

Builders vs. Termites:

Avoiding Liability for Termite Damage



Glenn DuBois, MCom, Secretary of The Australian Pest Controllers Association Inc discusses termites and notes key recommendations to help the builder avoid legal problems if termites subsequently infest a home they have built.

Subterranean termites or 'white-ants' are a highly destructive timber pests, causing major structural damage to domestic and commercial buildings. Termites have been known to destroy the wall and roofing timbers of a home within three months of construction.

To make matters worse, a standard home insurance policy does not cover the cost of repairs, which can easily amount to more than \$50 000, in cases where proper protective measures are not taken.

When the home owner realises the extent of damage, they are highly motivated to seek compensation from the related builder or associated pest control company (if they are still in business). Builders often get caught if the home owner can successfully argue in Court that they were not made aware of the inherit limitations and specific maintenance procedures of termite control system installed during construction.

In the main, in the marketplace, the termite control provisions of the building code and local council requirements are insufficient to ensure the building will be free of termites in the foreseeable future.

It seems that many builders view the building code and local council requirements as their only legal responsibility for termite protection.

However, in Court the builder is seen as the professional-in-charge to oversee the installation of a termite control system, which the home owner is entitled to assume, unless advised to the contrary, that such a system will properly protect the building from future termite infestation.

Some of the options builders have as termite protective measures include:

- Build projects in steel, termite resistant or treated timbers. However, the termites can still infest skirting boards, timber framing, kitchens and other decorative timbers. The cost of such timber replacement and proper termite protection can be substantial.

- Install barriers in wall cavities and around plumbing penetrations, such as Kordon, Granitgard, Termimesh or like products. However, the termites can go around such barriers and enter the wall cavity through weep holes or two millimetre gaps in mortar joints.

Australian Standard 3660 on Termite Control recommends a 75 millimetre clearance of the edge of a concrete on ground slab to enable regular professional inspection of this high risk entry point. Such an inspection and report to AS3660 will highlight if the slab edge is covered by landscaping or pathways which may allow undetected termite access to the wall cavity and roofing timbers.

Another protective measure is soil treatment by handspray or reticulation system with a termiticide of the sub-floor area and around the perimeter of concrete slab on ground floorings. Please note, the world's most effective termiticide, namely, Termidor has recently been approved by Australian authorities for soil treatment during the construction of a building. Termidor has been extensively used for several years in the US and Australia for treating termite infestations in existing homes, with outstanding success.

My key recommendation to builders is to ensure the limitations and maintenance requirements of the termite system installed are made absolutely clear to the home owner and signed off on by them, so that they cannot argue they were not aware of such limitations and maintenance requirements.

In addition, the builder should recommend to the home owner to have a soil treatment to external perimeter and other high risk entry points around the base of the building after landscaping has been installed, or just prior to laying of pathways abutting the building.

The best product for such soil treatment is Termidor or Premise. Both these products are non-repellent to the termites. They cannot avoid what they cannot detect. Why Termidor and Premise are so effective, is that they have a delayed lethal effect on termites of several days; enough time for the chemical, which adheres to the worker termites, to be transferred back to the central colony and fed to the queen and other termites, resulting in the elimination of the entire colony. Extensive testing and industry feedback in the US and Australia



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indicate at least eight years' effective protection is virtually certain.

The use of Termidor or Premise is also highly recommended for additions and extensions of a building at ground level. If for some reason the timber flooring of older homes is low to the ground then the soil area thereunder should be treated with Termidor or Premise whilst the flooring is being replaced.

Most importantly, be careful in the selection of your pest controller. Are they advising you of all the options to fully protect the building? Remember, if the home is properly protected, so is the builder. Will they follow up the home owner to ensure additional inspections and treatment is carried out after pathways and landscaping is in place? Will they be around in years to come if a problem arises?

For further details go to termite.com.au or Fumapest Kordon Sydney 1300 241 500