance with 40 CFR 171.201(e)(2), license holders should verify safety training requirements before RUPs are applied by the agent trainee. Within 45 working days of their employment and after the completion of the on-the-job training the agent trainee must take an exam administered by the Plant Board Department, or a representative appointed by the Plant Board Department. Registered agent exams will be given on Wednesday of each week at a time and location designated by the State Plant Board Department. In the event of technological advances that allow for changes in the administration of the exams, circumstances beyond the control of the State Plant Board Department occur, or any of the designated dates occur on a day, when State offices are closed, the Director of the State Plant Board may designate alternate dates for the examinations. Until registered, and only during the initial 45 day on the job training and examination period, the agent trainee may apply pesticides only in the physical presence of a commercial applicator or registered agent. Agent applicants failing to pass the exam are prohibited from performing pest control service work until such time the agent applicant passes the exam. If at any time an employee, other than a commercial applicator, registered agent, or agent trainee undergoing the initial 45 days of on the job training and examination preparation, is found

handling pesticides or performing pesticide applications the license holder and/or the licensed operator/s will be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response [Regulations-Rules](#)– Penalty Matrix – Violation #9 – beginning at the 3rd level of enforcement.

Training:

Forty hours of verifiable on-the-job training, performed under the direct supervision, direction and control of a qualified trainer. A qualified trainer shall be a commercial applicator or agent with at least one year of experience in the pest control industry or other individual approved by the ~~Plant Board~~ [Department](#). During the application of pesticides a qualified trainer must be physically present on the job site. On-the-job training must be documented by the license holder on an agent training verification form provided by the ~~State Plant Board~~ [Department](#). The information shall include the names of the trainee and trainer, the dates of training, and the total hours worked for each date of the training.

Examination and Registration:

The ~~Arkansas State Plant Board~~ [Department](#) shall provide an agent examination and registration application form. The license holder shall complete the form and submit it to the Pest Control ~~Section~~ [Program](#) with a copy of the agent trainee's on-the-job training verification form and the examination fee. Examination and registration forms submitted without the on-the-job verification and/or the examination fee will be considered incomplete and the trainee will not be eligible to take the examination. Complete agent exam and registration applications must be submitted to the ~~Plant Board~~ [Department](#) at least 5 working days prior to the examination. Upon passing the exam agents will be considered registered. Official agent registration identification cards will be provided to the license holder within 30 days of the exam date.

Registered agents who cease to be employed by a license holder must receive ~~the~~ 40 hours of on-the-job training before being eligible for re-registration. Agents not registered for more than 24 months will lose eligibility for re-registration and must complete the initial training and examination requirements to be re-registered. Registered agents under the minimum age of 18 are restricted from performing pesticide applications or being in sole possession of pesticides. License holders and commercial applicators found in violation of allowing employees of their pest control firm under the age of 18 perform pesticide applications or being in sole possession of pesticides will be subject to enforcement action as per the Arkansas State Plant Board Pest Control Enforcement Response [Regulations-Rules](#) – Penalty Matrix – Violation # 2 (C).

Continuing Education:

To maintain registration, agents shall be kept abreast of pest control technology and receive a minimum of 6 hours of continuing education each year. Continuing education may be achieved by completing a license holder's in-house training program or attendance of ~~Plant Board~~ [Department](#) approved seminars sponsored by the various associations, manufactures or suppliers affiliated with the pest control industry or the cooperative extension service. Agent annual continuing education training shall consist of:

- Applicator safety (PPE, label instructions, human and/or non-target species exposure, safe storage and transportation of pesticides, etc.) – 2 hours
- Integrated Pest Management (IPM) – 1 hour
- Application equipment maintenance and methods of application – 1 hour
- Environmental concerns (container disposal, spill clean-up, drift, etc.) – 1 hour
- Laws and [Regulations-Rules](#) – 1 hour

License holders shall document in-house training on forms provided by the ~~Plant Board~~ [Department](#). Ongoing education provided to agents by attending approved seminars, ~~training, or schools, etc.~~ shall be documented with appropriate forms issued by the training's sponsors to the attendees. Records of training must be kept, by the license holder, for as long as the agent is employed. Such

records shall be available for review by the State Plant Board Department during normal business hours. At any time, should the Board Department determine that training requirements have not been met, the license holder may be subject to enforcement action as per in accordance with the Arkansas State Plant Board Pest Control Enforcement Response Regulations-Rules – Penalty Matrix – Violation # 7.

6. Hearings - Invalidation of Licenses, Certificates, and/or Agent Registrations:

Any person or firm who is refused a license, certificate, or agent registration or whose license, certificate, or agent registration is being considered for invalidation, may secure a hearing before the Pest Control Committee before the final State Plant Board action is taken. This Committee shall consist of the State Plant Board member who represents the Head of the Department of Entomology and Plant Pathology, University of Arkansas, who shall act as the Chairman, and the State Plant Board member who represents the Arkansas Pest Management Association-Industry. Remaining committee members shall be appointed by the Chairman of the State Plant Board. This Committee may hold hearings regarding licenses, certificates, and agent registrations to take testimony and gather evidence regarding the same. ~~Such~~ Testimony, evidence and the committee's recommendation shall be made available to the State Plant Board for consideration and final action.

7. Keeping Abreast of Technology:

Each commercial applicator and ~~non-commercial~~noncommercial applicator shall keep himself / herself abreast of changing pest control technology to assure a continuing level of competence and ability to use pesticides safely and properly. The completion of a Cooperative Extension Service approved pest control training, conference, seminar, etc. every third year shall be considered adequate to satisfy this requirement. An appropriate form shall be filed with the Plant Board Department as proof of attendance. Any applicator failing to meet this provision shall be reexamined or lose the license or certificate.

Recertification:

A. Maintenance of continued competency

1. Certification expiration. In order for a certified applicator's certification to continue without interruption, the certified applicator must be recertified under this section before the expiration of their current certification.

a. Each commercial applicator and ~~non-commercial~~noncommercial certification shall expire three years after issuance, unless the applicator is recertified in accordance with this section.

B. Process for recertification

1. Continuing education programs. Commercial and ~~non-commercial~~noncommercial applicators may be found eligible for recertification upon attending a University of Arkansas Cooperative Extension Service approved pest control program.

a. Quantity, content, and quality. In order for a continuing education program to count towards recertification, the content must be sufficient to ensure the applicator continues to demonstrate the level of competency required by 40 CFR 171.103 for commercial and noncommercial applicators. This may include a pest control training, conference, seminar, etc.

~~a. Quantity, content, and quality. In order for a continuing education program to count towards recertification, the content must be sufficient to ensure the applicator continues to demonstrate the level of competency required by 40 CFR 171.103 for commercial and non-commercial noncommercial applicators. This may include a pest control training, conference, seminar, etc.~~

i. To count towards recertification, programs and agendas must include all of the following:

(1) Safety – labeling, protective gear, pesticide handling, first aid, toxicity, symptoms of

poisoning, etc.

(2) Integrated Pest Management (IPM) – pest identification, biology, scouting/inspecting, alternative methods of control (non- pesticide, baits, etc.)

(3) Application equipment and/or methods of application – types of equipment, different methods of application, calibration, and equipment precautions, etc.

(4) Environmental concerns – waste/container disposal, clean-up, ground/surface water protection, drift (if applicable), and wildlife protection (if applicable).

(5) Laws and rules – updates on pertinent laws and rules certification/recertification requirements, etc., as appropriate.

b. Approval by the certifying authority. The University of Arkansas Cooperative Extension Service must approve of a program's content before it may count towards applicator recertification. The program agenda or syllabus for any programs offered outside of the University of Arkansas Cooperative Extension Service must be submitted for review before credit for attending will count towards recertification by the Arkansas Department of Agriculture.

c. Verification of applicator course completion. In order to qualify for recertification, an appropriate form shall be filed with the Plant Board as proof of attendance.

C. Any applicator failing to meet this provision shall be reexamined or lose the license or certificate.

8. Standards for Licensing Pesticide Applicators:

State Plant Board standards for the licensing and certification of commercial applicators and ~~non-commercial~~ noncommercial applicators shall be the same as the standards set forth in Section 171.4 thru 171.6 of the Code of Federal Regulations 40 CFR part 171 written pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Said sections are as follows: Section 171.4, Standards for Certification of Commercial Applicators; Section 171.5 Standards for Certification of Private Applicators, and Section 171.6 Standards for Supervision of Non-Certified Applicators by Certified Private and Commercial Applicators.

9. Office Operations:

On forms provided by the ~~Plant Board~~ Department, license holders in classifications 1, 2, 3, 4, 5 or 6 shall register the physical address of each office from which they will engage in the practice of pest control service. An office is ~~considered to be~~ any building or similar structure where normal business activity might occur including any and all locations (excluding service vehicles) where pesticide products are stored and/or distributed.

In addition, the license holder shall keep ~~records of pesticides~~ pesticide records shall be kept by for two years. The records must include the following:

- ~~Listing~~ The name and address of the person for whom the restricted use pesticide was applied.
- The location of the restricted use pesticide application.
- The size of the area treated.
- The crop, commodity, stored product, or site to which the restricted use pesticide was applied.
- The time and date of the restricted use pesticide application.
- The brand or product name of the restricted use pesticide applied. The EPA registration number of the restricted use pesticide applied.
- The total amount of the restricted use pesticide applied per location per application.

The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the

direct supervision of the certified applicator.

- Records required under § 171.201(e).

10. Clarification:

The following regulations-rules are promulgated to clarify the State Plant Board Board's intent relative to certain sections of the Pest Control law.

Ark. Code A. § 17-37-102. Definitions:

(1) Agent - An agent is an individual employed by a license holder. Agent's registration will be issued upon the written request by a license holder on forms prescribed by the Plant Board Department only in the name of the person who is an employee of the license holder making the application. Individuals for whom an agent's registration is requested shall not be an employee, owner operator, franchise holder or independent contractor of any pest control service other than that of the license holder. An agent may be terminated by the license holder at any time. All contractual agreements for pest control services executed between agents and customers are the property of the license holder.

(9) License Holder - A commercial applicators license shall not be required of License Holders who employ licensed commercial applicators (Licensed Operators) and who do not themselves use or supervise the use of restricted use pesticides.

(10) Licensed operator (Commercial applicator) - a person who has fully qualified and has passed the board's written examination and has in force a valid license from the board to engage in the work indicated in the license. The person shall also have met the requirements of and be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act and state law as a commercial applicator;

Ark. Code A.C.A. § 17-37-206 License Application:

(f) Persons holding valid licenses issued under the authority of the Pest Control Law whose licenses become subject to renewal, shall be examined and found to meet the Standards for Licensing and Certification of Pesticide Applicators set forth in Sections 171.4 thru 171.6 of the Code of Federal Regulations, 40 CFR Part 171, pursuant to FIFRA, as amended.

Ark. Code A.C.A. § 17-37-216 & 17-37-217:

Refusal to issue a license, certificate, or agent registration. Grounds for invalidation or non-renewal of a license, certificate, or agent registration.

In addition to invalidation and denial, this section shall also be considered as providing for the suspension of a license, certificate, or agent registration. Items (1) thru (11) shall be considered as grounds for suspension as well as denial or invalidation of a license, certificate, or agent registration. In addition, the use of a pesticide inconsistent with its labeling shall also be considered grounds for denial, suspension or invalidation of a license, certificate, or agent registration.

Ark. Code A.C.A. § 17-37-202 (b) Exemption:

Shall provide for the use of general use pesticides only, during the period of time a pest control company may operate without a commercial applicator (licensed operator).

Ark. Code A.C.A. § 17-37-203 Exemptions:

The exemptions stated in 17-37-203 shall apply only to persons who use general use pesticides.

Ark. Code A.C.A. § 17-37-103 Penalties:

Items (1) thru (11) of ~~A.C.A. Ark. Code~~ §17-37-217 shall be considered violations of the Pest Control Law and its ~~regulations-rules~~ and shall be subject to the penalties stated in ~~A.C.A. Ark. Code~~ § 17-37-103 and the Pest Control Enforcement Response ~~Regulations-Rules~~ as stated in Section IX.

~~Ark. Code A.C.A.~~ § 17-37-106 Prior Rules and Regulations:

This section does not repeal Act 389 of 1975, ~~Ark. Code A.C.A. §§§~~ 20-20-202 *et. seq.*, or act 410 of 1975 ~~A.C.A. Ark. Code -§§~~ 2-16-402 *et. seq.*, or any part of either act.

SECTION II

RULES ~~AND REGULATIONS~~ FOR HOLDERS AND APPLICATORS OF A TERMITE AND OTHER STRUCTURAL PESTS LICENSE (CLASSIFICATION ONE)

1. Contracts:

All license holders in Classification One shall issue a signed contract, along with a complete plot or diagram showing the location of visible damage, active or previous infestation and an outline of the work to be carried out on each job performed for the prevention, control or eradication of termites and other structural pests, including soil pre-treatments and letters of clearance. Effective July 1, 2013 all plots or diagrams (graphs) shall have imprinted, on the face, a legend or key containing symbols (of the license holders choice) clearly identifying, at a minimum, the following conditions:

- Termite activity
- Termite damage
- Powder Post Beetles
- Powder Post Beetle damage

Said contracts must guarantee the performance of work for a period of not less than one year and clearly state, on the face of the contract, the name and EPA Registration number of the chemical used, if repairs of damage are included or if the license holder's liability is limited to re-treatment only for the control of termites under the guarantee. License holders must submit a legible copy of all contracts to the ~~Plant Board Department~~ for review prior to their issuance. When issuing a letter of clearance on a building that is already under a current contract by the license holder writing the letter of clearance, for a real estate transaction, a new contract, including diagram, shall be issued in the name of the new buyer, guaranteeing the performance of work for one year from the date the letter of clearance is issued. The new contract requirement shall not apply in cases where the letter of clearance is issued on buildings already under contract ~~and~~, that are being refinanced, provided the license holder holding the contract issues the letter of clearance. Letters of clearance, written on buildings under contract by the license holder, must show the original date of treatment.

The number of contracts, providing a re-treatment only guarantee, for the control of termites that a ~~license holder~~ may issue per fiscal year (-July 1 to June 30) -shall not exceed 20% of the number of buildings for which the license holder reported and paid reporting fees during the previous fiscal year (July 1 to June 30).

Renewals:

Each time a contract is renewed the license holder shall assume responsibility for bringing substandard conditions in the building under contract up to standards, except on prior approved substandard buildings. **This shall also apply to all new additions to the building unless the license holder shows in bold print, on the renewal notice, that the renewal does not cover new additions to the building.** When a license holder elects not to renew a viable contract, the owner

must be notified by return receipt requested certified mail, at least 30 days prior to the contract expiration date, of the intent not to renew the contract. Notification by the license holder of non-renewal does not apply when the contract is terminated for non-payment of the renewal fee or canceled by the consumer; **provided the consumer was notified a renewal fee was due.**

2. Reporting – Responsibility:

License holders shall give complete information required by [Ark. Code § 17-37-221](#) of the Pest Control Law by filing monthly reports. This information shall be filed with the Board even though it is understood that payment for the service will be made at a later date. In all cases where there is a question as to whether a job is completed, the criterion for a completed job shall be payment in part or in full. Each license holder shall be responsible for, or shall guarantee for at least one year, all representations, provisions, declarations, work, or services called for by the contract, ~~and~~ the diagram of the property, or by Letters of Clearance.

3. Meeting Minimum Standards:

~~A.~~ Each building on which a contract is issued for the prevention, control or eradication of termites shall meet the Minimum Standards outlined in Section III A, III B, III D or III E of these ~~regulations~~ rules, unless unusual structural or physical conditions render the correction of certain conditions to portions of the building impractical.

1. In such cases, an exclusion of certain minimum treating standards shall be made on forms supplied by the ~~Plant Board~~ Department. Provided the remainder of the structure is treated to meet all remaining Minimum Standards, ~~Requests~~ requests for exclusion of certain minimum treating standards shall be made on forms supplied by the ~~Plant Board~~ Department.

2. Each request for exclusion of certain minimum treating standards shall contain all property owner and pest control operator information and all information must be provided or the request will be considered incomplete and may not be processed.

3. Each request for exclusion ~~shall also~~ must clearly state which treatment standard is to be excluded.

4. An inspection fee of \$50.00 shall be assessed for each application submitted.

5. ~~Plant Board~~ Department staff may contact property owners and discuss exclusion application as staff feels situation warrants. Should ~~Plant Board~~ Department staff determine, through direct communication, that the property owner is not fully informed and in agreement with the type and quality of work to be performed under the exclusion agreement, approval to exclude the requested treatment standard will be denied.

6. The approval/denial decision will be made within two (2) working days from the date of receipt of the request. If a request for exclusion of certain minimum treating standards is approved, a form with a notification of approval will be returned to the Pest Control Operator. The Pest Control Operator shall sign the form, secure the signature of the Property Owner, and date of signing. The signed and dated form shall be considered an attachment of the Contract for Control of Termites issued on the subject property and shall be submitted with a copy of the contract and graph to the property owner and ~~also~~ reported in the copies sent to the ~~Plant Board~~ Department.

7. The contract, issued on the building for which the Exclusion of Certain Minimum Treating Standards has been approved, shall clearly state that minimum requirements for Structural Pest Control Work have not been fulfilled and reference the form as being a part of the contract. Contracts for which an Exclusion has been approved but that do not clearly reference the exclusion form as a part of the contract, the exclusion approval shall be considered invalid and the operator shall be issued a Report of Sub-Standard Termite Treatment (Pink Slip) for the specific substandard conditions.

8. The use of any document or agreement, for the purpose of issuing a substandard termite treatment contract, other than a pre-approved Exclusion of Certain Minimum Treating Standards form, issued by the ~~Plant Board~~ Department, is strictly prohibited. Enforcement action shall be taken against all license holders and licensed operators found attempting to use such documents and the violation shall be considered Misrepresentation for the Purpose of Deceiving or Defrauding and subject to the fourth (4th) level of enforcement as per Arkansas State Plant Board Pest Control Enforcement Response ~~Regulations~~ Rules and Appendix A of Circular 6.

B. The maximum number of Exclusions of Certain Minimum Treating Standards approvals available to any license holder in any license year (currently July 1 to June 30) shall be limited to a number equal to twenty percent (20%) of the number of buildings covered with a termite protection plan for which the license holder reported and paid reporting fees during the previous license year.

4. Letters of Clearance / Wood Destroying Insect and Organisms Report:

Any statements as to the condition of a building pertaining to termites, or other wood destroying insects or decay fungi (Rot), other than a bid or proposal for treatment, shall be considered a Letter of Clearance. Letters of Clearance shall not be issued by any person, business, or entity without first acquiring a commercial license to perform Classification 1 (Termite and Other Structural Pest Control) work. Letters of Clearance issued in connection with a real estate transaction shall be made on a form officially adopted by the State ~~Plant Board~~Department. This form shall be the current Wood Destroying Insect Infestation Inspection Report form prescribed by HUD. Letters of clearance must be accompanied by a signed contract providing a guarantee of at least one year and a graph or diagram showing, if present, the location of active or inactive wood destroying insect infestations and visible damage. Structures upon which letters of clearance are written must meet all conditions stated in the letter as well as all the minimum requirements for structural pest work in Sections IIIA, IIIB, and IIID or III E. For additional responsibility on Letters of Clearance see Section II, Item I, Contracts.

Areas which are inaccessible for inspection must be clearly described in the letter. Inaccessible areas in crawl spaces must be made accessible as per minimum treating standards or excluded by an Exclusion of Minimum Treating Standards attachment to the contract.

When a Letter of clearance is issued on a building for which previous substandard prior approval, waiver of the minimum treating requirements, or exclusion of certain minimum treating standards has been given, the license holder shall notify the new owner on the Clearance Letter and Contract that specified prior approved substandard conditions exist in the structure. When this is done the license holder shall not be issued a Report of Substandard Termite Treatment on the specified substandard conditions.

5. Reporting and Re-inspection Fees - Correcting Substandard Work:

A. Each license holder shall remit to the ~~Plant Board~~Department, by the 15th day of each month, an inspection fee of \$5.00 for each building on which a contract has been issued during the previous calendar month, excluding new contracts issued with letters of clearance on buildings under current contracts. The \$5.00 reporting fee shall be paid on each building treated regardless of how many buildings are covered by a single contract. If for any reason the payment of this fee is delayed more than 30 days the fee shall be doubled. The ~~Plant Board~~Department, through its authorized representatives, reserves the right to inspect any or all buildings on which a contract has been issued, to determine compliance with the Pest Control Law and Rules ~~and Regulations~~ Rules made thereunder.

B. The Department will send the license holder a notice ~~Should-after Department~~ inspections, by ~~the Plant Board's Department~~ representatives, of buildings covered by a contract, including a renewal of a contract and/or Letter of Clearance, if:

1. ~~be~~ ~~The building is~~ found infested with termites or other structural pests for which prevention, control or eradication has been contracted, or

2. ~~If~~ the Plant Board's minimum standards (Sections IIIA, IIIB, IIID and III E-), other than those excepted in the contract and given prior approval, a waiver of certain minimum treating standards, or an exclusion of certain minimum treating standards by the ~~Plant Board~~Department, have not been met or fulfilled, or

3. ~~M~~isrepresentations have been made to the owner; ~~the Plant Board~~Department will send ~~the license holder a notice~~ to that effect.

B. The license holder shall, within 15 days, retreat the building when necessary and otherwise bring the building into compliance with the law and these ~~regulations-rules~~ and shall submit to the ~~Plant Board~~Department along with the report of correction an appropriate re-inspection fee. If the

necessary corrections cannot be made in 15 days due to circumstances beyond the license holder's control, additional time may be requested from the [Plant Board office Department](#).

C. When a notice has not been returned by the due date and the license holder has not contacted the [Plant Board office Department](#) concerning the notice, a re-inspection of the building will be made. ~~A and~~ another notice will be issued; if the building has not been brought up to standard at the time of the re-inspection. Should subsequent re-inspections reveal the building still not in compliance, a third and final notice will be issued following the same procedure outlined above. Should re-inspections of the third and final notice reveal the building is still not in compliance the license holder will be subject to enforcement action according to Arkansas State Plant Board Pest Control Enforcement Response [Regulations Rules](#). These fees for each notice are to pay for the cost of inspections and payment does not preclude invalidation of a license by the [State Plant Board](#) should this be warranted.

6. Inspection of First Five Properties Treated:

Within 90 days of issuance of a first termite and other structural pest license to a commercial applicator, the new commercial applicator shall submit a report on their first five termite treatments including all required forms and information. The report shall be accompanied by an inspection fee of \$20.00 for each job and the regular \$5.00 reporting fee will be waived on these first five jobs. The new commercial applicator must be present and directly perform and/or supervise the first five termite treatments. [Plant Board Department](#) representatives will inspect the jobs to assess the applicator's performance and compliance with the law and [regulations rules](#). New construction (pre-treat) applications must be monitored by [Plant Board Department](#) representatives. The new commercial applicator must notify the Commercial Pest Control [Section-Program](#) 48 hours prior to all first five pre-treat applications.

An extension of the 90-day due date may be granted upon written request submitted to the [Plant Board Department](#). If a commercial applicator does not complete and report their first five jobs in 90 days or upon the extended due date, or if inspection shows that the applicator is apparently not qualified, a notification that no more work is to be performed will be issued and the [Plant Board Department](#) will consider revoking the applicator's license. A hearing before the [State Plant Board's Pest Control Committee](#) may be requested by filing a certified letter with the [Board Department](#) within 20 days of receipt of the notice.

7. Supervision:

A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or [Rules and Regulations](#) the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

8. Notice that all Jobs are to be inspected:

Any time that an unreasonably high (15% or more) number of jobs of a license holder upon inspection are found not in compliance with the law and these [regulations rules](#), the Pest Control Committee, after reviewing the record of the licensee in question, may instruct [Plant Board Department](#) inspectors to inspect all jobs reported during the previous year. In such a case the license holder will be notified by registered or certified letter (return receipt requested) that their work has not been satisfactory. The [Plant Board Department](#) will withhold any further inspections for 60 days following the receipt of this notice. After the 60-day delay, all jobs reported the previous year, not including those previously checked and in compliance, will be inspected. The time period covered will be the year previous to the date that the above notice is received by the

license holder.

9. Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 1: Termite and Other Structural Pest Control. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(7) [Industrial, institutional, and structural pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to A.C.A. Ark. Code § 17-37-206(g).

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

**SECTION III A
MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON
EXISTING STRUCTURES**

1. Access opening:

An opening, at least 14 inches high and 16 inches wide, shall be provided to permit inspection under all parts of the building.

2. Chemicals:

The term chemical, when used hereafter, shall apply to pesticides used for the control or prevention of termites, powder-post beetles, wood destroying fungi, and other wood destroying organisms. The name of the chemical used, and the product's EPA Registration number shall be clearly stated on the face of each contract and clearly identified on ~~any and~~ all re-treatment records. This requirement shall also apply to Reports of Substandard Termite Treatment when additional chemical applications are required or performed. The pesticides are described in Section III C-materials.

3. Debris and Form Boards:

(a) All wood including stumps, roots, and other cellulose debris which can be caught by a rake, on the surface of the ground, must be removed from underneath the building. Large stumps, that are impractical to remove, may be trenched, drilled, or rodded and treated provided they are not in contact with or within 5 inches of the building's substructure timbers.

(b) All unnecessary form boards and grade stakes must be removed from underneath and around the outside of the building. Grade stakes embedded in the foundation footing which are impractical to remove should be cut off flush with the concrete and treated as per label directions with chemical.

4. Clearance Under Buildings:

All soil, ~~which is~~ within 12 inches of bottom edge of floor joists or within 5 inches of sub-sills, must be removed.

Note: Scuttle holes, 14 inches high and 16 inches wide, must be provided under drop sills, plumbing, air ducts, or any other similar obstructions. All areas under the building must be made accessible for complete inspection.

5. Shelter Tubes:

Brush all termite shelter tubes from piers, walls, sills, joists, sub-floors, pipes, and other parts of the building.

6. Piers and Stiff-legs:

Stiff-legs, wood piers, or other wood supports must have concrete or metal-capped bases extending at least 3 inches above the ground.

7. Wood on Concrete Floors:

Where wood parts such as posts, door frames, partitions, stair-carriages, stiff-legs, posts, or other wood supports that:

—(a) have been attacked by termites working up thru concrete, or

—(b) are set down into concrete;

Said wood parts may be cut off and placed on concrete or metal bases and/or treated as per label directions around such supports.

8. Wood Steps:

Wood steps must be treated with approved chemicals according to the label directions.

9. Pipes:

Pipes must be treated with approved chemicals according to the label directions.

10. Replacements / Exclusion of Existing Damage:

A. Wood substantially weakened by termites, powder-post beetles or decay fungi (rot) should be replaced. Replacements may be made by the license holder or the property owner, or both. Replacements made by the license holder exceeding two thousand dollars (\$2,000.00) must be performed by a licensed contractor. Replacement of damage caused by termites or powder-post beetles for which the operator is not responsible must be specifically excluded in writing by:

(1) Describing the excluded replacements in the contract and stating therein that they are not to be made by the license holder;

(2) Showing their location on the diagram of the structure and;

(3) Noting that the replacement of un-infested hidden damage (that which cannot be seen by thorough visible inspection without defacing the property), which is not covered by (1) and (2) and which was caused by an infestation occurring prior to the operator's first treatment of the property or the issuance of a letter of clearance, shall not be the responsibility of the license holder.

B. The license holder shall be required to replace substantially weakened wood which has been damaged by termites, on buildings covered by a contract, providing a guarantee for retreatment and replacement of termite damage, when inspectors find active termites associated with the damaged wood and/or visible damage not excluded as required in paragraph A.

C. Replacement of wood weakened by decay fungi (rot) shall not be the license holder's responsibility, unless they have entered into an agreement to control this pest.

11. Outside Grade: (See Figure 1)

A. Wood Construction.

Top of foundation wall and all exterior wood, such as siding and framing, must be at least 3 inches above outside grade. To lower grade, soil next to wall must be removed to necessary depth and treated with approved chemicals according to the label directions.

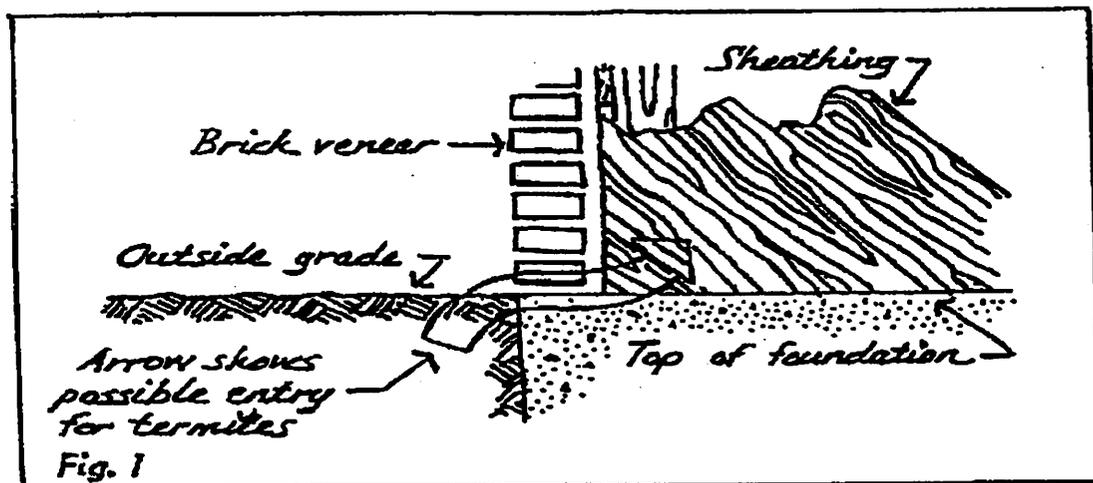
B. Masonry Veneer Construction.

Soil against masonry veneer must be treated with approved chemicals according to the label directions.

FIGURE 1 EXPLAINS 11.

In this drawing, the top of the foundation is level with the outside grade. This is a hazardous condition for two reasons:

- (1) Wood at or near ground level is often damp, a condition favorable to termites;
- (2) Termites can easily enter from the outside, unseen, by going thru cracks in the first mortar joint and then into the sheathing. Unless the outside grade is at least 3 inches below the wood parts of the house (including the siding on a frame house), it must be treated as described in Section 11.



12. Skirting and Lattice Work:

Skirting and Lattice Work should rest on solid concrete or cemented brick extending at least 3 inches above the outside grade, unless suspended, in which case there should be at least 3 inches clearance above grade. Contact must be broken between the building and any lattice which may rest on or in the soil.

Exception: Skirting and lattice work outside the perimeter of a buildings foundation, attached to a wood porch or deck, need not be serviced to provide 3 inches of clearance above the outside grade. These items must be treated with approved chemicals according to the label directions.

13. Steps, Porches, Ground Slabs and Similar Structures:

A. Structures which are even with, or above the sill line, must be:

Drilled and treated at intervals specified by label directions at the juncture of the structure and foundation or wall. If the label directions are not specific, the intervals at which the operator drills to achieve adequate barriers shall be stated on the graph. In such cases if the maximum intervals are not stated on the graph the operator will be required to drill and treat the structures at a maximum of 18 inch intervals. If the structure is long-rodged, the route must be shown on the diagram of the building;

B. Structures below the sill line:

1. Veneer construction, must be treated with approved chemicals according to the label directions.
2. Frame construction, in which the structure is within 3 inches of the wood, must be treated with approved chemicals according to the label directions. If the structure is more than 3 inches below the wood no treatment is required unless an infestation is associated with the structure, or otherwise specified by the label directions.

14. Stucco:

- (a) Wood supports for stucco must be at least 6 inches above outside ground level, or 4 inches above the level of ground under an adjacent slab.
- (b) Where stucco extends to or below grade, the soil must be treated with approved chemicals according to the label directions. This is in addition to ground treatment under building (see 15).

15. Ground Treatment Under the Building:

The inside of foundation wall and around all pipes, chimneys, and piers must be treated with approved chemical according to the label directions.

16. Ground Treatment Outside Buildings:

The outside of foundation walls must be treated with approved chemicals according to the label directions.

17. Chemical Treatment of Masonry:

Treatment with approved chemicals shall be in accordance with label directions as follows to foundation walls, piers, and chimneys.

- (a) To all cracks in concrete.
- (b) To mortar joints, cracks, and voids in the horizontal layer of masonry (stone, brick, concrete blocks, and tiles) which is adjacent to the treated ground at the bottom of the trench.
- (c) To voids between walls, as in brick veneer and stucco construction.

NOTE 1: When the foundation wall is of hollow masonry blocks and the blocks are not capped with metal or solid concrete, each void should be drilled and injected with chemical unless specified otherwise by the label directions. This should be done even though there is no visible sign of infestation.

NOTE 2: When footing is of solid concrete, with no cracks, and trenches on both sides of wall extend down to it, drilling and injection of mortar joints in wall is ordinarily not necessary.

NOTE 3: Items 15, 16, and 17 do not permit spot treatment of dwellings. The license holder is held responsible for the entire structure on one family dwelling units. Commercial, industrial and institutional buildings may, however, be spot treated at the license holder's option. The license holder's responsibility in such cases shall be limited to retreatment and repair of the area spot treated, provided the area is shown on the graph, described in the contract and understood by the property owner before the contract is signed.

18. Powder-Post Beetles:

If powder-post beetles are not to be treated or covered by the contract, the owner must be so informed in writing on the initial contract. Treatment, if made, should be applied to all wood

showing signs of infestation. This can be done by spraying, brushing, or mopping as per label directions onto wood surfaces any pesticide approved for use in powder-post beetle control as described in Section IIIC-Materials. Two or more applications must usually be made at intervals to achieve control. Special formulations are required for treating flooring or furniture to avoid damage to the finish.

19. Slab Construction:

Slab construction shall meet all of the foregoing minimum requirements except, as outlined in paragraphs 1, 3(a), 4, 9, and 15. Treatments should be made when swarms occur or damage is found, or as a preventive measure. Treatment under the slab is accomplished by drilling holes in the slab or foundation through which chemical can be applied in accordance with label directions to establish a barrier in the soil. Long-rodging can sometimes be accomplished without drilling. Brick and stone veneer on slab construction is treated by drilling through the veneer and injecting the void between the veneer and the slab with chemical. Brick and stone veneer shall be treated with approved chemicals according to the label directions. If the label directions require drilling and treating and the maximum interval requirements are not specific, the intervals at which the operator drills to achieve adequate barriers shall be stated on the graph. In such cases if the maximum intervals are not stated on the graph the operator will be required to drill and treat at a maximum of 18 inch intervals.

NOTE: On structures which are part slab and part crawl space, appropriate minimum requirements shall be met on each part.

20. Foam Treatment for Concrete Slab and Masonry Veneer:

Treatment is accomplished by applying the chemical according to the label directions.

21. Foam Treatment for Crawl Space:

Treatment is accomplished by applying the chemical according to the label directions.

NOTE: All contracts and graphs must specify when foam treatment is used and clearly state the name and the EPA Registration number of the product used.

SECTION IIIB MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON NEW CONSTRUCTION (PRE-TREAT)

Pre_treat: New buildings which are treated for the control of termites before, during and/or at the conclusion of construction. Pretreatments shall be made as directed by one or a combination of the following treatment methods

1. Chemical soil barrier treatments:

Crawl space construction: approved chemical at concentration rate and volume must be applied according to label directions to establish a vertical barrier in the soil adjacent to both sides of the foundation, around piers, pipes and other construction elements that would permit termites to infest the building from the ground. Horizontal chemical barriers must be established by applying chemical at the concentration rate and volume specified by the label directions to all soil surfaces to be covered by steps, porches, garage floors, carport slabs, patios or other structures adjoining the building. In addition to the establishment of both vertical and horizontal chemical barriers in the soil the building must meet items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11a of the minimum requirements

given for existing structures in Section III A.

Slab Construction: approved chemical at concentration rate and volume must be applied according to label directions to establish a horizontal chemical barrier in the soil under all parts of the building, adjoining steps, carports, garage floors, patios, porches, or other structures adjoining the building. Chemical must be applied at concentration rate and volume according to the label directions in the soil adjacent to the foundation wall around the outside of the building to establish a vertical barrier in the soil. In addition to the establishment of horizontal and vertical chemical barriers in the soil, the building must meet items 3b, 5, 7, 8, 10, and 11a of the minimum requirements given for existing structures in Section III A.

Foam Treatments: Treatment is accomplished by applying the chemical as specified by the label directions.

NOTE: Contracts and graphs must specify when foam treatment is used and clearly state the name and the EPA Registration number of the product used.

NOTE: Buildings which are part slab and part crawl space must meet appropriate minimum requirements ~~—shall be met~~ on each part.

2. Above ground wood treatment methods:

Approved chemical must be applied to the wood according to the label directions, concentration rates and volumes. In addition crawl space buildings must meet items 1, 3, 4, 5, 6, 10, and 11a of the minimum requirements for existing structures in Section III A.

Bait treatment methods:

When baits are used for pre-treatment of a new building, all requirements in Section III E must be met.

Note: Contracts and graphs for all pre-treats must state the name and the EPA Registration number of the material used. All materials used must comply with the requirements for materials given in Section III C.

SECTION III C MATERIALS

Any pesticide or combination of pesticides approved by the United States Environmental Protection Agency, registered with the Arkansas State Plant Board Department, and labeled for the prevention or control of termites, powder-post beetles, wood-rotting fungi, or other wood destroying organisms may be used to treat structural pests provided that the pesticides are used according to in accordance with the label directions.

SECTION III D MINIMUM REQUIREMENTS FOR STRUCTURAL PEST WORK ON WOOD DECKS AND WOOD PATIOS ON EXISTING AND NEW CONSTRUCTION

1. Chemical Treatment to wood decks and wood patios (an open platform adjoining a building, not covered by a roof and/or supported by and enclosed masonry foundation):

Approved chemicals shall be applied or reapplied according to label directions around and under wood decks and wood patios to control subterranean termites.

2. New contracts, Contract Transfers, Clearance Letters and Soil Treatment Certificate Responsibility:

Wood decks and/or wood patios are INCLUDED as part of the contract, contract transfer or clearance letter issued on an attached structure UNLESS the contract, contract transfer or clearance letter shows in BOLD PRINT that existing termite damage, or damage that occurs in the future, is NOT to be replaced on wood decks and/or wood patios.

3. Replacements:

- A. License holders shall not be required to replace damaged wood caused by termites on wood decks or wood patios treated, even if infested with live subterranean termites, provided, that Section III D, subsection 2 above has been complied with.
- B. License holders shall not be required to replace damaged wood caused by weather related rot or other rots on wood decks or wood patios.
- C. License holders shall be required to replace damage caused by termites in the treated structure adjacent to the wood deck or wood patio even though the infestation causing such damage originates in the wood deck or patio after the initial treatment to the property.

CLARIFICATION:

- A. License holders electing to issue contracts for future termite damage replacement on wood decks and wood patios, shall be held equally responsible as for any other part of a building.
- B. License holders failing to comply with Section III D, subsection 2 above shall be required to make replacements as needed on wood decks and wood patios.
- C. Wood decks and wood patios NOT connected to a treated building are excluded from treatment or repair requirements, unless they are specifically covered by a contract for treatment and damage replacement.

**SECTION III E
MINIMUM REQUIREMENTS FOR TERMITE WORK WHEN USING
BAITS AS THE METHOD OF CONTROL**

1. Contracts:

In addition to requirements specified in SECTION II item 1, contracts must specifically state the initial number of bait stations that are to be installed and the frequency upon which an inspection of the bait placements or monitoring stations are to be performed. The diagram must show the location of each bait station.

2. Treatment:

The materials, baits, monitoring stations, and matrixes shall be applied and maintained according to label directions and schedule specified in the contract.

3. Replacements / Exclusion of Existing Damage:

A. Wood substantially weakened by termites, powder-post beetles or decay fungi (rot) should be replaced. Replacements may be made by the license holder or the property owner, or both. Replacements made by the license holder exceeding two thousand dollars (\$2,000.00) shall be performed by a licensed contractor. Replacements of damage caused by termites or powder-post beetles for which the license holder is not responsible must be specifically excluded in writing by:

- (1) Describing the excluded replacements in the contract and stating therein that they are not to be made by the operator.
- (2) Showing their location on the diagram of the structure and;
- (3) Noting that the replacement of un-infested hidden damage (that which cannot be seen by thorough visible inspection without defacing the property), which is not covered by (1) and (2) which was caused by an infestation occurring prior to the operator's first treatment of the property or the issuance of a letter of clearance, shall not be the responsibility of the operator.

B. The license holder shall be required to replace substantially weakened wood, ~~which has been~~ damaged by termites, on buildings covered by a contract providing a guarantee for retreatment and replacement of termite damage, when inspectors find active termites associated with the damaged wood and / or visible damage not excluded as required in paragraph A.

C. Replacement of wood weakened by decay fungi (rot) shall not be the license holder's responsibility, unless they have entered into an agreement to control this pest.

SECTION IV HOUSEHOLD PEST AND RODENT CONTROL (CLASSIFICATION 2)

Household Pest and Rodent Control shall consist of the control of any mammal, bird, arthropod, reptile or other organism that may infest or invade a home or other buildings or the immediate area around or under these homes or buildings or other areas, other than wood-damaging or destroying insects, fungi or organisms. Holders of a license in this classification shall not be restricted in performing Household Pest and Rodent Control services.

The ~~Plant Board~~ Department will investigate complaints against license holders, and monitor each operator's work from time to time, and may invalidate a license for fraud, misrepresentation, failure to carry out contracts, use of improper methods or materials, or other reasons specified in the law.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 2: Household Pest and Rodent Control. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(7) [Industrial, institutional, and structural pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to A.C.A. Ark. Code § 17-37-206(g).

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Supervision:

A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a

supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules ~~and Regulations~~ the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION V

TREE AND TURF PEST CONTROL (CLASSIFICATION 4) WEED CONTROL (CLASSIFICATION 5) GOLF COURSE PEST CONTROL (CLASSIFICATION 6)

The ~~Plant Board~~ Department will investigate complaints against license holders and may cancel license for fraud, misrepresentation, failure to carry out promises, use of improper methods or materials, or other reasons specified in the law.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 4: Ornamental, Tree, and Turf Pest Control, Classification 5: Weed Control, and Classification 6: Golf Course Pest Control. The materials within these manuals will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(3) [Ornamental and turf pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § ~~A.C.A.~~ 17-37-206(g).

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Supervision:

A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules ~~and Regulations~~ the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION VI

GENERAL FUMIGATION (CLASSIFICATION 3)

Holders of a license in this category shall not be restricted in performing fumigation services.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 3: General Fumigation. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(14) [Non-soil fumigation], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § A.C.A.-17-37-206(g). Specifically, this manual will be updated to address: Problems and mistakes resulting in direct exposure to fumigants (40 C.F.R. § 171.103(d)(14)(ii)(B)); Steps if applicator experiences sensory irritation(40 C.F.R. § 171.103(d)(14)(ii)(E)); Buffer zones, buffer zone monitoring, and who may be in a buffer zone (40 C.F.R. § 171.103(d)(14)(ii)(G)); How fumigants disperse in the application zone (40 C.F.R. § 171.103(d)(14)(iii)(D)); Factors that influence gaseous movement through the area being fumigated and into the air (40 C.F.R. § 171.103(d)(14)(v)(B)); Importance of proper application rate and timing (40 C.F.R. § 171.103(d)(14)(v)(E)); Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests, training, and recordkeeping (40 C.F.R. § 171.103(d)(14)(vi)(D)), and; Ffumigant management plans and post-application summaries (40 C.F.R. § 171.103(d)(14)(vii)).

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Supervision:

A commercial applicator (licensed operator) shall be considered in charge of all pest control work and/or services performed. Commercial applicators shall be readily available and shall maintain a supervisory position over all pest control agents performing work in the classification or classifications for which the commercial applicator is licensed. No more than 30 registered agents shall be supervised by any one commercial applicator. The license holder shall assign supervisory charge of commercial applicators over registered technicians. If evidence shows a registered technician commits a violation of Arkansas Pest Control Law or Rules ~~and Regulations~~ the license holder shall be required to identify the technicians supervising commercial applicator. If evidence shows a commercial applicator and/or applicators are no longer in charge of the license holder's pest control operation, the commercial applicator (and/or applicators) and license holder's licenses shall be deemed invalid in accordance with the provisions of the Pest Control Law.

SECTION VII

**~~NON-COMMERCIAL~~NONCOMMERCIAL STRUCTURAL PEST CONTROL (CLASSIFICATION 7)
~~NON-COMMERCIAL~~NONCOMMERCIAL FUMIGATION (CLASSIFICATION 8)**

~~Non-Commercia~~Noncommercial Structural Pest Control (Classification 7):

A ~~Non-Commercia~~Noncommercial Applicator Certificate (not a license) shall be issued in this classification to owners or employees of government, institutions, businesses, companies, or corporations for the purpose of performing pest control work (including wood destroying insects and organisms) on the premises of property owned or managed by themselves or their employer. ~~Non-commereial~~Noncommercial applicators shall be restricted to pest control work at addresses owned or under the direct management of their employer as stated on the ~~Non-Commercia~~Noncommercial Applicator Certificate. ~~Non-commereial~~Noncommercial applicators shall be restricted from issuing Letters of Clearance, wood destroying insect inspection reports, or

termite contracts. Any person issuing any type of termite inspection related reports or contracts or performing pest control work for more than one government agency, institution, business, company, or corporation shall qualify and be licensed, bonded, and insured under Classification 1 (Termite and Other Structural Pest) and/or Classification 2 (Household Pest and Rodent Control) rather than in this classification. The business, companies, or corporations and the ~~non-commercial~~noncommercial applicator shall be jointly and severally responsible for the proper use of pesticides by the employee. ~~Non-commercial~~Noncommercial applicators must take special precautions when performing pesticide applications in areas such as for food preparation, areas occupied by tenants, pets, workers, etc. All pesticide product label directions must be strictly followed. The ~~Non-Commercial~~Noncommercial Applicator Certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR Code Annotated §17-37-101 as amended or these ~~regulations~~rules.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 7: Food Manufacturing, Processing and Storage Pest Control. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(7) [Industrial, institutional, and structural pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § ~~A.C.A.~~-17-37-206(g). The title of the manual will be updated to reflect the current category name for Classification 7.

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Non-CommercialNoncommercial Fumigation (Classification 8):

A ~~Non-Commercial~~Noncommercial Applicator Certificate (not a license) shall be issued in this classification to owners or employees of, primarily wholesale food manufacturing, processing and storing businesses, companies, or corporations for the purpose of performing fumigation pest control work on the premises of property owned or managed by themselves or their employer. Said ~~non-commercial~~noncommercial applicators shall be restricted to fumigation at addresses owned or under the direct management of their employer as stated on the ~~Non-Commercial~~Noncommercial Applicators Certificate. Any person performing fumigation for more than one business, company, or corporation shall qualify and be licensed under Classification 3 (General Fumigation) rather than in this classification. The business, company, or corporation and the ~~non-commercial~~noncommercial applicator shall be jointly and severally responsible for the proper use of fumigants. The ~~Non-Commercial~~Noncommercial Applicator certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR Code Annotated §17-37-101 as amended or these ~~regulations~~rules.

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 8: Food Related Fumigation. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(14) [Non-soil fumigation], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § ~~A.C.A.~~-17-37-206(g). Specifically, this manual will be updated to address: Problems and mistakes resulting in direct exposure to fumigants (40 C.F.R. § 171.103(d)(14)(ii)(B)); Steps if applicator experiences sensory irritation(171.103(d)(14)(ii)(E)); Buffer zones, buffer zone monitoring, and who may be in a buffer zone (40 C.F.R. § 171.103(d)(14)(ii)(G)); How fumigants disperse in the application zone (40 C.F.R. § 171.103(d)(14)(iii)(D)); Basic techniques for calibrating application equipment (40 C.F.R. § 171.103(d)(14)(iv)(G)); Factors that influence gaseous movement through the area being fumigated and into the air (40 C.F.R. § 171.103(d)(14)(v)(B)); Importance of proper application rate and timing (171.103(d)(14)(v)(E)); Labeling requirements and other laws applicable to medical

evaluation for respirator use, fit tests, training, and recordkeeping 40 C.F.R. § (171.103(d)(14)(vi)(D)), and; Fumigant management plans and post-application summaries (40 C.F.R. § 171.103(d)(14)(vii)). The title of the manual will be updated to reflect the current category name for Classification 8.

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Training manuals for examinations:

The University of Arkansas has developed a training manual for Classification 8: Food-Related Fumigation. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 171.103(d)(14) [Non-soil fumigation], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to A.C.A. 17-37-206(g). Specifically, this manual will be updated to address: Problems and mistakes resulting in direct exposure to fumigants (171.103(d)(14)(ii)(B)); Steps if applicator experiences sensory irritation (171.103(d)(14)(ii)(E)); Buffer zones, buffer zone monitoring, and who may be in a buffer zone (171.103(d)(14)(ii)(G)); How fumigants disperse in the application zone (171.103(d)(14)(iii)(D)); Basic techniques for

calibrating application equipment (171.103(d)(14)(iv)(G)); Factors that influence gaseous movement through the area being fumigated and into the air (171.103(d)(14)(v)(B)); Importance of proper application rate and timing (171.103(d)(14)(v)(E)); Labeling requirements and other laws applicable to medical evaluation for respirator use, fit tests, training, and recordkeeping (171.103(d)(14)(vi)(D)), and; Fumigant management plans and post-application summaries (171.103(d)(14)(vii)). The title of the manual will be updated to reflect the current category name for Classification 8.

In addition, applicants must also pass the basic core examination as per the federal competency standard 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

SECTION VIII

~~NON-COMMERCIAL~~NONCOMMERCIAL TREE AND TURF PEST CONTROL (CLASSIFICATION 9)

~~NON-COMMERCIAL~~NONCOMMERCIAL GOLF COURSE PEST CONTROL (CLASSIFICATION 10)

~~Non-Commercial~~Noncommercial Tree and Turf Pest Control (Classification 9):

A ~~Non-Commercial~~Noncommercial Applicator Certificate (not a license) shall be issued to owners or employees of government, institutions, businesses, companies, or corporations for the purpose of performing tree and turf pest control work on the premises of property owned by themselves or their employer. Said ~~non-commercial~~noncommercial applicators shall be restricted to pest control work at the address or addresses stated on the ~~Non-Commercial~~Noncommercial Applicator Certificate. A ~~Non-Commercial~~Noncommercial Applicator shall not perform pest control services for more than one governmental agency, institution, business, company, or corporation without having fully qualified and become licensed as a Commercial Applicator under Classifications 4 (Tree and Turf Pest Control) or Classification 5 (Weed Control). The agency, institution, business, company, or corporation and the ~~non-commercial~~noncommercial applicator shall be jointly and severally responsible for the proper use of pesticides by the employee. The ~~Non-Commercial~~Noncommercial Applicator Certificate shall be subject to denial, suspension, or invalidation for any or all grounds stated in AR code Annotated §17-37-101 et seq. as amended or these regulations~~rules~~.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 9: Ornamental, Tree, and Turf Pest Control – Noncommercial Applicator. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(3) [Ornamental and turf pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § A.C.A.-17-37-206(g). The title of the manual will be updated to reflect the current category name for Classification 9.

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

Non-CommercialNoncommercial Golf Course Pest Control (Classification 10):

A ~~Non-Commercial~~Noncommercial Applicator Certificate (not a license) shall be issued in this classification to employees of the owner or owners of specific golf courses. Said employees shall be restricted to pest control work on courses owned or under control of said golf course owner or owners. The golf course owner or owners and the employee shall be jointly and severally responsible for the proper use of pesticides. A ~~Non-Commercial~~Noncommercial Applicator shall not perform pest control service for more than one golf course without having fully qualified and become licensed as a Commercial Applicator under Classification 6 (Golf Course Pest Control). The ~~Non-Commercial~~Noncommercial Applicator Certificate shall be subject to denial, suspension or invalidation for any or all grounds stated in AR code Annotated § 17-37-101 et seq. as amended or these ~~regulations.rules~~rules.

Training manuals for examinations:

The University of Arkansas Cooperative Extension Service has developed a training manual for Classification 10: Golf Course Pest Control – Noncommercial Applicator. The materials within this manual will be updated as needed to meet or exceed the competency requirements of 40 C.F.R. § 171.103(d)(3) [Ornamental and turf pest control], to meet the requirements of changing technology, and ensure a continuing level of competence and ability to use pesticides safely and properly, pursuant to Ark. Code § A.C.A.-17-37-206(g).

In addition, applicants must also pass the basic core examination as per the federal competency standard 40 C.F.R. § 171.103(d)(7). The training materials and examinations will be updated as the federal standards are updated.

**SECTION IX
ARKANSAS STATE PLANT BOARD PEST CONTROL
ENFORCEMENT RESPONSE REGULATIONS-RULES**

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X. STATEMENT OF PURPOSE

Pesticides are valuable to Arkansas' agricultural production and the protection of man and his possessions from insects, rodents, weeds, plant diseases, and other pests. It is essential to the public health and welfare that pesticides be used properly to prevent adverse effects on man and the environment.

The purpose of the [regulation-rules](#) is to provide a fair and consistent mechanism by which compliance with the Arkansas Pest Control Law, as amended, and the [regulations-rules](#) written pursuant thereto can be achieved.

XI. DEFINITIONS

(As used in this policy)

- A. **Base Civil Penalty:** The midpoint of a civil penalty range. [Example: The civil penalty range for failure to report structural pest control work (1st level of enforcement) is \$200.00 to \$400.00. The base penalty is \$300.00]
- B. **Case Development Review Panel:** An internal committee of staff including: 1. The [Plant Industry Division Director/Regulatory Services Section Manager](#) or his/her designee, 2. The [Agency Assistant Plant Industries Division Director](#) or his/her designee, and—3. The [Agency Director/Secretary of the Department of Agriculture](#) or his/ her designee. The Case Development Review Panel will carefully review all case documentation to insure completeness and to insure that the recommended enforcement action is appropriate.
- C. **Level of Enforcement:** The category by which a violative incident is considered a first, second, third, or fourth offense.

For a violation to be considered as a second or subsequent offense, it must be a repeat of a violation for which a previous enforcement action has been taken by the [State](#) Plant Board. The previous violation/violations must have occurred within the past 3 years.
- D. **Minor Violation:** A violative incident which does not involve human health, safety, or endanger the environment; or other incidents of non-compliance which do not create a competitive disadvantage for licensees in full compliance.

- E. **Major Violation:** A violative incident which affects human health, safety, or the environment; or other incidents of non-compliance which create a competitive advantage over licensees in full compliance; or a history of repetitive violative incidents. Any violation consisting of a label violation that involves potential human exposure may result in elevation of the violation to the fourth level of enforcement.

*In no case shall the failure to meet minimum requirements for structural pest work (Sections III A, III B, III C, and III D) adopted under the authority of Ar. Code 17-37-105, except those which require a termiticide application, be considered a violation and subject to a civil penalty.

- F. **Respondent:** A person charged with a violation of the Arkansas Pest Control Law as amended, and the ~~regulations-rules~~ written pursuant thereto.

XII. LEGAL AUTHORITY

- A. "Arkansas Pest Control Law" ~~A.C.A.~~Ark. Code §§ 17-37-101 *et. seq.* and ~~Regulations~~Rules.
- B. "The Arkansas Plant Act" ~~A.C.A.~~Ark. Code §§ 2-16-203 *et. seq.* and ~~Regulations~~Rules.

XIII. ENFORCEMENT ACTIONS

Under the preceding Arkansas Codes, the State Plant Board has several options for enforcement action. These are:

- A. **Warning Letter:** For minor, 1st level of enforcement violations, the Board or Board Staff will issue a warning letter. The letter will cite the specific violation. The letter will also identify any corrective action that may be needed and notify the respondent that further violations will result in more severe enforcement action.
- B. **Informal Agreement:** When a violation has been alleged, the respondent has the option of an informal hearing or a board/committee hearing. The purpose of the informal hearing is to resolve a complaint or incident. A hearing officer will meet jointly with the respondent and ~~Plant Board~~Department Staff. The group will seek consensus on an appropriate enforcement action for recommendation to the State Plant Board. Enforcement action based on the Penalty Matrix (Appendix A) will include Civil Penalty and/or license suspension, revocation, non-renewal, or registration cancellation. The ~~Full State Plant~~ Board acts on all recommendations resulting from the informal hearing.
- C. **Board/Committee Hearing:** If the respondent chooses to bypass the informal agreement process, or if an agreement cannot be reached during the informal hearing, a hearing will be held by the Pest Control Committee of the State Plant Board. Enforcement action will include Civil Penalty and/or license suspension, revocation, non-renewal, or registration cancellation. Following the Committee hearing, a written Finding of Fact, Conclusion of Law, and recommendation will be submitted to the State Plant Board. The ~~Full State Plant~~ Board will act on all recommendations of the Committee.
- D. **Suspension / revocation / non-renewal of a license or registration:**
The suspension, revocation, or non-renewal of a license by the State Plant Board may be in addition to, or in conjunction with, a civil penalty fine.
- E. **Injunction:** The State Plant Board may apply for an injunction to any court of competent jurisdiction for violations of the Arkansas Pest Control Law. The court, upon hearing and for cause, has the option of temporary or permanent injunction restraining any person from

violating any provisions of The Arkansas Pest Control Law and regulationsrules.

- F. **Referral to Prosecuting Attorney:** The State Plant Board has the option of referring violations of the Arkansas Pest Control Law to the prosecuting attorney.
- G. **Referral to EPA:** ~~The Plant Board~~ On behalf of the State Plant Board, the Department will negotiate cases of referral with EPA to determine the appropriate action.

XIV. INCIDENT INVESTIGATION

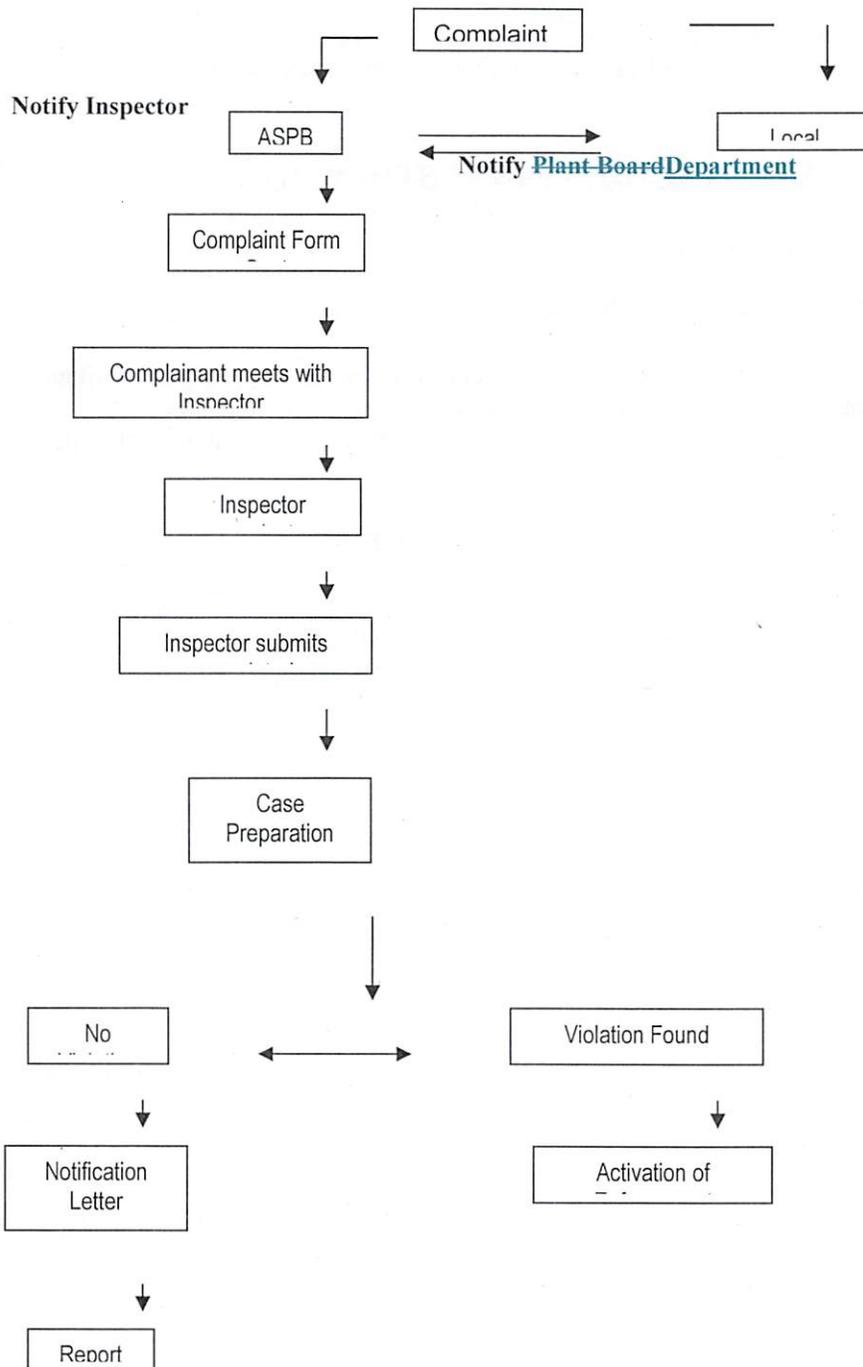
An incident investigation will be initiated when:

- A. Routine compliance monitoring indicates a violation has occurred.
- B. A formal complaint that an alleged violative incident has occurred (Filing of a written form by a complainant). In cases of apparent immediate endangerment to health or the environment, the written notification may be waived, and the investigation of the alleged incident will begin immediately).
- C. Possible human exposure to pesticides is assigned priority status.

The processing sequence for an incident investigation is outlined in Figure I.

FIGURE I

Processing Sequence



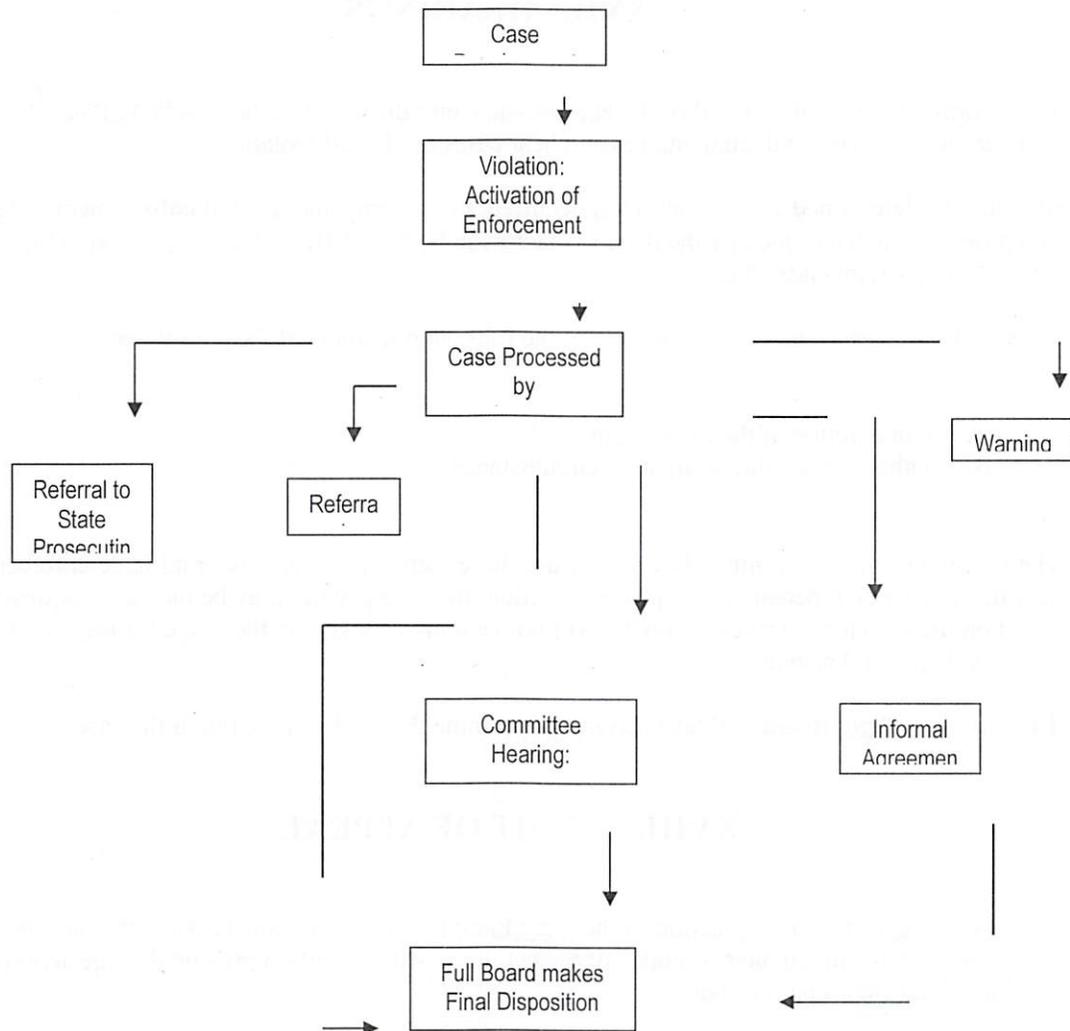
XV. ACTIVATION OF ENFORCEMENT RESPONSE POLICY

An apparent violation of law and/or [regulation rules](#) must be documented to initiate an enforcement action.

Documentation must conform to the requirements of the [Plant Industry Division Department](#).

The sequence of events within the enforcement response policy is as follows:

FIGURE II



XVI. INTERNAL REVIEW

The Case Development Panel will carefully review all documentation and records to determine:

- A. That apparent violation / violations have occurred.
- B. Whether the apparent violation or violations are **Minor** and/or **Major** violations.
- C. The correct level of enforcement based on the penalty matrix and the documented history of the respondent.

Concurrence with the Division's finding by the Panel must be unanimous before further action can be taken on the case.

XVII. HEARINGS

The informal hearing officer and/or the appropriate Committee and/or the ~~Full-State Plant~~ Board will carefully review the documentation and hear cases of alleged violations.

Should it be determined a violation(s) has occurred, the severity and level of enforcement of each violation will be determined by the three (3) factors in Section VII; as they are applied to the Penalty Matrix (Appendix A).

If a violation is determined in this sequence; the following factors will be considered:

- A. Cooperation of the respondent.
- B. Other extenuating/mitigating circumstances.

The Hearing Officer/Committee/Board may use these factors to accelerate or mitigate enforcement action. When a civil penalty is the preferred action, the base penalty may be increased or decreased based on these factors. The civil penalty will not be more or less than the range for the specific violation listed in Appendix A.

The ~~Full-State Plant~~ Board will take action to determine the final disposition of the case.

XVIII. RIGHT OF APPEAL

Any person aggrieved by any action of the State Plant Board may obtain a review thereof, by filing in circuit court within 30 days of notice of the action, a written petition praying that the action of the State Plant Board be set aside.

FIRST NAME	LAST NAME	Email	Course	Date They Took Exam	Score
Month of Jan 2025					
Stephen	Knight	ben@Irlandscape.com	CORE	1/3/2025	79
Andrew	Hartnedy	ahartnedy1@gmail.com	CLASS4-9TURF	1/3/2025	80
Stephen	Knight	ben@Irlandscape.com	CLASS4-9TURF	1/3/2025	68
Nicholas	Reaves	jermey.yarbrough@fairwaylawns.com	CORE	1/5/2025	85
Canon	Shoup	justin@extermco.com	CLASS2HOUSE	1/6/2025	58
Nicholas	Reaves	jermey.yarbrough@fairwaylawns.com	CLASS4-9TURF	1/5/2025	62
Nicholas	Nelson	nicholasnelson93@yahoo.com	CLASS2HOUSE	1/8/2025	76
Howard	Rice	kttrrice@yahoo.com	CLASS2HOUSE	1/8/2025	79
Nicholas	Nelson	nicholasnelson93@yahoo.com	CLASS1TERM	1/6/2025	71
James	Corder	jcorder@moxiepestcontrol.com	CORE	1/7/2025	85
Aaron	Jones	mstjones1919@yahoo.com	CLASS5WEED	1/8/2025	68
Nancy	Smith	nsmith5@nwacc.edu	CLASS4-9TURF	1/6/2025	68
Steven	Westmoreland	steven.westmoreland@deltapestcontrol.com	CLASS2HOUSE	1/8/2025	73
Dallas	McCool	dmccool@mosquitosquad.com	CLASS1TERM	1/8/2025	85
Landon	Symons	nshops1@icloud.com	CORE	1/8/2025	93
Nicholas	Nelson	nicholasnelson93@yahoo.com	CORE	1/8/2025	92
James	Corder	jcorder@moxiepestcontrol.com	CLASS2HOUSE	1/13/2025	56
James	Corder	jcorder@moxiepestcontrol.com	CLASS1TERM	1/13/2025	50
Javier	Verdin	genesis.realtors@sbcglobal.net	CLASS2HOUSE	1/19/2025	71
Bianna	Gibbons	bri.gibbons@icloud.com	CORE	1/19/2025	79
Franklin	Cheek	fcheek@bentonvillear.com	CORE	1/21/2025	96
Robert	Dickey	cdickey@mosquitojoe.com	CORE	1/21/2025	86
Franklin	Cheek	fcheek@bentonvillear.com	CLASS4-9TURF	1/22/2025	86
Trent	Frizzell	tdfrizz@gmail.com	CORE	1/24/2025	89
Trent	Frizzell	tdfrizz@gmail.com	CLASS5WEED	1/24/2025	81
Evelyn	Iraburo	king.care@icloud.com	CLASS5WEED	1/23/2025	47
Evelyn	Iraburo	king.care@icloud.com	CORE	1/23/2025	66
Joshua	Orman	orman.josh@yahoo.com	CLASS5WEED	1/24/2025	15
Trent	Frizzell	tdfrizz@gmail.com	CLASS4-9TURF	1/25/2025	64
Corbin	Haskins	corbinehaskins@gmail.com	CLASS8FOODF	1/27/2025	90
Bianna	Gibbons	bri.gibbons@icloud.com	CLASS2HOUSE	1/26/2025	57
Jordan	Hawthorn	mylawn@fgturfcontrol.com	CLASS2HOUSE	1/26/2025	72
Spencer	Trenary	sjtrenary56@gmail.com	CORE	1/26/2025	96

Corbin	Haskins	corbinehaskins@gmail.com	CORE	1/27/2025	90
Warren	Mullen	warrenmullen12@gmail.com	CORE	1/27/2025	91
Warren	Mullen	warrenmullen12@gmail.com	CLASS5WEED	1/27/2025	78
Forrest	Tripod	tripodlawn@gmail.com	CORE	1/28/2025	93
Spencer	Trenary	sjtrenary56@gmail.com	CLASS4-9TURF	1/28/2025	74
Isiah	Jones	ijones@moxiepestcontrol.com	CLASS4-9TURF	1/29/2025	54
Latoya	Cullins	llcullins@riceland.com	CLASS8FOODF	1/29/2025	42
Latoya	Cullins	llcullins@riceland.com	CORE	1/29/2025	61
Joshua	Orman	orman.josh@yahoo.com	CORE	1/30/2025	90
Sarah	Bryan	sarahbees492@gmail.com	CORE	1/31/2025	71
Forrest	Tripod	tripodlawn@gmail.com	CLASS5WEED	1/30/2025	71
Samuel	Elmore	samuel.elmore@rentokil-terminix.com	CLASS2HOUSE	1/31/2025	78
Samuel	Elmore	samuel.elmore@rentokil-terminix.com	CORE	1/31/2025	84

FIRST NAME	LAST NAME	Email	Course_id	Date They Took Exam	Score
Hunter	Travis	huntertravis94@gmail.com	CLASS4-9TURF	12/1/2024	80
Timothy	Ruleman	tarb0924@yahoo.com	CLASS2HOUSE	12/2/2024	74
Clarence	Spencer	support@diamondpestar.com	CLASS2HOUSE	11/23/2024	74
Andrew	Hartnedy	ahartnedy1@gmail.com	CORE	12/3/2024	88
Joshua	Hogue	joshhogue38@yahoo.com	CLASS2HOUSE	12/5/2024	77
Joshua	Hogue	joshhogue38@yahoo.com	CORE	12/4/2024	81
Matthew	Honnoll	matt_honnoll@hotmail.com	CLASS5WEED	12/5/2024	77
Channin	Tacito	channintacito@gmail.com	CLASS4-9TURF	12/4/2024	80
Matthew	Dugan	mattdugan1992@gmail.com	CLASS2HOUSE	12/10/2024	73
Matthew	Dugan	mattdugan1992@gmail.com	CORE	12/10/2024	96
Jason	Diggs	michelle.buchanan@northark.edu	CORE	12/12/2024	90
Jason	Diggs	michelle.buchanan@northark.edu	CLASS6-10GOLF	12/13/2024	75
Blake	Dobson	ckannada@producersrice.com	CLASS8FOODF	12/13/2024	76
Canon	Shoup	justin@extermco.com	CLASS1TERM	12/15/2024	68
Regan	Palazzesi	regan@ozarkpestnwa.com	CORE	12/14/2024	96
Christian	Cook	Christian@ozarkpestnwa.com	CLASS3GENFUM	12/14/2024	66
Alec	Rush	mrush@rushlawn.com	CLASS4-9TURF	12/21/2024	72
Jay	Rempfer	zack.peterson@plunketts.net	CLASS3GENFUM	12/23/2024	92

FIRST NAME	LAST NAME	EMAIL	Course_id	Date They Took the Exam	Score
Sarah	Bryan	sarahbees492@gmail.com	CLASS2HOUSE	2/2/2025	56
Bryce	Klosterboer	bryce.klosterboer@alotian.com	CORE	2/4/2025	93
Joshua	Parmer	joshparmer@jppoultry.com	CLASS2HOUSE	2/4/2025	53
Joshua	Eoff	josh.eoff@fairwaylawns.com	CORE	2/5/2025	92
Joshua	Eoff	josh.eoff@fairwaylawns.com	CLASS1TERM	2/5/2025	75
Bryce	Klosterboer	bryce.klosterboer@alotian.com	CLASS6-10GOLF	2/4/2025	85
Joshua	Parmer	joshparmer@jppoultry.com	CORE	2/4/2025	92
Joshua	Orman	orman.josh@yahoo.com	CLASS5WEED	2/3/2025	77
Samuel	Elmore	samuel.elmore@rentokil-terminix.com	CLASS1TERM	2/3/2025	92
Joshua	Eoff	josh.eoff@fairwaylawns.com	CLASS2HOUSE	2/5/2025	60
Thomas	McCrary	tommymccrary@hotmail.com	CORE	2/10/2025	85
Thomas	McCrary	tommymccrary@hotmail.com	CLASS5WEED	2/10/2025	73
Keith	Cox	ckannada@producersrice.com	CLASS8FOODF	2/12/2025	86
Isaiah	Smith	i.smith79@yahoo.com	CLASS2HOUSE	2/12/2025	68
Joshua	Cole	josh.cole@extermco.com	CLASS1TERM	2/12/2025	77
Isaiah	Smith	i.smith79@yahoo.com	CLASS1TERM	2/12/2025	64
Isaiah	Smith	i.smith79@yahoo.com	CORE	2/12/2025	74
Joshua	Cole	josh.cole@extermco.com	CLASS4-9TURF	2/12/2025	76
Joshua	Cole	josh.cole@extermco.com	CLASS2HOUSE	2/12/2025	70
David	Hober	david.hober@prestox.com	CORE	2/14/2025	91
Jon	Farley	jonfarley53@gmail.com	CLASS6-10GOLF	2/16/2025	75
Lowell	Steed	oneaudreysteed@gmail.com	CLASS2HOUSE	2/17/2025	62
Benjamin	Snyder	bsnyder@hsvpoa.org	CLASS6-10GOLF	2/18/2025	67
Mollie	Walker	mollierw7@gmail.com	CLASS2HOUSE	2/18/2025	55
Mollie	Walker	mollierw7@gmail.com	CLASS1TERM	2/18/2025	65
Benjamin	Snyder	bsnyder@hsvpoa.org	CORE	2/18/2025	85
Mollie	Walker	mollierw7@gmail.com	CORE	2/18/2025	78
Johnathan	Flowers	wildflowerslawncare21@gmail.com	CORE	2/20/2025	81
Johnathan	Flowers	wildflowerslawncare21@gmail.com	CLASS5WEED	2/20/2025	78
Steven	Woody	answeredpestmanagement@gmail.com	CLASS2HOUSE	2/23/2025	77
Tyler	Ferguson	tman94@gmail.com	CLASS4-9TURF	2/24/2025	78
Steven	Bonds	007lawncare@gmail.com	CLASS5WEED	2/25/2025	55

**MINUTES OF
ARKANSAS STATE PLANT BOARD
PESTICIDE COMMITTEE MEETING**

March 10, 2025

Committee Members Present: Chairman George Dunklin,
Committee Members via Zoom: Matthew Miles, Dr. Nathan Slaton
Committee Members Absent: Sam Angel, Garrett Frost, Nathan Reed, Reynold Meyer

Mr. Scott Bray, Plant Industries Division Director, Ms. Susie Nichols, Pesticide Section Manager, Ms. Sherry Seiffert, Arkansas Department of Agriculture Managing Attorney, and other Arkansas Department of Agriculture staff members and guests were present.

Chairman George Dunklin called the meeting to order at 11:01 A.M. and asked the Pesticide Committee Members and all others attending to introduce themselves.

Chairman Dunklin introduced the third item on the agenda, discussion of an unmanned (drone) category and turned the floor over to Ms. Susie Nichols, Pesticide Section Manager.

At the request of Committee Member Garrett Frost, Ms. Nichols proposed adding a drone category under the aerial applicator category, with separate subcategories for manned and unmanned aerial applications.

Dr. Jason Davis with the University of Arkansas (U of A) explained the current aerial testing material for clarification purposes.

Discussion followed.

Ms. Nichols asked the committee for permission to prepare a draft and compile information to be presented to the board and/or committee to start moving forward for rulemaking for an unmanned (drone) category with the goal of being in place for 2026.

Committee Member Matthew Miles made a motion to that fact, second by Committee Member Dr. Nathan Slaton.

Motion carried.

Chairman Dunklin asked Ms. Nichols for an update on the status of the informational document she developed regarding drones. Ms. Nichols responded that the document should be available online within the next week and a half, after she updates the document based on information received from Dr. Jason Davis with the U of A and Managing Attorney, Ms. Sherry Seiffert.

Chairman Dunklin then asked how many drones have been licensed and Ms. Nichols responded she would have the numbers available at the upcoming board meeting.

Chairman Dunklin introduced the fourth item on the agenda, discussion of the product registration for Kaput and turned the floor over to Ms. Nichols.

Ms. Nichols provided a summary of Arkansas's history with the product registration of the Feral Hog Bait Kaput and explained that the manufacturer withdrew their registration in the past due to concerns regarding the exposure of non-target animals. However, the manufacturer has now submitted a new product registration for 2025.

Ms. Nichols turned the floor over to Mr. Richard Poché, Representative for the manufacturer Scimetrix LTD Corporation, who presented a PowerPoint presentation regarding their warfarin-based Feral Hog Bait Kaput to control feral hog populations.

Chairman Dunklin asked if there were any questions for Mr. Poché. There were none.

Ms. Nichols turned the floor over to Dr. John Tomeček, Representative for Texas A&M AgriLife, who gave a PowerPoint presentation regarding the findings during their field studies performed on the Feral Hog Bait Kaput.

Chairman Dunklin asked if there were any questions for Dr. Tomeček. There were none.

Ms. Nichols turned the floor over to Mr. Ryan Farney, Representative of the Arkansas Feral Hog Eradication Task Force, who stated the task force's concerns about black bears being exposed to the Feral Hog Bait Kaput and stated the task force's following recommendations on how to limit the exposure of black bears in Arkansas:

- Kaput to be registered as a Restricted Use Pesticide, requiring the purchase of an approved delivery mechanism; and
- Restrict use to counties with no recorded black bear harvest since 2023; and
- Limit the use to specific time frames when bears are denning.

Discussion followed.

Director Scott Bray provided a rundown of the rule making process and possible timelines.

Ms. Nichols invited all three speakers to the upcoming board meeting to address any further questions. They all agreed to attend.

Director Bray asked Mr. Farney to provide the minutes of the Arkansas Feral Hog Task Force meeting and a brief written statement summarizing their recommendations. Mr. Farney agreed to do so.

Chairman Dunklin asked for a motion to proceed to the board for rule making based on the Arkansas Feral Hog Task Force's recommendations presented today.

Committee Member Matthew Miles made a motion to that fact, second by Committee Member Dr. Nathan Slaton.

Motion carried.

Under other business Chairman Dunklin inquired about updates on Dicamba usage for this season and potential Section 18 or 24(c) labels. Director Bray provided an update on the registration status of Dicamba. Discussion ensued about combating illegal Dicamba use.

Ms. Nichols offered to provide a summarized explanation of Section 18 and 24(c) labels for the upcoming board meeting.

Chairman Dunklin requested Director Bray present a plan to prevent illegal Dicamba use at the upcoming board meeting.

Under other business Ms. Nichols gave an update on the Pesticide Section licensing status.

Chairman Dunklin asked if there was any other business to come before the Pesticide Committee. There was none.

Meeting was adjourned.

Signed 
George Dunklin, Chairman
Pesticide Committee

HOG STOPPER® Feeder

- Heavy Duty Construction with weighted door
- Attached pin to hold door open during conditioning phase
- Field tested for use in bear territory



US Patent #11,083,186



Kaput

FAMILY OWNED
& Made in the USA

1-866-442-3467

www.KaputProducts.com

Manufactured by Scimetrics LTD Corp.
P.O. Box 1045 • Wellington, CO 80549

Feral Hog Bait Development Timeline

2000	Hawaii Community Foundation grant to examine rodent chemistry for pig control
2008	Grant awarded and pen studies conducted with USDA and TAMU in Kingsville, TX
2009	Meeting with Texas Dept of Ag to discuss possible state label (special local needs permit) for feral hog control
2010-16	Meetings with the EPA to review plans for developing a hog bait
2013	Applied for an Experimental Use Permit with the US EPA
2014-16	Permits issued by EPA and State of Texas to conduct field testing of baits
2015-16	Grants provided by Texas Dept of Ag for research
2017	EPA grants registration of Kaput Feral Hog Bait
2018-21	Various Studies
2022-23	Texas A&M Agrilife Extension & USDA Fish and wildlife study, 100% Lethal for Feral Hogs

Read Report Here:

KaputProducts.com/
FeralHogReport



FERAL HOG Bait

Patented Formula
11,382,325

Kaput

PRODUCTS

FAMILY OWNED
& Made in the USA

SUPPLEMENTAL LABEL
OKLAHOMA STATE
RESTRICTED USE

This Supplemental Label
MUST be in your possession
when Baiting



THIS IS A SUPPLEMENTAL LABEL TO
KAPUT® FERAL HOG BAIT (EPA REG.NO.
72500-26)

THIS SUPPLEMENTAL LABEL AND THE
PRODUCT LABEL FOR KAPUT® FERAL HOG
BAIT (EPA REG. NO. 72500-26) MUST
BE IN POSSESSION OF THE USER AT THE
TIME OF APPLICATION.

www.KAPUTPRODUCTS.com
(866) 442-3467

Manufactured by Scimetrics Limited Corp.
P.O. Box 1045, Wellington, CO 80549

INNOVATIVE RODENT
CONTROL BASED ON SCIENCE

KAPUT FERAL HOG BAIT

STATE RESTRICTED USE PESTICIDE



BACKGROUND

Feral swine are a non-native invasive species in Oklahoma that are detrimental to the state's natural resources, agriculture production, and a disease risk. Kaput Feral Hog Bait can be applied by those who are licensed in one of the three following categories: Bird and Vertebrate Animal Pests, Agricultural Plant, or private applicator.

PURCHASE REQUIREMENTS

- Obtain an Agricultural Commercial or Non-Commercial License with Category 1a (Agriculture Plant) or 11a (Bird & Vertebrate Animal)
- Or obtain a Private Applicator License if applying solely for personal use and not as a service or for compensation
- All end users MUST take a training course provided by Scimetrics Ltd Corp.
- Upon successful completion of the required training, the applicator will receive a certificate, which can be used to purchase the Kaput product from the distributor

USAGE REQUIREMENTS

- Since Kaput is a restricted-use pesticide, applicators are required to keep records of its applications for two years
- All Applicators MUST have a copy of the Kaput Feral Hog Supplemental Label in their possession while baiting
- Applicators must ensure they adhere to all labeling requirements

WHERE TO PURCHASE

- Helena Chemical - *Multiple Locations*
- Nutrien Ag - *Multiple Locations*

ADDITIONAL RESOURCES

- [Record Keeping](#)
- [Oklahoma Distributors](#)

FIRST AID	
If Swallowed:	<ul style="list-style-type: none"> Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.
NOTE TO PHYSICIAN	
Contains Warfarin, an anticoagulant. If swallowed, this material may reduce the clotting ability of the blood and cause bleeding. For humans that have ingested this product and/or have obvious poisoning symptoms (bleeding or prolonged prothrombin times), give Vitamin K1, intramuscularly or orally.	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. For medical emergencies call your poison control center at 1-800-222-1222.	

THIS PRODUCT FORMULA INCLUDES A BLUE DYE THAT WILL IMPART A BLUE COLOR TO THE FATTY TISSUES OF HOGS THAT HAVE EATEN THE BAIT

PRECAUTIONARY STATEMENTS

Hazards to Humans

CAUTION: Harmful if swallowed. Any person who handles the bait and retrieves carcasses or unused bait following application of this product should wear protective gloves. Gloves will help protect against stains from the blue color and from the diseases feral hogs may spread to humans, domestic animals, and other wildlife.

Personal Protective Equipment (PPE)
Applicators and other handlers should wear long-sleeved shirt, long pants, gloves, socks and shoes. Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

Environmental Hazards

Do not apply this product directly to water, to areas where surface water is present or to intertidal areas below the mean high-water mark. Do not contaminate water when disposing of equipment wash waters.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

READ THIS LABEL:

Read this entire label and follow all use directions and use precautions.

IMPORTANT: Do not expose children, pets, domestic animals or other non-target wildlife to this product. To help prevent accidents:

1. Store product not in use in locations out of reach of children, pets, domestic animals and wildlife.
2. Apply this product only as specified on this label.
3. Dispose of product container as well as unused, spoiled or recoverable unconsumed bait as specified on this label.

USE RESTRICTIONS: This product may only be used to control feral hogs (*Sus scrofa*) on pastures, rangeland, forests, and non-crop areas. This bait must only be applied in hog feeders equipped with heavy lids (minimum of 17 lbs. total lid weight) on bait compartments (for example, *Hog Stopper* feeders) so as to limit direct access to bait by non-target animals. Feral hogs must be conditioned to accept feed from the bait dispensers and to open the weighted lids to bait compartments.

- Do not apply this bait directly on the ground, including all types of ground surface (e.g., bare or plant-covered ground, paved surfaces, etc.). Apply this product only in hog feeders consistent with the description provided above.

GRAZING RESTRICTIONS: Do not allow livestock to graze on baited areas during the baiting program. If bait is to be applied in areas used for grazing, ensure that all livestock are removed and excluded from baited areas before applying this product and during the use of this product.

SELECTION OF BAITING SITES: Baiting sites must be consistent with the limitations set forth in the **USE RESTRICTIONS** on this label (above). Before applying this product, observe the area selected for treatment to identify where hog activity and trails are located. Look for evidence of recent activity, including hog sightings, hog damage to crops, rooting of the soil, hog wallows, and fresh hog tracks and fecal material.

PLACING AND SECURING HOG FEEDERS:

- Locate hog feeders in or near probable resting areas for hogs, including brush near streams, dense cover and tall vegetation.
- From one to three bait feeders may be used per placement location, according to the apparent number of hogs visiting the location. Three dispensers spaced no more than 10 feet apart may be used where hog numbers are excessive (e.g., if large hog family groups, or sounders, are present).
- Secure feeders in place, so that hogs cannot tip them over, by use of T-posts or by tying the feeders to trees or shrubs.

CONDITIONING HOGS TO FEEDERS:

- After the feeders are situated and secured, feral hogs must be conditioned (trained) to feed from them. To accomplish this, load the feeding compartments with a non-toxic feed, and open the lids to the feeding compartments by about 6 inches so that hogs can access this feed with little difficulty.
- To condition hogs to accept this product, use one of the following preparations as the non-toxic feed: (1) cracked or whole corn; (2) cracked or whole corn, soaked in water for 3-5 days until it has a noticeable odor; (3) cracked or whole corn treated with a commercially available hog attractant which includes scents of hog urine, fruit, or pet food; or (4) *Kaput*® Feral Hog Lure.
- Load 25 to 50 lbs. of the non-toxic feed into each hog feeder. Provide access to non-toxic feed for one (1) to three (3) weeks, until hogs are feeding readily from the bait compartments. Failure to condition hogs to feeders or ending the conditioning period too early may reduce the number of hogs taken or prolong the period of time needed for toxic baiting.

BAIT APPLICATION:

- After feral hogs have been conditioned to take non-toxic feed from bait compartments, remove all of the non-toxic feed remaining in the feeders. Add 25 to 50 lbs. of *Kaput*® FERAL HOG BAIT to each feeder and **close lids to bait compartments** so that hogs must lift the doors with their snouts in order to access bait. Do not load this product into feeders from which **NO** non-toxic bait was consumed during

the conditioning period.

- Monitor feeders every 2 to 4 days once treatment has begun to determine whether hogs are accessing bait, to assess whether bait is being spilled around feeders, and to replenish bait, if appropriate.
- Refill feeders if bait is significantly depleted or degraded, and there still is evidence of hog activity at the feeder. As bait take and hog numbers decline, the feeders may be monitored at 4-day intervals, but site surveillance must continue as described below. If possible, feeders should be checked at mid-day to minimize disturbance to feral hogs. Bait spilled around feeders must be collected and disposed of properly.

SURVEILLANCE AND FOLLOW-UP: Dead hogs may begin to appear in or near the treatment areas within 5 to 7 days after bait placement. Applicators must return to the treatment site within 4 days after the first bait placements were made, and at 2- to 4-day intervals thereafter during the baiting program, to inspect the site for evidence of dead or dying feral hogs. All carcasses found must be disposed of properly. Carcasses may be buried on site. Burial may minimize feral hog disease transmission to humans, domestic animals, and other wildlife. If burial is not practical and other disposal methods are allowed by State and local authorities, carcasses may be disposed of by other methods. Continue to monitor the treatment area for dead or dying feral hogs for at least two weeks after the removal of all bait from the hog feeders.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

Pesticide Storage: Store in original container in a cool, dry place inaccessible to children, pets, domestic animals, and other wildlife.

Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

Container Handling: Non-refillable container. Do not reuse or refill this container. Offer container for recycling, if available, or reconditioning, if appropriate. Otherwise, dispose of empty container in a sanitary landfill.

WARRANTY

To the extent consistent with applicable law, Manufacturer and Seller make no warranty, express or implied, concerning the use of this product other than indicated on the label. Buyer or user assumes all risk of use and/or handling of this material when such use/handling is contrary to label instructions.

US Patent
11,382,325

Made in USA

Manufactured by:

Scimetrix
LTD. CORP.

Pest Management Solutions
P.O. Box 1045, Wellington, CO 80549-1045
(970) 862-1330
customerservice@kaputproducts.com

ACTIVE INGREDIENT:

Warfarin (CAS Number 81-81-2) 0.005%
OTHER INGREDIENTS 99.995%
TOTAL 100.000%

EPA Reg. No. 72500-26
EPA Est. 72500-CO-1

Kaput®

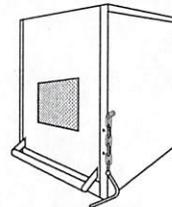
FAMILY OWNED
& Made in the USA

KAPUT® FERAL HOG BAIT IN OKLAHOMA IS A STATE RESTRICTED USE PRODUCT (SRU).

7 Steps to Successful Feral Hog Baiting

Read product label carefully and be certain to follow all label directions

- 1. Observe** the area selected for treatment to identify where hog activity and trails are located
- 2. Do not allow** livestock to graze on baited areas during baiting program
- 3. Position** hog feeders in or near probable resting areas for hogs. From 1-3 feeders may be used per placement location, with feeders spaced no more than 10 ft apart in each cluster
 - a. Feeders must be equipped with heavy lids on bait compartments (minimum of 17 lb total lid weight)
 - b. Secure each feeder with T-posts or by tying to trees/shrubs to prevent hogs from tipping them over
- 4. Condition** (train) hogs to eat from feeders for 1-3 weeks, using the following non-toxic feed options: (1) cracked or whole corn; (2) cracked or whole corn, soaked in water for 3-5 days until it has a noticeable odor; (3) cracked or whole corn treated with a commercially available hog attractant which includes scents of hog urine, fruit, or pet food; or (4) *Kaput*® Feral Hog Lure.
 - a. Load 25 to 50 lbs of the non-toxic feed into each feeder
 - b. Open feeder lid about 6 inches so hogs can access feed
 - c. Refill as needed
 - d. **Failure to train hogs to eat from feeders will lead to POOR baiting results**
- 5. Baiting** can begin after hogs have been successfully conditioned
 - a. Remove all non-toxic feed from feeders
 - b. Add 25-50 lbs of *Kaput*® Feral Hog Bait in each feeder
 - c. **CLOSE LID** to prevent non-target animals from accessing bait
- 6. Monitor** feeders every 2 – 4 days. Collect and dispose of any spilled bait, and replenish bait if appropriate
- 7. Return** to the treatment site within 4 days after initial bait placement, and then at 2 – 4 day intervals, to inspect the site for dead or dying feral hogs
 - a. All carcasses found must be disposed of properly. Carcasses may be buried on site. Burial may minimize feral hog disease transmission to humans, domestic animals, and other wildlife.
 - b. If burial is not practical and other disposal methods are allowed by State and local authorities, carcasses may be disposed of by other methods.
 - c. Carcass searches must continue at least 2 weeks AFTER the removal of all bait from hog feeders
 - d. **A dye in this product will impart a blue color to the fatty tissues of hogs that have eaten the bait**



MAKE CERTAIN TO FOLLOW DETAILED LABEL INSTRUCTIONS ON THE USE OF THIS PRODUCT

Arkansas Feral Hog Eradication Task Force



In response to Kaput's application to register its warfarin-based feral hog bait in Arkansas, the Arkansas Feral Hog Eradication Task Force recommends consideration of the following restrictions for use in Arkansas.

1. Due to concerns with possible exposure to non-target species, the bait should be considered a restricted-use pesticide and requires a pesticide applicator's license with the appropriate training, at minimum.
2. To minimize exposure to black bears, we recommend the pesticide be restricted to use only in counties with no record of black bear harvest since 2023. OR alternatively
3. The use of this pesticide should be restricted to a timeframe that coincides with the time of year when black bear movements decrease due to denning activities (December-March).
4. The task force recommends conducting further research by a university, state, or federal agency to determine whether Kaput's bait delivery mechanism can restrict black bear use.

Section 24c Special Local Need Registrations (SLN):

Registrant submits the registration request to the State Lead Agency (SLA)- Request is initiated by growers, producers, or University staff contacting the registrant with request to pursue the registration to meet a special local need.

- Special local need (SLN) registration is designed to alleviate an existing or imminent pest problem when registered pesticides are not sufficiently available.
- Must be a Registered pesticide (adding or expanding a use, method of application, etc.)
- Tolerance must be established for the use or crop site.
- State Lead Agency consults EPA prior to processing registration. SLA notifies EPA upon issuance of state registration.
- EPA has 90 days to review, approve, or deny State SLN registration.
- State Lead Agency may issue the registration for up to 5 years.

Section 18 Emergency Exemptions:

State Lead Agency receives a request (application) from university scientist, Qualified Experts or an Entity that justify the need for the Emergency Request

- Exemption for either an unregistered pesticide, or registered pesticide with no tolerance established for the requested use.
- State Lead Agency consults EPA prior to registration submission.
- Pesticide registrant must support registered use.
- Data required to support the “emergency condition”.
- EPA must approve prior to use, (minimum 45-day review period)

Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to allow Emergency Exemptions (also called “Section 18s”) for unregistered uses of pesticides to address emergency conditions. Under such an exemption, EPA allows limited use of the pesticide in defined geographic areas for a finite period of time once EPA confirms that the situation meets that statutory definition of “emergency condition.” The regulations governing Section 18 of FIFRA (found at [Title 40 of the Code of Federal Regulations, part 166 \(40 CFR 166\)](#)) define the term “Emergency Condition” as an urgent, non-routine situation that requires the use of a pesticide(s). EPA must also conduct assessments of potential risks to human health and the environment which

confirm the pesticide use meets the required safety standards. The maximum duration of an Emergency Exemption may be:

- One year for Specific or Public Health Exemptions.
- Three years for Quarantine Exemptions.

Emergency Exemptions can be requested by State or Federal agencies when an emergency condition (e.g., serious pest problem) jeopardizes production of agricultural goods, the environment, or public health, but there are inadequate tools (including pesticide registrations) to address the situation. The applicants submit information describing the pest emergency and request permission for a specific unregistered pesticide use. [Instructions for applicants and detailed listings of required information to include in emergency exemption requests may be found at 40 CFR 166.](#)

Types of Emergency Exemptions

1. Specific:

- Majority of requests are for Specific Exemptions.
- Requested when an emergency condition exists, in order to avert a significant economic loss, or a significant risk to the environment, which may include risks to endangered or threatened species and beneficial organisms.
- Growers or agricultural research scientists identify a pest situation that available tools (including registered pesticides) will not alleviate.
- State lead pesticide agency requests an Emergency Exemption from EPA.
- EPA evaluates the request and decides whether or not to authorize the use.
- Specific Exemptions may be authorized for up to one year.

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Attachment 8

Minutes of
Arkansas State Plant Board
Bureau of Standards Committee Meeting
February 13, 2025
9:30 a.m.

Committee Members Present

Via Zoom: Robin Ralston, Sam Stuckey, Travis Senter, Caleb Wall, Robert Thorne, Reynold Meyer, Scott Bray

Staff Present: Nikhil Soman, Sheila Carter, Kristin Walter

Guest Present:

Chairman Robin Ralston called the meeting to order at 9:33 a.m. Those in attendance stated their name and affiliation.

Chairman Robin Ralston stated the purpose of the meeting was to review first, second and third offense violations and penalties. Chairman Ralston turned the floor over to Bureau of Standards Director, Nikhil Soman.

Nikhil Soman presented the committee for review and approval are the following cases from November 2024 to January 2025.

- In Attachment 1 – Table 1 cases for Expired and or No Decal(s) there are 32 (Thirty-two) First Offenses and 3 (Three) Second Offenses and 1 (One) Third Offense and 1 (One) Fourth Offense on Pump(s), Scale(s) or Meter(s). These are First Offenses with a \$350 penalty each, Second Offenses with a \$800 penalty each, Third Offenses with a \$1,350 penalty each and Fourth Offenses with a \$2,000 penalty each.

A motion was made by Sam Stuckey seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 2 – case for Water Contamination Limits there are 8 (Eight) First Offense 1 (One) Second Offense. These are First Offenses with a \$200 penalty each and Second Offenses with a \$500.

A motion was made by Travis Senter seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously

- In Attachment 1 – Table 3 – cases for Flash Point there are 1 (One) First Offenses with a \$200 penalty each.

A motion was made by Robert Thorne seconded by Travis Senter to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 4 – case for Warning Letter there are 1 (One) Failed to Properly affix, approved security seal on the calibration mechanism. These are First Warnings with a \$0.00 penalty each.

A motion was made by Sam Stuckey seconded by Travis Senter to approve the proposed warning against the alleged violators. Committee voted motion passed unanimously.

There being no additional business, a motion was made by Travis Senter and seconded by Robert Thorne to adjourn.

A handwritten signature in black ink, appearing to read 'Robin Ralston', is written over a horizontal line.

Robin Ralston, Chairman

2/13/2025

Total of 47 Civil Penalties were issued in period November 2024 to January 2025:

Attachment 1 - Violations

Thirty-Seven for No Decal or Expired Annual Decal Table 1

Thirty-Two First Offense

Three Second Offense

One Third Offense

One Fourth Offense

Nine for Water Contamination in the Fuel Table 2

Eight First Offense

One Second Offense

One for Flash Point Failure Table 3

One First Offense

One Warning Letter to Registered Service Agency Table 4

For failing to properly affix approved decals and/or security seals on the calibration mechanism. No Civil Penalties were assessed.

Table 1

TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - THIRTY SEVEN VIOLATIONS							
Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0098	Emerson Quick Stop	402 N Elm St	Emerson	October 24, 2024	Pump(s)	First	\$350
BS 25-0099	Caseys	6600 Phoenix Av	Fort Smith	October 24, 2024	Pump(s)	First	\$350
BS 25-0102	Corning Gas & Deli	1010 W Main	Corning	October 30, 2024	Pump(s)	First	\$350
BS 25-0103	Country Crossroads	9550 White Dr	Cord	October 29, 2024	Pump(s)	First	\$350
BS 25-0104	Hawgs	1150 N St Louis	Batesville	October 28, 2024	Pump(s)	First	\$350
BS 25-0105	Super Station/Exxon	901 US 71	Mena	November 06, 2024	Pump(s)	First	\$350
BS 25-0106	Pfeiffer One Stop	3705 N St Louis	Batesville	November 12, 2024	Pump(s)	First	\$350
BS 25-0107	Helena Quick Stop	702 Perry St	Helena	November 19, 2024	Pump(s)	First	\$350
BS 25-0108	Rustys	527 N 4th St	West Helena	November 19, 2024	Pump(s)	First	\$350
BS 25-0109	Fly Arkansas	2424 Airport Rd	Harrison	November 20, 2024	Pump(s)	First	\$350
BS 25-0110	Wildcat Den	16174 Hwy 278W	Umpire	December 02, 2024	Pump(s)	First	\$350
BS 25-0111	Scott Petroleum	6216 AR45	Hindsville	January 07, 2025	Pump(s)	First	\$350
BS 25-0112	Circle K	6421 S University Av	Little Rock	January 13, 2025	Pump(s)	First	\$350
BS 25-0113	Superstop	5103 Asher Av	Little Rock	January 13, 2025	Pump(s)	First	\$350
BS 25-0115	Big Stop N Go	5219 W65th	Little Rock	January 16, 2025	Pump(s)	First	\$350
BS 25-0116	S&A Gas & Groceries	311 S Reynolds	Bryant	January 08, 2025	Pump(s)	First	\$350
BS 25-0117	Benton Food & Gas	3821 Edison	Benton	January 08, 2025	Pump(s)	First	\$350
BS 25-0122	Fenny Store/Sunaco	3515 Towson Av	Fort Smith	January 22, 2025	Pump(s)	First	\$350
BS 25-0123	Grand Mart/Alon	1900 Grand Av	Fort Smith	January 22, 2025	Pump(s)	First	\$350
BS 25-0124	Parkers Filling Station	104 Hwy 65	McGehee	January 23, 2025	Pump(s)	First	\$350

Table 1

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 25-0126	One Stop Food & Fuel	11182 Hwy 167	Sheridan	January 27, 2025	Pump(s)	First	\$350
BS 25-0128	Cherry Street Food Mart	1420 S Cherry St	Pine Bluff	January 28, 2025	Pump(s)	First	\$350
BS 25-0129	6 Ten Express	610 N Thompson St	Springdale	January 28, 2025	Pump(s)	First	\$350
BS 25-0130	White Oak Station # 31	2 Parkwood Dr	Holiday Island	January 29, 2025	Pump(s)	First	\$350
BS 25-0131	Riceland Foods	216 N Gee St	Jonesboro	January 29, 2025	Scale(s)	First	\$350
BS 25-0132	Cherry Street Food Mart	2504 S Cherry St	Pine Bluff	January 28, 2025	Pump(s)	First	\$350
BS 25-0133	Missile Mart	109 S Lee St	Hampton	January 30, 2025	Pump(s)	First	\$350
BS 25-0134	J Birds Supermarket	2657 US278	Wilmar	January 30, 2025	Pump(s)	First	\$350
BS 25-0135	KC's Kwik Stop	510 California Av	Camden	January 30, 2025	Pump(s)	First	\$350
BS 25-0137	Littlefield Express	2410 SE Walton Blvd	Bentonville	January 22, 2025	Pump(s)	First	\$350
BS 25-0138	Circle K	2908 Congo Rd	Benton	January 23, 2025	Pump(s)	First	\$350
BS 25-0139	Maxizoom Fuel Stop	128 S Main	Brinkley	January 29, 2025	Pump(s)	First	\$350
BS 25-0100	Caseys	6600 Phoenix Av	Fort Smith	November 19, 2024	Pump(s)	Second	\$800
BS 25-0125	Rooster on 50th/Alon	2818 N 50th St	Fort Smith	January 23, 2025	Pump(s)	Second	\$800
BS 25-0136	Crawford Food Mart/Alon	7 W Kibler Hwy	Van Buren	January 30, 2025	Pump(s)	Second	\$800
BS 25-0101	Caseys	6600 Phoenix Av	Fort Smith	December 05, 2024	Pump(s)	Third	\$1,350
BS 25-0127	28th St Gas Plus	2317 W 28th St	Pine Bluff	January 28, 2025	Pump(s)	Fourth	\$2,000

TABLE 2 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) -NINE VIOLATIONS									
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Violation	Civil Penalty
BS 25-0093	Red Oak Station	100 S Stone St	Jasper	October 14, 2024	Hwy Diesel	Storage Tank	5.0	First	\$200
BS 25-0094	Littlefield Express	2350 E Main St	Batesville	October 29, 2024	E0 Regular Unleaded	Storage Tank	3.75	First	\$200
BS 25-0095	White Oak Station	102 Hwy 412	Alpena	October 30, 2024	Hwy Diesel	Storage Tank	1.75	First	\$200
BS 25-0096	Maumelle Food Mart	10920 Maumelle Blvd	North Little Rock	November 13, 2024	Regular Unleaded	Nozzle	Cloudy & Turbid	First	\$200
BS 25-0097	Coopers Express	3910 S Caraway	Jonesboro	December 2, 2024	Premium Unleaded	Nozzle	Cloudy & Turbid	First	\$200
BS 25-0119	VP Racing/Pilot Truck Stop	5750 MLK Dr	Jonesboro	January 07, 2025	Hwy Diesel	Storage Tank	1.50	First	\$200
BS 25-0120	Wildcat Hub, LLC	416 E Pine St	Cabot	January 15, 2025	E0 Regular Unleaded	Storage Tank	4.00	First	\$200
BS 25-0140	Quick Market	689 Regional Airport Blvd	Bentonville	January 23, 2025	Hwy Diesel	Storage Tank	2.37	First	\$200
BS 25-0118	Benton Food & Gas	3821 Edison	Benton	January 08, 2025	Hwy Diesel	Storage Tank	2.00	Second	\$500

TABLE 3 - Violation of A.C.A § 4-108-204 (b) (1) (A) and 4-108-207 FLASHPOINT FAILURE (< 125 oF) - ONE VIOLATION

Case File	Business Name	Address	City	Sampling Date	Product	FP	Violation	Civil Penalty
BS 25-0121	Jordans Kwik Stop	221 Co-op Rd	Jonesboro	January 14, 2025	Hwy Diesel	95 °F	First	\$200

TABLE 4 - ONE WARNING LETTER Violation of A.C.A § 4-18-344 (d)(1) and (d)(3) (2005) Failed to properly affix approved security seal and or decal to the device					
Case File	Business Name	Address	City	Date of Violation	Violation Location
NA	Mid State Service Co	1126 Benton St	Searcy	December 20, 2024	Albion Mini Mart, 2946 Hwy 16, Searcy, AR 72143

**ARKANSAS COTTON GROWER'S
ORGANIZATION, INC.**

BOARD MEETING MINUTES

November 12, 2024

**ARKANSAS DEPARTMENT OF AGRICULTURE
LITTLE ROCK, AR.**

Members present were Chairman Joe Mencer, Vice Chairman Pace Hindsley, Secretary Gregg Garner, Benton Felts, Travis Senter, Ramey Stiles, and Sam Stuckey.

Also present were Regina Coleman, Executive Director for ABWEF; Katie Watts, Administrative Assistant for ABWEF; Melissa Cary, Landmark PLC; Amanda Winkley-Bland, Landmark PLC; Zac Wellman, Arkansas Department of Agriculture; Andrew Grobmyer, Ag Council; and Sherry Seiffert, Legal Counsel for Arkansas Department of Agriculture.

Chairman Joe Mencer called the meeting to order at 10:05 a.m. Chairman Mencer opened the meeting with a prayer.

Mr. Hindsley moved to approve the July 9, 2024, board meeting minutes. Mr. Felts seconded. Motion carried.

Ms. Cary presented the October 2024 Financial Statements. Cash and CDs at October 31st were \$4.4 million. The ERC funds received were \$53,705. Interest income year to date is \$80,004. Total actual expense is \$1,178,830, which is approximately \$45,000 below budget. Mr. Garner made a motion to approve financials. Mr. Hindsley seconded. Motion carried.

Mrs. Coleman provided the program update. She reported that field staff will retire traps for the end of the season but will do another inspection cycle as needed.

Collections at the beginning of November were 98.94% for the 2024 Assessments. Approximately \$20,000 had not been received. Mrs. Coleman discussed growers changing entity information after verification and how this takes a considerable amount of time to complete. At the time of verifications all growers are asked to report any acre, entity or address changes immediately so information can be updated. The gins require the grower entity information to match Farm Service Agency information. Mrs. Coleman asked if a processing fee or change fee could be charged after a certain date to encourage growers to report information sooner. After discussion it was suggested that an administrative fee charged at an hourly rate could be implemented. Mrs. Coleman will discuss this with legal counsel.

Mrs. Coleman reported on the Certificates of Deposit and interest rates. The money invested in the CDs equals approximately two years of operating reserves. This is being done based on a resolution passed at the July 17, 2013, Board Meeting to keep two years of operating reserves. Also, the operating reserves would be used in the event of a weevil reinfestation to cover the cost for treatments.

The National Boll Weevil Protection Fund assessment is due before December 31, 2024. Mrs. Coleman requested approval to pay the assessment by bank draft. Mr. Felts made a motion to pay the NBWPF and Mr. Hindsley seconded. Motion passed.

Mr. Garner discussed the grower rebate for 2024 acres and suggested investing those funds in short-term CDs. Monies from the sweep account funds would be placed in a 6-month CD. Mr. Felts moved to invest from the sweep account to CDs for a short term with Mrs. Coleman handling the investments. Mr. Hindsley seconded. Motion carried.

Mrs. Coleman discussed the BW application and the iCrop program. The iCrop application will no longer be supported by Apple making it necessary to change the mapping program used in the field operations. She reported on a new version called Crop Trak Next that could possibly work. She also discussed changes in the Boll Weevil app to allow growers to report and verify acres online on their grower accounts. Included in the discussion was also the possibility of integrating the information from the BW app and the mapping program. Mr.

Stuckey moved to update the online reporting and verifying options in the Boll Weevil application. Mr. Hindsley seconded. Motion carried.

Chairman Mencer called for an executive session at 11:25. The board reconvened at 11:34. No action was taken.

Mr. Hindsley gave the report from the personnel committee meeting held prior to the board meeting. The committee discussed 2024 incentives and recommended a one and a half month plus employee incentive package. Mr. Stiles moved to approve the incentive package. Mr. Felts seconded. Motion carried.

The next meeting is scheduled for February 26, 2025, beginning at 10:00 a.m.

With no further business, the meeting adjourned at 11:39 a.m.



Joe Mencer, Chairman



Pace Hindsley, Vice Chairman



February 26, 2025

10:00 a.m.

Arkansas Department of Agriculture
Little Rock, AR

- **Welcome, Introduction by Vice Chairman Pace Hindsley**
- **Approval of the previous Meeting Minutes**
- **Financial Report presented by Melissa Cary, Landmark PLC**
- **Legal Matters update presented by Cal McCastlain, Wright, Lindsey & Jennings LLP**
- **Program update presented by Regina Coleman, ABWEF Executive Director**
- **Other Business**
- **Set next meeting date**
- **Adjourn**

**Arkansas Boll Weevil Eradication Foundation
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

FINANCIAL STATEMENTS

December 31, 2024





The Board of Directors
Arkansas Cotton Grower's Organization, Inc.
d/b/a Arkansas Boll Weevil Eradication Foundation

Management is responsible for the accompanying financial statements of Arkansas Boll Weevil Eradication Foundation (the Foundation), a d/b/a of Arkansas Cotton Grower's Organization, Inc., which comprise the statement of financial position as of December 31, 2024, and the related statement of activities and functional expenses for the twelve months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Foundation's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Arkansas Cotton Grower's Organization, Inc. d/b/a Arkansas Boll Weevil Eradication Foundation.

Landmark PLC

Little Rock, Arkansas
February 22, 2025

Landmark PLC, Certified Public Accountants

**Arkansas Boll Weevil Eradication Foundation
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

Financial Statements

Arkansas Boll Weevil Eradication Foundation
STATEMENT OF FINANCIAL POSITION
December 31, 2024

ASSETS

Current Assets	
Cash and cash equivalents	\$ 4,209,306
Accounts receivable	124
Prepaid insurance	19,831
Accounts receivable - ERC	58,403
Grower assessment receivable	14,442
Operating lease right-of-use assets	<u>51,073</u>
Total Current Assets	<u>4,353,178</u>
Property and Equipment	
Vehicles	351,825
Equipment	16,585
Computer hardware & software	85,628
Office furniture and equipment	11,141
Website development	48,874
Less: Accumulated depreciation	<u>(316,198)</u>
Total Property and Equipment, Net	<u>197,855</u>
TOTAL ASSETS	<u>\$ 4,551,033</u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accounts payable	\$ 3,300
Direct deposit liabilities	2,583
Operating lease liability-current	11,195
State withholding payable	679
Accrued salaries & wages	8,842
Accrued vacation pay	<u>22,827</u>
Total Current Liabilities	<u>49,427</u>
Long Term Liabilities	
Operating lease liability-noncurrent	<u>39,878</u>
Total Long Term Liabilities	<u>39,878</u>
Total Net Assets - Without Donor Restrictions	<u>4,461,728</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 4,551,033</u>

Arkansas Boll Weevil Eradication Foundation
STATEMENT OF ACTIVITIES
For the Twelve Months Ended December 31, 2024

	Actual	Budget	Variance
REVENUE, GAINS AND OTHER SUPPORT			
Assessments	\$ 1,840,257	\$ 1,834,500	\$ 5,757
Interest income	155,038	40,000	115,038
Other income	3,442	-	3,442
Assessment adjustment	(3,397)	-	(3,397)
Penalties	24,788	-	24,788
Gain/loss on disposal of assets	15,500	-	15,500
	2,035,627	1,874,500	161,127
 EXPENSES			
Salaries and benefits	553,880	565,000	(11,120)
Building and facility	8,664	8,000	664
Depreciation	53,668	53,668	(0)
Insurance expense	46,049	45,000	1,049
Vehicle expense	62,990	65,000	(2,010)
National Boll Weevil Protection	153,355	153,355	-
Utilities	5,279	7,000	(1,721)
Data/Telephone	24,908	27,000	(2,092)
Office supplies and expense	10,540	20,000	(9,460)
Rent	13,200	13,200	-
Professional fees	116,562	125,000	(8,438)
Travel	6,084	15,000	(8,916)
Rebate checks to growers	485,683	485,721	(38)
Meals	2,547	2,400	147
Bank charges	7,687	5,000	2,687
Other operating expenses	2,818	3,100	(282)
	1,553,913	1,593,444	(39,531)
 CHANGE IN NET ASSETS - WITHOUT DONOR RESTRICTIONS	481,714	281,056	200,658
 NET ASSETS - BEGINNING OF PERIOD	3,980,014		
 NET ASSETS - END OF PERIOD	\$ 4,461,728		

Arkansas Boll Weevil Eradication Foundation
STATEMENT OF FUNCTIONAL EXPENSES
For the Twelve Months Ended December 31, 2024

	<u>Program</u>	<u>Management and General</u>	<u>Total</u>
Salaries, benefits & payroll taxes	\$ 387,716	\$ 166,164	\$ 553,880
Vehicle maintenance & gasoline	62,990	-	62,990
Insurance	39,142	6,907	46,049
Utilities & telephone	7,547	22,640	30,187
Depreciation	47,227	6,440	53,668
Professional fees	-	116,562	116,562
Travel & meals	913	5,171	6,084
Office supplies	8,959	1,581	10,540
Rent	3,300	9,900	13,200
Rebate to grower's	485,683	-	485,683
Meals	2,127	420	2,547
Bank charges	-	7,687	7,687
Other operating expenses	9,587	1,894	11,481
National Boll Weevil Protection	153,355		153,355
Total	<u>\$ 1,208,545</u>	<u>\$ 345,368</u>	<u>\$ 1,553,913</u>



Invoice Date
2/21/2025
DELTA INVOICE 2024

Customer Name	Arkansas Department of Agriculture
Address	#1 Natural Resource Drive
City/State/ZIP	Little Rock, AR 72205
Phone	870-572-9655

	Line Item Description	Cost
Direct Expense	See Itemized List on Direct Expense page	\$ 67,147.32
Overhead Expense	See Itemized List on Overhead Expense page	\$ 159,063.05

Total \$ 226,210.37



Invoice Date
2/21/2025
DELTA INVOICE 2023

Customer Name	Arkansas Department of Agriculture
Address	#1 Natural Resource Drive
City/State/ZIP	Little Rock, AR 72205
Phone	870-572-9655

	Line Item Description	Cost
Direct Expense	Data Management Expense	\$ 912.98
	Gas/Vehicle Expense	\$ 11,667.90
	Office Supplies	\$ 23.39
	Professional Services	\$ 189.45
	Salaries & Benefits	\$ 53,514.61
	Shop Supplies & Tools	\$ 136.88
	Telephone	\$ 515.95
	Travel	\$ 186.16
	Meals & Entertainment	\$ 29.38

Total \$ 67,176.70



Invoice Date
2/21/2025
DELTA INVOICE 2024

Customer Name Arkansas Department of Agriculture
Address #1 Natural Resource Drive
City/State/ZIP Little Rock, AR 72205
Phone 870-572-9655

	Line Item Description	Cost
Overhead Expense	Bank Charges	\$ 1,967.08
	Building & Facility	\$ 2,217.00
	Data Management/Computer Expense	\$ 4,878.64
	Dues & Registrations	\$ 346.05
	Gas/Vehicle Expense	\$ 4,110.88
	Insurance	\$ 11,784.00
	Meals	\$ 651.76
	Miscellaneous	\$ 124.49
	National Boll Weevil Protection Fund	\$ 39,243.42
	Office Supplies	\$ 2,691.28
	Postage & Shipping	\$ 215.46
	Professional Fees	\$ 29,779.80
	Rent	\$ 3,377.88
	Salaries & Benefits	\$ 54,815.24
	Travel	\$ 1,509.17
Utilities	\$ 1,350.90	

Total \$ 159,063.05

Arkansas Boll Weevil Eradication Foundation, Inc.
 Analysis of Delta Invoice
 2014-2024

Delta Acres	110,993.00	65,301.40	122,990.30	131,636.00	142,672.10	160,833.90	141,126.10	140,474.90	154,739.40	152,893.80	156,973.70
Total Acres	316,589.20	201,375.20	365,858.70	424,351.00	463,542.90	588,064.20	499,022.10	454,506.50	601,244.90	485,729.70	613,418.90
	35.06%	32.43%	33.62%	31.02%	30.78%	27.35%	28.28%	30.91%	25.74%	31.48%	25.59%
Overhead Expenses	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Salaries & Benefits	58,618.01	38,826.06	47,021.85	45,527.00	55,311.27	50,392.29	54,669.23	71,408.76	60,581.47	60,983.30	54,815.24
Repairs & Maintenance	0.00	46.05	0.00	15.51	0.00	125.40	0.00	0.00	0.00	0.00	0.00
Vehicle Expense	2,452.16	1,065.30	1,084.59	1,091.87	741.43	577.68	3,742.10	3,727.41	4,435.98	4,518.35	4,110.88
Insurance	17,727.95	15,567.37	14,481.23	13,531.89	12,252.55	11,580.27	10,595.47	12,240.72	10,437.67	13,124.71	11,784.00
Utilities/Telephone	1,810.62	1,043.76	978.77	966.35	927.53	936.92	1,156.44	1,325.14	1,181.55	1,662.26	1,350.90
Telephone	1,536.49	1,498.49	2,127.06	1,545.51	925.19	598.31	1,361.59	1,459.47	1,025.80	0.00	0.00
Data Management	11,027.57	2,859.18	4,095.17	12,646.94	12,006.22	3,421.21	3,260.72	4,380.70	2,913.27	4,328.96	4,878.64
Professional Fees	19,594.50	17,185.23	15,926.60	17,463.74	17,304.73	21,064.41	35,418.83	38,896.58	37,134.02	34,171.49	29,779.80
Travel	1,492.86	913.19	1,239.27	2,004.91	2,737.08	1,853.85	704.18	950.38	1,489.09	2,411.58	1,509.17
Office Supplies	3,392.34	2,307.51	2,625.73	2,917.86	2,528.61	2,174.80	1,662.02	2,752.59	2,455.43	3,626.62	2,691.28
Rent	7,686.33	3,112.99	3,227.22	2,977.97	2,954.88	2,616.20	2,714.93	2,967.08	2,470.70	3,021.81	3,377.88
Capital Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Litigation Settlement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Building & Facility	2,105.85	1,329.27	6,847.33	1,099.91	716.48	885.78	578.12	1,675.11	1,770.47	2,400.43	2,217.00
National Boll Weevil Protection Fund	55,563.82	16,325.35	30,747.58	32,909.02	14,267.85	24,039.00	35,281.53	35,118.73	38,684.85	38,223.45	39,243.42
Other Operating Expenses	2,675.72	2,478.77	1,930.17	1,516.73	2,212.68	1,785.49	1,958.46	1,694.65	1,949.60	3,079.80	3,304.84
	185,684.22	104,558.52	132,332.57	136,215.21	124,886.50	122,051.61	153,103.62	178,597.32	166,529.90	171,552.76	159,063.05

Note: prior to 2011, Utilities and Telephone were included on the same line item.

Note: Included in 2013 professional fees are insurance reimbursements for the lawsuit settlement.

Direct Expenses	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Trapping Supplies	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salaries & Benefits	62,326.61	60,984.30	61,478.15	75,729.53	72,917.96	71,413.33	74,882.08	74,977.29	64,079.03	61,679.03	53,514.61
Repairs & Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vehicle Expense	10,985.32	12,244.38	6,392.36	3,445.95	7,631.33	6,540.31	1,903.97	1,875.76	4,445.75	5,986.95	11,667.90
Utilities	142.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Telephone	842.59	222.15	413.25	698.34	643.59	759.35	646.71	615.01	805.31	619.19	515.95
Data Management	372.88	125.71	171.36	459.14	181.64	241.92	184.03	322.13	772.67	138.25	912.98
Professional Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	189.45
Travel	1,403.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,128.00	186.16
Office Supplies	103.61	0.00	34.92	113.20	17.35	29.27	16.26	186.51	286.47	78.36	23.39
Rent	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Meals	0.00	0.00	0.00	0.00	0.00	13.13	0.00	0.00	0.00	0.00	29.38
Other Operating Expenses	133.16	20.00	0.00	0.00	15.08	0.00	0.00	0.00	0.00	0.00	136.88
	76,309.66	73,596.54	68,490.04	80,446.16	81,406.95	78,997.31	77,633.05	77,976.70	70,389.23	70,629.78	67,176.70
Total	261,993.88	178,155.06	200,822.61	216,661.37	206,293.45	201,048.92	230,736.67	256,574.02	236,919.13	242,182.54	226,239.75

Note: prior to 2011, Utilities and Telephone were included on the same line item.

ARKANSAS BOLL WEEVIL ERADICATION PROGRAM

Projected Cash Flow 2022 - 2025

	2022	2023	2024	2025
Acres	601,245	485,500	613,418	550,000
Assessments/Acre	\$3.00	\$3.00	\$3.00	\$3.00
Cash Inflows				
Assessments	\$ 1,851,809	\$ 1,457,189	\$ 1,840,257	\$ 1,650,000
Rebate to Growers	(342,268)	(598,326)	(485,683)	(613,418)
Interest Income	5,097	77,037	155,038	50,000
Other Income	18,475	187,562	40,332	-
Total Cash Inflows	1,533,113	1,123,463	1,549,944	1,086,582
Cash Outflows				
Capital Equipment	34,770	51,251	53,668	30,000
Data Management	12,318	13,891	19,978	18,000
Insurance Expense	40,556	41,696	46,049	50,000
Office Supplies	9,827	11,600	10,540	20,000
Professional Fees	144,285	108,560	116,562	120,000
Rent	9,600	9,600	13,200	15,000
Building & Facility	6,879	7,626	8,664	8,000
Salaries and Benefits	547,963	524,887	553,880	560,000
National Boll Weevil Protection Fund	150,311	121,432	153,355	137,500
Travel	6,039	9,789	6,084	8,000
Utilities - electricity/water/sewer	4,591	5,281	5,279	7,000
Telephone	8,260	6,010	4,930	6,000
Vehicle Expense	63,642	54,572	62,990	65,000
Other Operating Expenses	7,575	12,621	13,051	15,000
Subtotal Cash Outflows	1,046,616	978,816	1,068,230	1,059,500
Cost per Acre	\$ 1.74	\$ 2.02	\$ 1.74	\$ 1.93
Operating Surplus (Deficit)	486,497	144,647	481,714	27,082
Assessments/Accounts Receivable	(6,765)	(94,382)	42,107	
Insurance adjustment - paid vs accrued	(2,329)	1,314	(3,456)	
Accounts Payable	147,148	(145,831)	(4,406)	
Change in Fixed Assets	(84,707)	(81,353)	(4,095)	
Available Cash	3,333,203	3,873,048	3,697,442	4,209,306
Cash at End of Year	3,873,048	3,697,442	4,209,306	4,236,388