

HOW DEVICES ARE VIEWED BY THREE OTHER STATES

Colorado Department of Agriculture

35-10-118. Powers and duties of the commissioner.

(9.5) The commissioner shall designate by rule which devices, when operated for hire, require the operator to be licensed as a commercial applicator. Licensure shall be required only for the use of those devices that, as determined by the commissioner, may constitute a significant risk to public health or safety.

Office of Indiana State Chemist

IC15-16-4-10 "Device"

Sec. 10. As used in this chapter, "device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating any pest. The term does not include:

- (1) equipment used for the application of pesticides when sold separately from the pesticides;
- (2) firearms; or
- (3) simple mechanical devices, including barriers, traps, or adhesives, or other simple contrivances that are not subject to this chapter as determined by the pesticide review board.

Texas Department of Agriculture

Sec. 1951.058. ACTIVITIES NOT INVOLVING PESTICIDES.

When performed without the use of a pesticide, this chapter does not apply to the:

- (1) use of a raptor to control or relocate other birds;
- (2) physical removal of pests or the habitat of pests while cleaning a chimney;
- (3) use of a live trap to remove an animal from the premises of a residence, agricultural operation, or business structure;
- (4) removal by mechanical means of weeds or other obstructing vegetation from a sewer, drainage system, body of water, or similar area; or
- (5) installation, maintenance, or use of a nonpesticidal barrier to remove or prevent infestation by nuisance animals.

OFFICE OF PEST MANAGEMENT DEFINITIONS

ARS 32-2301 (DEFINITIONS)

4. "**Business of structural pest control**" means engaging in, offering to engage in, advertising for, soliciting or performing structural pest control, including any of the following:

(a) Identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of households or other structures and the surrounding area by any of the following:

(i) Public health pests.

(ii) Aquatic pests.

(iii) Household pests.

(iv) Wood-destroying insects.

(v) Pests, including weeds, existing around structures, in ornamental shrubs and trees, on golf courses, along rights-of-way or in lawns and cemeteries.

(vi) Fungi.

(b) Making written or oral inspection reports, recommendations, estimates or bids with respect to infestations.

(c) The application of pesticides or the making of contracts or submitting of bids for the application of pesticides or the use of **devices** for the purpose of eliminating, exterminating, controlling or preventing infestations.

7. "**Device**" means any mechanical, pesticide or electrical apparatus used in conjunction with, in place of or to supplement, disperse or dispense pesticides.