

1 02 NCAC 34 .0904 is amended as published in 36:21 NCR 1684-1685 as follows:

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3 **02 NCAC 34 .0904 PROHIBITED ACTS**
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5 (a) No reference shall be made by any certified applicator, licensee, **Structural Pest Control** business establishment,
6 or **Structural Pest Control** business entity in any form of advertising that would indicate approval, endorsement, or
7 recommendation by the Committee or by any agency of the federal government or North Carolina State, county, or
8 city government.

9 (b) The use of a structural pest control **license(s), license,** certified applicator's identification **card(s), card,** registered
10 technician's identification **card(s), card,** or licensee identification **card(s), card** for any purpose other than identification
11 is prohibited.

12 (c) In solicitation of structural pest control business, no licensee or his or her employees shall claim that inspections
13 or treatments are required, authorized, or endorsed by any agency of the federal government or North Carolina State,
14 county, or city government unless said agency states that an inspection or treatment is required for a specific structure.

15 (d) No licensee shall advertise, in any way or manner, as a contractor for structural pest control services, in any
16 **phase(s) phase** of work for which he or she does not hold a valid **license(s) license** as provided for under G.S.
17 106-65.25(a), unless said licensee shall hold a valid certified applicator's identification card or registered technician's
18 identification card, as provided for under G.S. 106-65.31, as an employee of a person who does hold a valid state
19 **license(s) license** covering phases of structural pest control work advertised.

20 (e) The impersonation of any North Carolina State, county, or city inspector or any other governmental official is
21 prohibited.

22 (f) No licensee, certified **applicator applicator,** or registered technician's identification card holder shall advertise or
23 hold himself or herself out in any manner in connection with the practice of structural pest control as an entomologist,
24 plant pathologist, horticulturist, public health engineer, or sanitarian, unless such person shall be qualified in such
25 **field(s) a field** by required professional **standards and certifications, or a degree from an accredited college or university**
26 **as appropriate and educational standards** for the title used.

27 (g) No certified applicator, licensee, or his or her employees shall represent to any property owner or his or her
28 authorized agent or occupant of any structure that any specific pest is infesting ~~said any~~ property, structure, or
29 surrounding areas ~~thereof,~~ unless ~~strongly supporting~~ visible evidence of such infestation exists.

30 (h) No certified ~~applicator or licensee~~ **applicator, licensee,** or their employees shall authorize, direct, assist, or aid in
31 the publication, advertisement, distribution, or circulation of any material **by containing** false **statements statements** or
32 **representation misrepresentations** concerning the licensee's structural pest control business or business of the company
33 with which he or she is employed.

34 (i) No certified ~~applicator or licensee~~ **applicator, licensee,** or their employees shall advertise or contract in a company
35 name **style** contradictory to that shown on the certified applicator's identification card or license certificate; provided,
36 however, when there is a sale of a business or other name change the company may use both names together for a
37 period not to exceed three years from the date of the name change or sale of business.

1 (j) No certified applicator shall use any name style on his or her certified applicator's identification card which contains
2 the words "exterminating", [~~exterminating,~~] "exterminating", "pest control", "pest control", or any other words
3 which imply that he or she provides pest control services for a valuable consideration unless he or she is a licensee or
4 a duly authorized agent or employee of a licensee.

5 (k) No licensee issued an inactive license shall engage in any phase of structural pest control under ~~such an inactive~~
6 license. license issued by the committee.

7 (l) No licensee, certified applicator, or registered technician shall indicate on any foundation diagram prepared
8 pursuant to 02 NCAC 34 .0601 or 02 NCAC 34 .0605 that hidden damage or possible hidden damage due to any
9 wood-destroying organism exists in a structure unless there is visible evidence of infestation or damage present in the
10 immediate area of the alleged hidden damage.

11 (m) No pesticide shall be applied for the purpose of performing structural pest control when the conditions at the site
12 of application favor drift or runoff from the target site.

13 (n) A final order imposing civil liability under Section 14(a) of [~~the Federal Insecticide, Fungicide, and Rodenticide~~
14 Act (FIFRA) (7 USC 1361(a))] 7 USC 1361(a), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
15 against any licensee, certified applicator, or non-certified applicator, or a criminal conviction, entry of a plea of
16 guilty, or of nolo contendere under Section 14(b) of [FIFRA (7 USC 1361(b)),] FIFRA by a licensee,
17 certified applicator, or non-certified applicator shall constitute grounds for the denial, suspension, or revocation of
18 any license or certification issued by the committee.

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20 *History Note:* Authority G.S. 106-65.23; 106-65.25; 106-65.29;

21 *Eff. July 1, 1976;*

22 *Readopted Eff. November 22, 1977;*

23 *Amended Eff. January 1, 1991 January 1, 1989; August 20, 1980;*

24 *Temporary Amendment Eff. July 10, 1995 for a period of 120 days or until the permanent rule*
25 *becomes effective, whichever is sooner;*

26 *Amended Eff. August 1, 2002; July 1, 1998; November 1, 1995;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November*
28 *22, 2018.*

29 *Amended Eff. December 1, 2022.*