

RULES AND REGULATIONS GOVERNING THE PESTICIDE FEES CHARGED BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES UNDER THE VIRGINIA PESTICIDE CONTROL ACT (2VAC20-30-10 THROUGH 2VAC20-30-50).

1 THIS REGULATION SUPERSEDES 2VAC20-30-10 THROUGH 2VAC 20-30-50 RULES
2 AND REGULATIONS GOVERNING THE PESTICIDE FEES CHARGED BY THE
3 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES UNDER THE
4 VIRGINIA PESTICIDE CONTROL ACT ADOPTED BY THE PESTICIDE CONTROL
5 BOARD ON JULY 22, 1994, EFFECTIVE SEPTEMBER 21, 1994

6
7 AUTHORITY: § 3.1-249.30 OF THE CODE OF VIRGINIA (1950), AS AMENDED

8
9 CHAPTER 30
10

11 Part I

12 Definitions

13 2VAC20-30-10. Definitions.

14 The following words and terms, when used in this chapter, shall have the following meaning,
15 unless the context clearly indicates otherwise. All terms defined in the Virginia Pesticide Control
16 Act, Chapter 14.1 (§3.1-249.27 et seq.) of Title 3.1 of the Code of Virginia are hereby
17 incorporated by reference in this chapter.

18 "Board" means the Pesticide Control Board.

19 "Brand" means any word, name, symbol, device, or any combination thereof, which serves to
20 distinguish a pesticide product manufactured, distributed, sold, or offered for sale by one person
21 from that manufactured, distributed, sold, or offered for sale by any other person.

22 "COB" means close-of-business.

23 "Commissioner" means the Commissioner of Agriculture and Consumer Services.

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1 "Department" means the Department of Agriculture and Consumer Services.

2 "Grade" means formulation of a pesticide, except that the addition of pigments solely for color
3 shall not constitute a change in the formulation such as to constitute a new grade requiring
4 registration.

5 "Limited quantities" means purchases, at cost, for resale, of less than \$50,000 annually per outlet
6 of products containing ~~non-restricted~~ non-restricted use pesticide active ingredients.

7 "Registered technician" means an individual who renders services similar to those of a certified
8 commercial applicator, but who has not completed all the training or time in service
9 requirements to be eligible for examination for certification as a commercial applicator, and is
10 limited to application of general use pesticides. However, if he applies restricted use pesticides
11 he shall do so only under the direct supervision of a certified commercial applicator.

12 Part II

13 Fees

14 2VAC20-30-20. Pesticide product registration fee; registration of new pesticide products;
15 renewal of pesticide product registration.

16 A. Every pesticide product which is to be manufactured, distributed, sold, offered for sale, used
17 or offered for use within the Commonwealth shall be registered with the commissioner. The fee
18 for registering each brand shall be \$140 for the product registration period beginning January 1,

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1 ~~1995; \$150 for the product registration period beginning January 1, 1997; and \$160 for the~~
2 ~~product registration period beginning January 1, 1999.~~ If a brand has more than one grade, each
3 grade shall be registered, not the brand at the registration fee then in effect. The registration for a
4 new pesticide product shall be effective upon receipt by the Department of Agriculture and
5 Consumer Services of the application form accompanied by the required registration fee.

6 B. All pesticide product registrations shall expire on December 31 of each year unless canceled
7 or otherwise terminated for cause. A registration not canceled or otherwise terminated for cause
8 will be renewed upon receipt of the annual registration fee as set forth in subsection A of this
9 section accompanied by the application renewal form. A registration that has been canceled or
10 otherwise terminated for cause prior to December 31 may be resubmitted as a new registration
11 when the conditions resulting in the cancellation or termination have been resolved. The
12 registration of each brand or grade shall be renewed with the commissioner prior to December 31
13 of each year. If the registration is not renewed prior to December 31 of each year, the
14 commissioner shall assess a late fee of 20% ~~which~~ that shall be added to the registration fee. The
15 late fee shall apply to all renewal registrations submitted to the department any time during the
16 12-month period following the expiration of the registration. Registrants who permit a
17 registration to lapse for more than one year shall thereafter register the product as a new product.
18 The applicant shall pay the total fee prior to the issuance of the registration by the commissioner.

19 2VAC20-30-30. Commercial applicator certificate fee.

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1 Any person applying for a certificate as a commercial applicator shall pay to the department an
2 initial nonrefundable certificate fee of ~~\$35~~ 70 and an ~~annual~~ biennial nonrefundable renewal fee
3 of ~~\$35~~ 70 thereafter. All certificates shall expire at midnight on June 30 ~~of each~~ in the second
4 year after issuance unless suspended or revoked for cause. All certificates not suspended or
5 revoked for cause will be renewed upon receipt of the ~~annual~~ biennial renewal fee. If the
6 applicator does not file an application for renewal of his certificate prior to COB June 30, the
7 commissioner shall assess a late filing fee of 20% ~~which~~ that shall be added to the renewal fee.
8 The applicant shall pay the total fee prior to the commissioner's issuance of the renewal.
9 However, if the certificate is not renewed within 60 days following the expiration of the
10 certificate, then such certificate holder shall be required to take another examination. The fee for
11 this reexamination or for any commercial applicator reexamination pursuant to subsection C of
12 §3.1-249.52 of the Code of Virginia shall be ~~\$35~~ 70 and shall be nonrefundable. Any person
13 applying to add a category or subcategory to their certificate shall pay to the department a
14 nonrefundable fee of \$35. Federal, state, and local government employees certified to use, or
15 supervise the use of, pesticides in government programs shall be exempt from any certification
16 fees.

17 2VAC20-30-40. Registered technician certificate fee.

18 Any person applying for a certificate as a registered technician shall pay to the department an
19 initial nonrefundable certificate fee of ~~\$15~~ 30 and an ~~annual~~ biennial nonrefundable renewal fee

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1 of \$~~15~~ 30 thereafter. All certificates shall expire at midnight on June 30 ~~of each~~ in the second
2 year after issuance unless suspended or revoked for cause. A certificate not suspended or
3 revoked for cause will be renewed upon receipt of the ~~annual~~ biennial renewal fee. If the
4 application for renewal of any certificate is not filed prior to COB June 30, a late filing fee of
5 20% shall be assessed and added to the renewal fee and shall be paid by the applicant before the
6 renewal shall be issued. If the certificate is not renewed within 60 days following the expiration
7 of the certificate, then such certificate holder shall be required to take another examination. The
8 fee for this reexamination or for any commercial applicator reexamination pursuant to subsection
9 C of §3.1-249.52 of the Code of Virginia shall be \$~~15~~ 30 and shall be nonrefundable. Federal,
10 state and local government employees certified to use pesticides in government programs shall
11 be exempt from any certification fees.

12 2VAC20-30-50. Business license fee.

13 Any pesticide business that distributes, stores, sells, recommends for use, mixes, or applies
14 pesticides shall pay a nonrefundable annual pesticide business licensing fee of \$50 for each
15 location or outlet that he or it operates. All business licenses will expire at midnight on March 31
16 of each year unless suspended or revoked for cause. If a business license is not suspended or
17 revoked for cause, it will be renewed upon payment of the annual fee. If any person operating as
18 a pesticide business fails to apply for renewal of a pesticide business license by COB March 31
19 the applicant, as a condition of renewal, shall pay a late license fee of 20% of the licensing fee in
20 addition to that fee. Merchants of limited quantities of ~~nonrestricted~~ non-restricted use pesticides

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- 1 including grocery stores, convenience stores, drug stores, veterinarians and other businesses who
- 2 sell pesticides primarily for limited household use shall be exempt from the business license
- 3 requirement.