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Ten Ways To Avoid Problems With Regulators

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As I looked forward into 2002 and planned for the needs of our company, there were a myriad of issues running through my mind and “to do lists” piling up on my desk. With thoughts directed at looking after our employees, providing the highest possible quality service for our customers, managing expenses and trying to make a modest profit, one of the last things I needed to worry about was a problem with regulators. A call or letter from a regulatory agency stating that you are in violation or not compliant with a particular law or regulation should normally be avoidable. In this article we’ll take a look at some of the top ways you can prepare your company to avoid problems with regulators.

EDUCATE YOURSELF. One of the first steps in avoiding problems with regulators is to educate yourself and any other senior management members of your company who are responsible for regulatory compliance. Simply put, “if you don’t know the rules it’s hard to play the game.”

As the owner, manager or supervisor of your company you have to know what local, state and federal laws apply to your business. Labor laws, Occupational Safety and Health Administration (OSHA) regulations, general liability and auto insurance, workers’ compensation reporting procedures, Department of Transportation, fire safety ordinances, zoning, waste disposal, accounting/taxes, permits, licensing, and compliance with pesticide regulations are all some of the areas that must be addressed.

You need to develop a standard operating procedure for addressing each applicable area and then have the system in place to make sure that compliance with these laws, rules and regulations is being actively maintained. Remember that ignorance is no excuse for noncompliance.

TRAIN YOUR EMPLOYEES. Chances are that many of your customers may never speak with or know the owner(s) of the company providing their pest management services. The representative that actually provides their service and drives that company vehicle is whom the public and your customer base normally sees. He or she may also be the one who encounters a regulatory official in the field. Therefore, it is of the utmost importance to have employees thoroughly trained.

In today’s “informed state” there is no excuse for having a poorly trained employee. In addition to training that may be required by your state pesticide regulatory agency, there are many opportunities for continuing education in this and other regulated areas applicable to your business. Most major distributors, state pest control associations, manufacturers and the National Pest Management Association (NPMA) all offer frequent training opportunities and materials.

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In addition, there are now many educational opportunities available to the structural pest control industry online through the Internet.

MAINTAIN COMPLETE RECORDS. As a business owner, manager or supervisor, it is extremely important to keep and maintain accurate records! When any inspection or investigation takes place by a regulatory agency you can almost bet that written records showing documentation of activities will be one of the first things that will be requested.

MAKE ROUTINE VEHICLE, BUILDING AND WORK-SITE INSPECTIONS. One of my favorite sayings is, "You can't expect what you don't inspect." Un-rinsed pesticide containers accumulate, fire extinguishers expire, the contents of first aid kits get used up, safety equipment becomes lost, tires become worn and labels mysteriously "fall off of containers." The best way to prevent these items from becoming a regulatory issue — and to prevent accidents — is to schedule routine inspections. You should also establish an inspection file to document all inspections and actions taken as a result of your findings.

FOLLOW THE LAWS AND REGULATIONS. I can't tell you the number of times I've said, "Remember, the label is the law." Once an employee is properly trained, he or she should be able to read the label for a particular pesticide and accurately follow the directions concerning handling, mixing, storing and applying the product.

At the same time, if certain written records are required to be kept by "the law" then you need to keep them. In the long run, compliance with applicable laws and regulations will more than pay off for you and your company.

If you don't believe this then I hope you won't learn the hard way when a customer or regulator questions an application or incident by your company that took place several months earlier.

KNOW YOUR REGULATORS. You may already be familiar with many of your regulatory agencies; however, does their staff know you and your company? If so, do you have a positive relationship with them? Chances are extremely good that if you make an effort to meet your regulators or contact them with questions, they will be more than glad to help you.

In most cases many regulatory agencies will often have individuals within their organizations that can assist you with achieving compliance with regulations applicable to your business. These regulatory officials also may be willing to become directly involved with speaking at training events for your individual company or at your area or state pest control association meetings.

COOPERATE WITH ALL REGULATORY AGENCIES. In a recent discussion with one of our state's regulatory officials he told me, "The response from the management of the business that we are inspecting normally establishes the direction that an inspection or investigation will take."

If the business is cooperative and courteous then the chances of events going smoothly and turning out positively will be increased. In many situations, the regulatory official can provide on-site assistance or education if requested.

ALWAYS OPERATE PROFESSIONALLY. Employees wearing clean uniforms that are driving well equipped and maintained vehicles project a positive image of your company. Both your customers and regulatory officials appreciate individuals who appear professional and conduct their business in a professional manner. Maintaining an uncompromising standard of honesty, care and pride in your work will always reduce the likelihood of problems with any regulators.

IMPLEMENT CUSTOMER QUALITY CONTROL PROGRAMMING. Two of the largest areas of regulatory involvement revolves around inquiries originating from the public, i.e., your existing or

potential customers and your current or past employees. If an employee is disciplined, disgruntled over certain issues, or fired, then notes concerning these matters should be written and placed in his or her personnel file.

In the past I have always tried to make a written record of any calls or inquiries from customers concerning the safety of our services, the products or treatment techniques that we used or special concerns expressed by the individual. If ever needed, this type of documentation could be invaluable.

Questions originating from customers can also be a good indicator of areas within your organization where additional training should be provided to your employees.

Random and/or scheduled "quality assurance inspections" conducted by a company supervisor or manager can result in positive interactions with your customers. In addition, findings from these inspections can be used to identify any potential program concerns and aid in evaluating the work of individual technicians. In any situation where a problem is discovered, do whatever it takes, within reason, to correct the concern and satisfy that customer.

BE ACTIVE IN STATE AND NATIONAL PEST MANAGEMENT ASSOCIATIONS. I recently had an individual with a local trade association advise me that if our company was going to join their organization then we had better plan on becoming "active members." If we weren't, then we would not receive any benefits from joining that association. He went on to say that if we were going to be "inactive members" that this could even hurt our reputation among their active members.

If there are rules, laws or regulations that you don't agree with or feel should not apply to your business, then one of the best ways to address this is through your state pest control association and the National Pest Management Association. Keep in mind that "there really is strength in numbers."

CONCLUSION. Receiving a letter from a law firm representing an irate customer or receiving a certified letter from a regulatory agency stating that you and your company are in violation or noncompliance with a particular law or regulation can ruin your day or even the future of your hard-earned business.

Chances are that your regulatory agencies will be a minor concern when compared to any litigation that may result from an accident involving noncompliance with existing rules or regulations applicable to your business. By proactively addressing potential concerns with laws and regulations, the odds of having a problem with a regulator, or even litigation, will be greatly reduced.

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