



Exempt Action Final Regulation Agency Background Document

Agency name	Pesticide Control Board
Virginia Administrative Code (VAC) citation	2 VAC 20-51
Regulation title	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act
Action title	Exempts certain gypsy moth surveyors and cotton boll weevil surveyors from pesticide applicator certification requirements
Final agency action date	January 18, 2012
Document preparation date	January 19, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The amendments to this regulation add two classes of individuals to those persons exempt from the pesticide applicator certification requirements of the Virginia Pesticide Control Act (VPCA). Gypsy moth surveyors who work under the authority of the Virginia Department of Agriculture and Consumer Services (VDACS) and cotton boll weevil surveyors who work under the authority of VDACS will be exempt from the VPCA pesticide applicator certification requirements.

These amendments were made in response to petitions for rulemaking that requested an exemption for each of these classes. The Pesticide Control Board granted these petitions for rulemaking at its meeting on July 21, 2011.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

Section 2.2-4006(A)(5) of the Virginia Administrative Process Act (VAPA) exempts regulations of the Pesticide Control Board adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing from the requirements of VAPA. Clause (vi) of subsection C of § 3.2-3931 of the Virginia Pesticide Control Act (VPCA) exempts from VPCA’s pesticide applicator certification requirements those classes of persons specified by regulation whose use or supervision of the use of pesticides can be accomplished with minimal risk to the public health and safety by virtue of the nature of the pesticides used or method of application of the pesticides.

The Pesticide Control Board adopted the amendments to 2 VAC 20-51, *Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act*, described in the Summary section of this background document, pursuant to § 3.2-3931(C)(vi). The Board held a public hearing and considered these amendments at its meeting on October 20, 2011. The Board considered the amendments for a second time and adopted these amendments at its meeting on January 18, 2012.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no impact on the institution of the family and family stability.