This is part 2 of a multipart series on the Wood-Destroying Insect Clause used in standard contracts. For other parts please visit our blog, [www.atlasexterminator.com](http://www.atlasexterminator.com) or you may call me directly.

A Possible Scenario:

The first inspector reported evidence of termite infestation and recommended treatment. A second opinion was performed with similar findings but that inspector says no treatment is needed.

First, it is important to understand that Maryland Regulations neither require treatment nor do they prohibit treatment…. under almost any circumstance. The individual company policy on when to recommend treatment will typically be the determinant. Almost without exception companies will follow MSPCA (Maryland State Pest Control Association) guidelines or Guidelines from the National Pest Management Association. These guidelines are in sync with the actual language in the standard sales contract that addresses when treatment should be performed.

Typically, an inspection that reveals termite evidence with no evidence of prior treatment is considered “evidence of present infestation”. Conversely, a property with termite evidence that has been previously, comprehensively treated and no activity is found is typically considered to be previously treated / currently inactive, with no additional treatment recommended. There are always exceptions but there would have to be other significant factors that would modify the typical recommendation of treat / no treat.

So, you look at both reports. If they both indicate there is **no** evidence of prior treatment then, to stay consistent with the intent of the contract clause, a treatment should be performed. **The issuance of a “warranty” only, is not a substitute for treatment**. Getting third opinions will never prove which ones are correct and which are not. Still at a stalemate? Then we always recommend having both inspectors meet at the property with any concerned party to reach a common resolution.

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