

901:5-11-13 Recordkeeping for wood-destroying insect diagnostic inspections for real estate transactions.

Commercial applicators conducting wood-destroying insect diagnostic inspections for real estate transactions (hereinafter inspections) shall:

- (A) Conduct all inspections in accordance with the practices set forth in the Ohio wood-destroying insect diagnostic inspection training program.
- (B) Make a complete record of the findings of each inspection on form NPMA-33 which can be located at the Ohio department of agriculture, plant health division website here: https://www.agri.ohio.gov/wps/portal/gov/oda/divisions/plant-health/forms/npma_33. For the purposes of this chapter, a complete record means that the information recorded in NPMA-33 (hereinafter the form) shall be recorded pursuant to this rule. In the event of conflicting instructions for completing the form, the provisions of this rule shall apply for all inspections made within this state.
- (C) Completely and accurately record the following information in section one of the form:
 - (1) The name, address and telephone number of the pesticide business conducting the inspection;
 - (2) The license number of the pesticide business or registered location conducting the inspection;
 - (3) The date of the inspection;
 - (4) The physical address of the property inspected;
 - (5) The name, license number and original signature of the commercial applicator conducting the inspection; and
 - (6) The specific structures inspected.
- (D) Record the following in section two of the form for inspection findings on or within the specific structures inspected by:
 - (1) Checking box A if there is no visible evidence of wood-destroying insect (hereinafter insect) activity;
 - (2) Checking box B if there is visible evidence of insects observed; and
 - (a) Shall, if live insects are observed:
 - (i) Check box B(1); and
 - (ii) List the types of insects observed; and
 - (iii) State the specific location (including by way of example but not limited to sill plates, foundations, etc.) where the insects are observed;
 - (b) Shall, if dead insects, insect parts, frass, shelter tubes, exit holes, staining or other physical evidence are observed:
 - (i) Check box B(2); and
 - (ii) Describe the type of insects and insect parts observed, and describe all other physical indicators observed, including but not limited to frass, shelter tubes, exit holes and staining; and
 - (iii) State the specific location (including by way of example but not limited to sill plates, foundations, etc.) where the dead insects, insect parts, frass, shelter tubes, exit holes, staining or other physical indicators are observed.
 - (c) Shall, if visible insect damage to the structure was observed:
 - (i) Check box 3; and
 - (ii) Describe the type of damage observed; and
 - (iii) State the specific locations (including by way of example but not limited to sill plates, foundations, etc.) where damage is observed.
- If the comments to be noted in this section of the form exceed the space provided, the commercial applicator conducting the inspection shall attach supplemental pages to the form, and state in section five of the form that additional pages are attached to the form.
- (E) In section three of the form, shall check one box in accordance with the following:
 - (1) Shall check the box indicating "no treatment recommended" if box A in section two of the form is checked; or
 - (2) May check the box indicating that treatment is recommended if box B in section two of the form is checked; and

- (a) There is evidence of active insect infestation; or
 - (b) There is:
 - (i) No evidence of previous treatment; or
 - (ii) Evidence of insect activity that appears to have occurred after the most recent treatment; or
 - (iii) Evidence of subterranean termites; and
 - (a) The structure is not currently under a termite treatment service contract or warranty; and
 - (b) The structure has not been treated with a liquid soil termite treatment within the previous five years; and
 - (c) The commercial applicator conducting the inspection describes the evidence relied upon in making the determination that treatment is recommended.
- (3) May check the box indicating that no treatment is recommended if:
- (a) Box B in section two of the form is checked; and
 - (b) The commercial applicator conducting the inspection:
 - (i) Believes, based on the evidence observed, that there is not an active insect infestation; and
 - (ii) Describes the evidence relied upon in making the determination that treatment is not recommended.
- (F) Designate by checkmark in section four of the form any obstructed or inaccessible area of the specific structure inspected. Access coverings which are readily removed using commonly available tools such as screwdrivers, pliers and wrenches do not render an area obstructed or inaccessible.
- (G) Include in section five of the form:**
- (1) A statement as to whether or not there is evidence of previous treatment; and
 - (2) A description of the previous treatment, if any; and
 - (3) The specific location (including by way of example but not limited to sill plates, foundation, etc.) where the evidence of previous treatment is observed or documented; and
 - (4) Any comments which are not provided for in the other sections of the form, including but not limited to infestation or damage observed in areas other than the specific structure inspected; and
 - (5) Any comments amplifying information provided in other sections of the form; and
 - (6) If attachments were used to detail inspection findings described in other sections of the form, a list and description of these attachments.
- (H) Complete and sign the form within five business days following completion of the inspection. The commercial applicator's signature on the form is the commercial applicator's certification that the inspection was conducted and reported in accordance with the requirements of Chapter 901:5-11 of the Administrative Code.
- (I) Submit, within ten days following completion of the inspection, a copy of the completed and signed form to the pesticide business or registered location from which the inspection was conducted.