

BOARD OF AGRICULTURE AND CONSUMER SERVICES

**Patrick Henry Building
East Reading Room
1111 E. Broad Street
Richmond, Virginia**

Thursday, December 11, 2025

9 A.M.

1. Call to order
2. Roll call
3. Approval of draft Board meeting minutes from August 5, 2025
4. Commissioner's Report to Board – Joseph Guthrie, Commissioner of Agriculture and Consumer Services
5. Board member reports

10 A.M. Public Hearing – Box Tree Moth Quarantine – David Gianino, Program Manager, Office of Plant Industry Services

6. Notice of Intended Regulatory Action – 2 VAC 5-105 (Regulations Pertaining to Pet Shops Selling Dogs or Cats) – Dr.Carolynn Bissett, Program Manager, Office of Veterinary Services
7. Proposed exempt action to amend 2 VAC 5-490 (Regulations Governing Grade "A" Milk) – Hunter Moyer, Program Supervisor, Dairy Services
8. Fast-track action to amend 2 VAC 5-501 (Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk) – Hunter Moyer, Program Supervisor, Dairy Services
9. Final exempt action to amend 2 VAC 5-600 (Regulations Pertaining to Food for Human Consumption) – Pam Miles, Program Manager, Office of Dairy and Foods
10. Final exempt action to promulgate 2 VAC 5-332 (Rules and Regulations for Enforcement of the Virginia Tree and Crop Pests Law - Box Tree Moth Quarantine) – David Gianino, Program Manager, Office of Plant Industry Services
11. Response to petition for rulemaking from the Virginia Pest Management Association – Nicole Wilkins, Program Manager, Office of Pesticide Services
12. Pesticide Control Fund report – Nicole Wilkins, Program Manager, Office of Pesticide Services
13. New business

14. Future Board meetings
15. Public comment period
16. Adjourn

DRAFT MINUTES

Board of Agriculture and Consumer Services
Courtyard by Marriott Historic District
Mary Washington Room
620 Caroline Street
Fredericksburg, Virginia 22401

Tuesday, August 5, 2025

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 1:17 p.m. on Tuesday, August 5, 2025, at the Courtyard by Marriott Historic District in Fredericksburg. President Smith called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT

Keith Harris
William Gwaltney
Brittany Jones
Cecil Shell
Margaret Ann Smith
Dr. Amanda Weakley-Scott
Brantley Ivey
Tyler Wegmeyer
Ginny Barnes
Dr. Mario Ferruzzi

CONGRESSIONAL DISTRICT

1st
2nd
4th
5th
6th
7th
9th
10th
Pesticides – Commercial Agricultural
Representing Dr. Timothy D. Sands, President,
Virginia Tech

ABSENT

Raymond Keating
Kailee M. Tkacz Buller
Renee Munasifi
Charles Church
Dr. Jewel Bronaugh

3rd
8th
11th
Pesticides – Commercial Structural
Representing Dr. Makola Abdullah, President,
Virginia State University

STAFF PRESENT

Joseph Guthrie, Commissioner, Virginia Department of Agriculture and Consumer Services (VDACS)
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Nicolas Robichaud, Policy Assistant, VDACS

APPROVAL OF MINUTES

Mr. Harris moved that the draft minutes of the May 22, 2025, meeting be approved. Mr. Shell seconded the motion. The Board voted unanimously to approve the motion.

REPORTS FROM BOARD MEMBERS

President Smith asked that the Board members add to their report impacts on their industry or in their districts that they are seeing.

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Ginny Barnes

Ms. Barnes introduced herself and mentioned that the weather has been lovely this summer in her district. Ms. Barnes praised two VDACS employees that she interacted with recently, one focusing on seed quality and one focusing on pesticide recertification, citing them as very professional and model VDACS employees. Ms. Barnes stated that the dicamba label issue is something that has been a major topic of discussion in her industry and that industry would welcome if it could be addressed.

Keith Harris

Mr. Harris mentioned that he would like to see VDACS be more proactive on issues. He stated that Commissioner Guthrie has been very responsive and helpful to him and his district, but he would like to see VDACS address issues before they become a problem. He mentioned as an example the wheat industry and the fact that the Virginia Small Grains Association will be out of money in three years due to the loss of checkoff funding.

William Gwaltney

Mr. Gwaltney introduced himself and provided an overview of his farm operation in Isle of Wight County. He mentioned that they have had a great peanut season so far and that they buy peanuts and ship them all over the world. He indicated that the lack of peanut inspectors, testers, and graders is an issue in his area and provided an overview of the peanut industry and peanut market in Virginia.

Brittany Jones

Ms. Jones mentioned the recent appreciation that she heard regarding the VDACS pesticide collection program. She mentioned that her district did see some delays in planting and spraying due to the wet weather. Her district has had significant replants for soy and peanuts due to the weather, and only 75 to 80 percent of the intended areas for cotton was planted. Peanut growers were concerned that they may need to do a split planting due to the weather. Corn is expected to be pretty good, milk prices are expected to stabilize, and the replacement market for dairy heifers and dairy beef calves remains very high. She also provided an overview of her background and farm operation.

Cecil Shell

Mr. Shell introduced himself and provided an overview of his farm operation. He mentioned that the information from VDACS has been great, specifically highlighting a recent interaction with the agency. He suggested that providing regulatory information for the public would be helpful. He also indicated that timber producers are getting less now than they were 15 years ago. He stated that the crops are looking great in his area, but the prices are not.

Dr. Amanda Weakley-Scott

Dr. Weakley-Scott welcomed the Board to the 7th Congressional District. She mentioned that the biggest issue in her district is urbanization and the loss of rental ground, and she provided an overview of her background and her farming operation. She expressed excitement for the Virginia Agriculture Expo, which will be held in her district on August 7 at Brook Farms. She also stated that she received positive feedback on the application process for the new Large Animal Veterinary Grant Program administered by VDACS, and she mentioned that a former VDACS employee has retired and is now helping Central Virginia cattlemen with marketing.

Brantley Ivey

Mr. Ivey introduced himself and provided an overview of his farm operation in Grayson County. He mentioned that he has worked with VDACS over the last 20 years in various capacities and that he has been impressed that the agency can maintain continuity of talent through political cycles. He complimented Governor Youngkin, Secretary of Agriculture and Forestry Lohr, and Commissioner Guthrie on their responsiveness in the region after Hurricane Helene. Mr. Ivey stated that he was happy to be on the Board and that he looked forward to working with everyone.

Tyler Wegmeyer

Mr. Wegmeyer provided an overview of his farm operation, with six retail locations in two counties in his district. He mentioned that strawberries this spring were rough and down by 30 percent as a result of nine inches of rain and *Neopestalotiopsis*, a fungal disease, which hurt a lot of strawberry growers. He is hopeful that strawberry stock moving forward will be sourced from California or Idaho instead of Canada due to the fungus, which should result in better stock for Virginia growers. The heavy rain has caused vineyards and Christmas tree operations to spray continuously, and drone services are doing great due to the difficulty the rain has caused accessing these areas by tractor. He did say that tariff uncertainty for artificial Christmas trees coming into the U.S. and a potential manufacturing issue with a large supplier of artificial trees may make this a good year to buy a live Christmas tree, which would help producers.

Dr. Mario Ferruzi

Dr. Ferruzi mentioned the relationship between VDACS and Virginia Cooperative Extension and how well these two agencies worked together. He updated the Board on a few hires that are in process at the College of Agricultural and Life Sciences (CALs) at Virginia Tech and mentioned that the uncertainty at the federal level has resulted in some high-ranking candidates for these positions. He then introduced Dr. Tim Jarome, the Associate Director of the Office of Research and Innovation. Dr. Jarome provided funding, staffing, and research updates for the Agricultural Research and Extension Centers and CALs. Dr. Ferruzi also suggested that VDACS and Virginia Tech combine efforts to potentially address any programmatic gaps that may result from the restructuring of the U.S. Department of Agriculture.

Margaret Ann Smith

Ms. Smith introduced herself and provided an overview of her operations both in Rockbridge County and across the country. She expressed concern regarding the impacts of the New World screwworm on both agriculture and the public at large and mentioned that the U.S. no longer has access to many of the products that are effective in prevention and treatment. This is having an impact on cattle prices since the U.S. Department of Agriculture has stopped cattle imports at the southern U.S. border. She also expressed concern regarding *Theileria*, a blood-borne parasite transmitted by ticks, and stated that Virginia is doing a much better job monitoring for this and educating producers compared to other states. Ms. Smith also complimented VDACS staff on their work this summer at various county fairs and mentioned the importance of VDACS outreach to stakeholder groups.

COMMISSIONER'S REPORT

During Commissioner Guthrie's presentation of his report, he briefed the Board on recent events and other matters relating to VDACS. A copy of the written report on which his presentation was based was included in the Board meeting agenda and materials.

FINAL STAGE TO PROMULGATE 2 VAC 5-455 (REGULATIONS FOR TRADESPERSONS INSTALLING INVASIVE PLANT SPECIES)

President Smith called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the final stage to promulgate 2 VAC 5-455.

Mr. Harris expressed concern regarding the lack of authority for the Commissioner to require that the landowner sign a notice that the landowner understands that invasive plant species are being planted or to require landowners to prevent the spread of invasive plant species.

Mr. Shell moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-455, Regulations for Tradespersons Installing Invasive Plant Species, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to have this regulation become a final regulation of the Board. Mr. Gwaltney seconded the motion. The Board voted unanimously in favor of the motion.

PROPOSED STAGE TO AMEND 2 VAC 5-360 (REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA COMMERCIAL FEED ACT)

President Smith called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the proposed stage to amend 2 VAC 5-360.

Mr. Harris moved that the Board of Agriculture and Consumer Services amend 2 VAC 5-360, Regulations for the Enforcement of the Virginia Commercial Feed Act, as presented by staff today, and that the Board authorize staff to take any and all steps necessary to file this proposed regulation for public comment. Ms. Jones seconded the motion. The Board voted unanimously in favor of the motion.

EXPANSION OF THE REGULATED AREA OF 2 VAC 5-315 (VIRGINIA IMPORTED FIRE ANT QUARANTINE FOR ENFORCEMENT OF THE VIRGINIA PEST LAW)

President Smith called on David Gianino, Program Manager, Office of Plant Industry Services, to brief the Board on the expansion by the Commissioner of the Regulated Area of 2 VAC 5-315 pursuant to Va. Code § 3.2-703. No action was required by the Board.

Mr. Gianino also provided an update on Virginia's efforts regarding spotted lanternfly.

ANNUAL ELECTRONIC MEETING POLICY ADOPTION

President Smith called on Kevin Schmidt, Director, Office of Policy, Planning, and Research, who requested that the Board annually adopt its electronic meeting policy. There were no changes made to this policy.

Mr. Harris moved that Board of Agriculture and Consumer Services adopt the electronic meeting policy as presented by staff today, effective August 5, 2025. Mr. Shell seconded the motion. The Board voted unanimously in favor of the motion.

NEW BUSINESS

Mr. Wegmeyer mentioned his concern regarding the problem with deer and deer damage and asked that the Virginia Department of Wildlife Resources (DWR) provide the Board with any information that may be useful. Commissioner Guthrie offered to reach out to DWR and to have a representative speak to the Board at the December meeting.

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Mr. Harris mentioned that he is really worried about increased land values and the impact that this will have on the next generation of farmers.

FUTURE BOARD MEETINGS

President Smith announced that the last meeting of the year will be held December 11 in Richmond.

PUBLIC COMMENT PERIOD

Trey Davis, Virginia Agribusiness Council, mentioned the open comment period with the U.S. Environmental Protection Agency for the crop use of dicamba. He stated that he is putting together a comment letter for industry stakeholders and that he would be happy to circulate this to the Board once it is drafted. The comment period closes August 22. He also mentioned that January 15, 2026, is the VAC legislative appreciation banquet in Richmond.

Katie Hellebush, Virginia Nursery and Landscape Association, thanked Commissioner Guthrie and the Office of Pesticide Services for attending their field day the previous week. She also mentioned that VNLA is working with David Gianino on webinars for VNLA members. She indicated that VNLA would support a legislative change to require that landowners sign the proposed notice provided by tradespersons installing invasive plant species. She also mentioned that VNLA is working on providing education materials for the pesticide certification program and exam in Spanish.

ADJOURNMENT

There being no further business, the Board adjourned at approximately 3:55 p.m.

Respectfully submitted,

Margaret Ann Smith
Board President

Kevin Schmidt
Board Secretary

COMMISSIONER’S REPORT TO
 BOARD OF AGRICULTURE AND CONSUMER SERVICES
 December 11, 2025

PERSONNEL NEWS

Olivia Wilson is the new Director of the Division of Commodity Services, bringing 17 years of VDACS experience, including six as Deputy Director overseeing a \$10 million budget and five program areas. She is a dedicated team builder and a strong advocate for the staff she leads. She looks forward to strengthening internal and external partnerships while embracing new tools that support the division’s work. Olivia credits her backgrounds in human resources and news storytelling with shaping her commitment to understanding different viewpoints and helping others thrive.

Heather Wheeler is the new Deputy Director in the Division of Commodity Services. Heather moved from the Division of Marketing and Development. Heather will help Olivia lead all five program areas in Commodity Services. Heather has been with VDACS for nearly 10 years.

GOVERNOR’S PRIORITIES

VDACS is administering a \$60 million state block grant from USDA for relief for farmers and forest landowners who suffered losses in Hurricane Helene in September 2024 which were not covered by other federal insurance programs. Virginia was the first - and so far the only - state in the impacted area to have a work plan approved by USDA. The application period opened in September 22 and closed after 45 days on November 6. Over 400 applications were received. Staff – including four contractors who were hired specifically to work on this project – is evaluating applications. VDACS is working in partnership with Virginia Department of Forestry and Virginia Cooperative Extension.

Unassigned Applications	VDACS-Round 1 Application Under Review	VDACS Completed Round 1 Reviews (Next Round Assigned)	Department of Forestry (Pending Review Completion)	Department of Forestry (Completed Reviews)	Virginia Cooperative Extension (Pending Review Completion)	Virginia Cooperative Extension (Completed Reviews)
0	102	373*	174	46	10	51

* Includes applications not assigned to the next level until additional information is provided by the applicant

AGENCY OPERATIONS

Commissioner’s Office

Commissioner Guthrie and US EPA Regional Administrator Amy Van Blarcam-Lackey signed a Memorandum of Understanding expressing both agencies’ intention to work together in partnership for mutually beneficial outcomes for Virginia agriculture and the environment. The non-binding agreement was signed at a ceremony at Virginia Farm Bureau headquarters and followed by a discussion of EPA leadership with Virginia agricultural industry leaders.

The Office of Human Resources hosted a series of Service and Merit Award events to recognize employees for their commitment for years of service to the agency and for excellence by individuals and groups. This year, events in Tidewater and Warrenton were added to a schedule that also included continuing events in Lynchburg, Wytheville, Harrisonburg, and Richmond.

In October, the Office of Communications hosted the 2025 Annual Convention of the Communications Officers of State Departments of Agriculture (COSDA) in Virginia Beach with 64 attendees from 34 states. The annual meeting is hosted by the outgoing COSDA President. The event featured professional development trainings, informative speakers as well as tours of local farms, distilleries, and a boat tour of the Port of Virginia.

Division of Marketing and Development (DMD)

VDACS was awarded \$610,350 in Specialty Crop Block Grant funding from the USDA Agricultural Marketing Service. This year's Farm Bill allocation supports seven projects that launched October 1, 2024, including initiatives led by Virginia Tech, the Institute for Advanced Learning and Research, and Appalachian Sustainable Development on topics ranging from fruit coloration optimization and irrigation risk assessment to controlled-environment crop development and beginner farmer training.

Office of Agriculture and Forestry Development (OAFD) staff joined Secretary of Agriculture and Forestry Lohr in Prince Edward County for a ribbon cutting celebrating the opening of 5 Pillar Meats, a new slaughter and custom processing facility with a retail storefront. The project, awarded a \$50,000 AFID Facility Grant in December 2023, represents \$1.76 million in capital investment, 12 new jobs, and a commitment to process nearly \$7.45 million in Virginia livestock.

OAFD staff attended a check presentation for the latest AFID Facility Grant award: a \$50,000 grant to Isle of Wight County on behalf of Darden Hams to support a new 1,200-ham smoking facility.

A \$34,910 AFID Planning Grant was announced for Accomack and Northampton counties to fund a feasibility study evaluating leveraging the region's aquaculture, agriculture, and forestry sectors.

The Blue Catfish Infrastructure Grant round closed on October 31 with four completed applications requesting \$958,500 in total funding. The OAFD team has begun evaluating submissions.

From October 7-10, OAFD staff hosted the Virginia Agriculture Development Officers' 2025 Agri-Tours and Forum in partnership with Maryland's Agriculture Marketing Professionals. The three-day event showcased 16 agribusinesses across Rockingham and Shenandoah counties and drew more than 40 economic development directors from both states. Commissioner Guthre and Secretary Lohr joined the tours and spoke to the group during the tour, which included a stop at Secretary Lohr's farm.

From September 9-10, OAFD and Office of Domestic Marketing and Promotions (ODMP) staff participated in the 2025 Controlled Environment Agriculture (CEA) Summit East Indoor Ag-Con in Danville. This event gave staff the opportunity to gather new grant leads; reconnect with past AFID recipients; and discuss emerging CEA trends, challenges, and research with the 250 attendees.

On October 16-17, ODMP staff participated in Virginia State University's Small Farm Outreach Conference, presenting four sessions on VDACS marketing services, food and produce safety, Market News price discovery, and effective digital marketing strategies. Staff also supported the Virginia Grown booth and assisted farmers with enrollment.

During the week of September 29, ODMP staff supported multiple exhibit booths at the State Fair of Virginia in partnership with the Virginia Soybean Association, the Virginia Tobacco Board, and the Virginia Grain Producers' Association. Staff also managed Virginia's Finest rotating exhibits and assisted the Virginia Peanut Growers Association.

From late July through November, ODMP staff participated in 13 major agricultural field days and events across the Commonwealth, engaging with more than 2,500 growers, industry representatives, and stakeholders to promote Virginia agricultural products.

The Office of Food Distribution (OFD) awarded \$1.1 million in Virginia Agriculture Food Assistance Program subgrants to six organizations. These grantees will purchase Virginia agricultural products for distribution to food-insecure households.

From August to November, the Office of International Marketing (OIM) supported more than 150 Virginia companies through trade shows, market visits, and lead generation. Highlights included a three-day Canadian market roadshow with ChangeMakers, participation in four international food and beverage trade shows; and attendance at IFMAC, a major Southeast Asian lumber event, which resulted in \$2.2 million in immediate confirmed sales.

Division of Commodity Services (DCS)

Since August 6, DCS Staff:

- Conducted Terminal Market and Shipping Point Inspections on over 2,100,000 pounds of fresh fruits and vegetables.
- Processed Food Inspections on more than 1,100,000 pounds of processed products.
- Completed 29 Good Agricultural Practices Audits for Virginia fruit and vegetable growers and 38 Country of Origin Labeling reviews performed at retail grocery outlets.
- Inspected and certified grain commodities including soybeans, corn, wheat, soybean meal, and soybean hull pellets, with a total value of more than \$234 million destined for 31 countries.
- Provided livestock evaluation services on nearly 60,000 cattle and over 1,800 lambs/goats;
- Provided 100 Market News Reports on 45,282 head of livestock at livestock markets and 414 bales of hay or straw.
- Provided 4-H & FFA Market Animal Show evaluation to over 1, head of livestock for young producers in showcasing their animals.
- Inspected and certified over 100,000,000 pounds of Farmers' Stock peanuts and regrades, over 92,000,000 pounds of shelled and in-shell milled peanuts, and nearly 8,000,000 pounds of imported peanuts from Argentina and Paraguay; sampled and graded two containers of hazelnuts.
- Analyzed 2,055 samples of peanuts for the presence and levels of aflatoxin

- Certified 2,429,941 pounds of various poultry parts for the USDA Feeding Program for School Lunch Products.
- Graded, via contracted full-time grading services, 88,062,790 pounds of chicken and 35,618,832 pounds of turkey for the Virginia poultry and egg industry.
- Provided non-contract fee grading and certification services for 2,003,905 pounds of poultry based on U.S. Consumer Grades to fulfill necessary specifications and contract requirements for the Virginia poultry and egg industry.
- Performed one USDA Food Defense Audit.
- Coordinated with Rockingham County 4-H students to provide an egg candling demonstration for the Virginia Poultry Federation 100th anniversary celebration.

Division of Consumer Protection (DCP)

On August 1, Office of Plant Industry Services (OPIS) staff conducted training for conservation police officers with the Department of Wildlife Resources (DWR) at the Barren Springs Fire Station. The refresher course for seasoned officers and introduction for new officers covered the regulatory framework governing American ginseng at the international, national, and state levels; the roles of VDACS and DWR in protecting the threatened species; VDACS' ginseng certification program; general plant biology and identification; and issues related to poaching.

In August, OPIS staff began the 2025 cotton boll weevil trapping season. Three seasonal trappers and full-time staff are deploying and monitoring traps across roughly 70,500 acres. Although the pest was eradicated from Virginia in the 1980s, the trapping program verifies the Commonwealth's boll weevil-free status for cotton exports and ensures rapid response capability if a new detection were to occur.

Since July, OPIS staff have confirmed the presence of box tree moth at approximately 60 sites in Clarke, Loudoun, and Frederick counties and the City of Winchester. In August, a VDACS contractor began treatments on about 130 infested boxwood plants across four properties, with inspections indicating increasing prevalence since the initial detection. Treatments continued every two weeks through October, after which applications are no longer effective due to overwintering.

OPIS staff, in partnership with Virginia Tech, has provided the Virginia Nursery and Landscape Association (VNLA) with an update on box tree moth detections, ongoing treatments, and potential quarantine requirements should suppression efforts prove insufficient.

On September 17, DCP and OPIS staff attended the Invasive Species Working Group meeting in Richmond and provided an update on signage requirements for nursery retailers selling invasive plant species. These signs were mandated in the 2025 Session of the General Assembly.

On October 17, OPIS completed the selection and notification of individuals awarded beehive units for fiscal year 2026. The Beehive Distribution Program received approximately 6,400 applications, and awards were made through a random selection process from qualifying applications submitted during the application period, which closed September 10.

On July 22, Office of Pesticide Services (OPS) staff participated in a call hosted by the U.S. EPA regarding proposed registration of three new dicamba herbicide products for use on dicamba-tolerant

cotton and soybean. EPA found no human health or dietary risks of concern but identified ecological risks, leading to proposed mitigation measures such as application limits, buffer zones, temperature-based restrictions, drift and volatility control requirements, and protective equipment for applicators. The proposed decision was open for public comment through August 22, 2025.

On September 4-5, OPS staff attended the 2025 Pesticide Safety Educators Workshop, delivering program updates and the required pesticide regulatory session for Virginia Cooperative Extension (VCE) agent recertification. Staff presented on investigations, pesticide collection and remediation, and the Worker Protection Standard and provided materials for new VCE agents. The workshop included the VDACS Recognition Awards Program, held during the annual dinner.

On September 10, OPS staff participated in the final event of the 2025 Pesticide Collection Program at the Southampton County Fairgrounds. The event collected 8,969 pounds of unwanted, expired, and obsolete pesticides, bringing the statewide total for the year to 116,575 pounds.

From October 26-29, Office of Weights and Measures staff attended the 80th annual meeting of the Southern Weights and Measures Association in Greenville, South Carolina. Participants reviewed proposed amendments to standards and procedures in NIST Handbooks 44, 130, and 133, which are adopted in the Code of Virginia. Topics included cannabis product testing and clarification of requirements for electric vehicle charging devices.

The Office of Charitable and Regulatory Programs continued user acceptance testing of the NexGen Online System for the charitable solicitation program. The system will allow online submission of applications and required documents from roughly 12,000 charitable organizations registered with VDACS. Development remains on schedule, with completion expected in mid-January 2026.

Division of Animal and Food Industry Services (AFIS)

From July to October, the Office of Dairy and Foods (ODF) Food Safety Program conducted 4,202 inspections, investigated 320 consumer complaints, collected 103 food samples, and supported the opening of 446 new food businesses. The program currently oversees 12,784 retail and manufactured food establishments.

From July to September, the Dairy Services Program conducted 319 dairy farm inspections and 97 plant inspections; collected 1,418 product samples; and issued permits to new Grade "A" and manufactured grade facilities, including dairies, ice cream plants, and a cheese plant. Staff also completed final permitting for a 50,000-square-foot frozen dessert facility producing Kulfi, ensuring compliance with state and federal requirements throughout the multi-year construction and installation process. Virginia now has 354 permitted dairy farms.

Since July 1, the Produce Safety Program has conducted 75 inspections and completed 75 educational visits while continuing outreach to growers on FDA rule changes, particularly agricultural water requirements. The program remains active in National Association of State Departments of Agriculture (NASDA) workgroups related to disaster response, on-farm sampling, and information sharing. In mid-

August, ODF hosted senior officials from FDA, NASDA, the Secretary of Agriculture and Forestry, academia, and industry for a Produce Safety Roundtable focused on education, training, readiness reviews, and inspection practices.

Since July 1, the Rapid Response Team has responded to 32 food-emergency incidents, including fires, truck wrecks, and power outages, involving more than 740,000 pounds of food. These responses prevented adulterated products from entering commerce and supported foodborne illness investigations with the Virginia Department of Health and the Division of Consolidated Laboratory Services.

The Office of Hemp Enforcement (OHE) received the 2025 VDACS Merit Award for Team Excellence. Since launching in fall 2023, the program has conducted more than 1,700 inspections, reviewed over 50,000 edible hemp products, and completed more than 1,000 informal fact-finding conferences. The team has built a robust regulatory program while adapting to evolving requirements, demonstrating notable endurance and professionalism.

OHE launched inspections of inhalable hemp products on September 24. Early inspections found significant numbers of products in violation of Virginia hemp laws and potentially meeting the criminal definition of marijuana. OHE is working with the Virginia State Police and the Office of the Attorney General to refer such products for law enforcement action. Since launch, the program has conducted more than 21 inspections, and civil penalty packages issued in October totaled \$556,500.

The Office of Meat and Poultry Services (OMPS) continues to work closely with USDA's Food Safety and Inspection Service (FSIS). In September, OMPS and AFIS staff met with the FSIS regional director, and in October, Commissioner Guthrie and VDACS leadership met with the FSIS Administrator to discuss communication, collaboration, and continued federal support for the program.

Since July, the Wytheville Regional Animal Health Laboratory has experienced an increase in fish diagnostic testing. During the week of October 20, staff received diseased fish from a DWR hatchery and, for the first time, successfully cultured the pathogen responsible for Coldwater Disease, caused by *Flavobacterium psychrophilum*, which leads to mortality, stunting, and deformities.

On September 27, the Office of Veterinary Services (OVS) responded to a detection of highly pathogenic avian influenza (HPAI) in a backyard flock in Goochland County, following multiple vulture deaths that also tested positive. The remaining poultry were depopulated on September 28, and the premises will remain under quarantine for 120 days. On November 5, OVS responded to another HPAI detection in a backyard flock in Bedford County, with depopulation completed the following day. In both cases, premises were isolated and no commercial poultry operations were affected; the Bedford County flock owner expressed strong appreciation for VDACS's assistance.

In late September and early October, OVS supported the State Fair of Virginia by conducting livestock and poultry check-ins, verifying animal health documentation, monitoring for disease, and testing exhibition poultry for avian influenza.

VIRGINIA ACTS OF ASSEMBLY - 2025 RECONVENED SESSION

CHAPTER 610

An Act to amend and reenact §§ 3.2-6501.1 and 3.2-6511.1 of the Code of Virginia, relating to the sale and procurement of dogs by pet shops; pet shop regulations.

[S 903]

Approved April 2, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6501.1 and 3.2-6511.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6501.1. Regulations for the keeping of certain animals.

A. The Board shall, by July 1, 2022, and pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop. Such regulations shall not apply to agricultural animals.

B. The regulations adopted pursuant to subsection A shall require every regulated person or facility to register annually with the Department and shall prohibit operation without such registration. The fee for such annual registration shall be \$250 for any private, for-profit entity required to register. Such regulations shall provide that a pet shop shall not sell a dog or cat to any research facility.

C. The regulations adopted pursuant to subsection A shall establish standards consistent with the provisions of this chapter for the keeping of animals, including (i) standards of adequate care, exercise, feed, shelter, space, treatment, and water and (ii) standards of proper cleaning and lighting. Where necessary, the Board shall adopt specific regulations that apply only to a particular category of currently unregulated entity; however, the standards established for any two similar categories of regulated entity shall not differ significantly.

D. The Board shall issue guidance setting out the compliance requirements for each regulatory standard adopted pursuant to this section, providing information on what an entity in each category is expected to do to comply with a given regulatory standard.

E. Regulations adopted pursuant to this section shall require a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 to annually conduct at least one unannounced drop-in inspection of each pet shop.

F. Regulations adopted pursuant to this section shall establish remedies for each finding in a given inspection. Such remedies may include the cancellation of the registration granted pursuant to subsection B; the institution of a conditional probationary period, during which the regulated facility shall be allowed to continue to operate; the renewal of such registration for a limited period; or other actions. *Such remedies shall also include a civil penalty not to exceed \$1,000 per violation for each finding in a given inspection upon communication to the pet shop. Each day of the violation is a separate offense; however, the cumulative civil penalty shall not exceed \$5,000. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the pet shop; (ii) whether the violation has caused injury to, or death or suffering of, an animal; and (iii) the demonstrated good faith of the pet shop to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.*

G. Nothing in this section or in any regulation adopted pursuant to this section shall be interpreted to limit the authority of any entity to punish or prosecute a person for a violation of any law or regulation or to prevent any person from alerting an animal control officer or law-enforcement officer regarding the condition or treatment of any animal.

§ 3.2-6511.1. Pet shops; procurement of dogs; penalty.

A. A pet shop shall sell or offer for adoption a dog procured only from a humane society; a private or public animal shelter as those terms are defined in § 3.2-6500; or a person who has not received from the U.S. Department of Agriculture, pursuant to enforcement of the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder, (i) a citation for a direct or critical violation or citations for three or more indirect or noncritical violations for at least two years prior to the procurement of the dog or (ii) two consecutive citations for no access to the facility prior to the procurement of the dog and who has not knowingly obtained the dog directly or indirectly from a person with such citations.

B. It is unlawful for any dealer or commercial dog breeder who is not licensed or exempted from licensure by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder to sell any dog to a pet shop.

C. A pet shop shall retain records verifying compliance with this section for a minimum of two years after the disposition of any dog.

D. No person shall serve as an owner, director, officer, manager, operator, member of staff, or animal

caregiver of a pet shop if such person has been convicted of a violation of § 3.2-6570.

E. Prior to selling or giving for adoption any dog, a pet shop shall obtain a signed statement from the purchaser or adopter specifying that such person has never been convicted of a violation of § 3.2-6570.

F. *A pet shop, upon taking custody of any dog, or any representative of a pet shop upon taking custody of any dog on behalf of the pet shop, shall immediately make a record of the matter in accordance with § 3.2-6513.1.*

G. Any person violating any provision of ~~subsections~~ *subsection A, B, C, or E of this section* is guilty of a Class 1 misdemeanor for each dog sold or offered for sale. Any person violating any provision of subsection D ~~of this section~~ is guilty of a Class 1 misdemeanor.

Project 8497 - Exempt Proposed

Department of Agriculture And Consumer Services

Grade "A" Milk Regulation Updates

2VAC5-490-5. Grade "A" Pasteurized Milk Ordinance.

A. Any person permitted in accordance with Chapter 52 (§ 3.2-5200 et seq.) of Title 3.2 of the Code of Virginia regarding milk, milk products, and dairies shall comply with the provisions of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision."

B. Section 1 of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", regarding definitions shall be used to determine the meanings of the words or terms used in this chapter or in the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", unless the context clearly indicates otherwise. If any definition in Section 1 of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", conflicts with a definition in 2VAC5-490-10, 2VAC5-490-10 shall control to the extent of the conflict.

C. If any provision of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", conflicts with a provision in ~~2VAC5-490-10 through 2VAC5-490-140~~ of this chapter, the provision in ~~2VAC5-490-10 through 2VAC5-490-140~~ of this chapter shall control to the extent of the conflict.

D. If any provision of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", or this chapter conflicts with a regulation pertaining to waterworks or private wells adopted by the State Board of Health pursuant to § 32.1-170 or 32.1-176.4 of the Code of Virginia, the regulation adopted by the State Board of Health shall control to the extent of the conflict.

E. If any provision of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision", or this chapter conflicts with a regulation pertaining to onsite sewage systems adopted by the State

Board of Health pursuant to § 32.1-164 of the Code of Virginia, the regulation adopted by the State Board of Health shall control to the extent of the conflict.

2VAC5-490-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Pull date" means the date affixed to a consumer package or container of grade A pasteurized milk or grade A pasteurized milk product that is the date after the day of manufacturing and processing of the package or container and the last day on which the grade A pasteurized milk or grade A pasteurized milk product as determined by the milk plant may be offered for sale to consumers under normal storage.

"State regulatory agency" means the Commissioner of Agriculture and Consumer Services, or his agent, or the State Health Commissioner, or his agent, when such person is carrying out any duty specified in § 3.2-5207 of the Code of Virginia or the State Health Commissioner or his agent when carrying out any duty specified in § 3.2-5208 of the Code of Virginia assigned to such commissioner in Chapter 52 (§ 3.2-5200 et seq.) of Title 3.2 of the Code of Virginia.

"Summarily suspend" means the immediate suspension of a permit issued by the state regulatory agency without the permit holder being granted the opportunity to contest the action prior to the effective date and time of the suspension.

2VAC5-490-25. Impounding of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product.

A. The state regulatory agency may impound any condensed milk, condensed milk product, aseptically processed and packaged milk or milk product, retort processed after packaged milk or milk product, dry milk, dry milk product, milk, or milk product if the product is in violation of any requirement of this chapter.

B. The state regulatory agency shall comply with the following administrative procedures when impounding any adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product to prevent movement of these products until such violations of critical processing elements have been corrected:

1. The state regulatory agency shall serve the person with a written impoundment notice.

The written impoundment notice shall specify the violations and inform the person of the opportunity to appear before the state regulatory agency in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, arguments, and proof to contest the written notice of violation.

2. The written impoundment notice shall include:

a. The name of the adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product;

b. The size and number of separate units in the lot being impounded;

c. The product code and sell by date for the lot of product, if each exists; and

d. A statement directing the person to:

(1) Immediately remove from sale the entire lot of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product;

(2) Isolate and identify as not for sale the entire lot of adulterated or misbranded condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product in the person's storage area in a location separate from any storage accessible from a retail sales area; and

(3) Comply with one of the following options:

(a) If the condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product is adulterated (i) the entire lot shall be destroyed or (ii) the entire lot shall be held and returned to the manufacturer, distributor, or producer; or

(b) If the condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product is misbranded (i) the entire lot shall be destroyed; (ii) the entire lot shall be held and returned to the manufacturer, distributor, or producer; or (iii) the entire lot shall be held and new labels affixed to each container in the lot that comply with all provisions for labeling of condensed milk, condensed milk product, dry milk, dry milk product, milk, or milk product contained in this chapter prior to being offered for sale.

2VAC5-490-30. Permits.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or bring, send, or receive into the Commonwealth, any milk, milk product, or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, aseptically processed and packaged, or retort processed after packaging milk or milk product unless the person possesses a grade A permit from the state regulatory agency. Nothing in this chapter shall be deemed to require a person who is a broker, agent, or distributor's representative to have a grade A permit if the person buys condensed and dry milk product for, or sells condensed and dry milk product to, a milk plant that has a valid grade A permit from any state.

B. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain a grade A permit. Permits shall not be transferable with respect to persons or locations. Each person whose name appears on a grade A permit shall be at least 18 years of age. Each person requesting a grade A permit shall provide the state regulatory agency with the following information:

1. The name of the person to whom the permit is to be issued;
2. If the person is requesting a permit for a partnership, corporation, firm, trustee, or institution, the person shall provide the articles of incorporation, partnership agreement, trust document, or other document identifying the names, titles, and mailing addresses of all responsible officials for the partnership, corporation, firm, trustee, or institution;
3. The address of the facility being permitted, including the street and number, city, state, and zip code. Addresses containing post office box designations shall not be permitted;
4. The trade name the permit holder will use if the permit holder will not be trading in the name to which the grade A permit is issued;
5. The name, mailing address, and telephone number for one responsible person designated by the grade A permit holder to receive all sample reports and official correspondence from the state regulatory agency;
6. If the permit application is for a grade A dairy farm, the name of the milk marketing organization or milk marketing cooperative to which the permit holder belongs or the buyer of its milk;
7. The names and phones numbers of responsible persons to contact at the grade A dairy farm or plant;
8. If the permit application is for a grade A dairy farm, the name, address, and telephone number of the owner of the dairy farm;
9. The printed name, ~~signature,~~ and title, ~~and date signed for~~ of each person whose name appears on the permit;

10. The printed name, ~~signature, and title, and date signed by~~ of the most responsible official for the partnership, corporation, firm, trustee, or institution if the permit is to be issued in the name of a partnership, corporation, company, firm, trustee, or institution; and

11. If the permit application is for a grade A plant permit, the plant code embossed or printed on packages of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product packaged by the plant to identify the plant in lieu of printing the plant's name and address on the packages of milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product, if one has been assigned.

C. Each person who holds a grade A permit and who requests a change in the name on an existing grade A permit shall provide the state regulatory agency with the following information:

1. A written statement by each person whose name appears on the existing grade A permit requesting that the existing grade A permit be canceled ~~that has been signed by each person whose name appears on the existing grade A permit~~; except that when a person whose name on an existing grade A permit is deceased, the request for cancellation shall be made ~~in writing~~ by the executor or administrator of the permit holder's estate. A copy of the qualification as executor or administrator shall accompany the request for cancellation along with a statement identifying the name of the deceased and the date of death. ~~Each signature shall be made next to or above the person's printed name and shall be dated with the date on which the written statement was signed by the grade A permit holder~~;

2. If the existing grade A permit is held in the name of a partnership, corporation, company, firm, trustee, or institution, the written statement requesting the existing grade A permit be canceled shall be ~~signed~~ made by a person who is authorized ~~to sign~~ on behalf of the partnership, corporation, company, firm, trustee, or institution. ~~Each~~

~~signature shall be made next to or above the person's printed name and official title for the partnership, corporation, company, firm, trustee, or institution and shall be dated with the date on which the written statement was signed by the person who is authorized to sign on behalf of the partnership, corporation, company, firm, trustee, or institution.~~

D. No person may hold a grade A dairy farm permit if any part of his facilities, equipment, storage, or surroundings (except toilet rooms) requiring inspection is accessed through any room used for domestic purposes or part of any room used for domestic purposes. Toilet rooms used for domestic purposes may be approved as complying with the requirements of this chapter only if (i) the toilet room is located within 300 feet of the milkroom and (ii) all labor utilized in the milking parlor, milking barn, and milkroom is provided by members of the permit holder's immediate family.

E. No person who holds a grade A permit shall use or allow anyone else to use his facilities and equipment for any purpose other than that for which the grade A permit was issued.

F. Each person who holds a grade A dairy farm permit shall display his permit in the milkroom on his dairy farm.

G. Each person who holds a grade A dairy plant permit shall display his grade A plant permit in his facilities where it is accessible for inspection.

H. No grade A permit holder may transfer any grade A permit to another person or another location.

I. No permit holder who has had his grade A dairy farm permit or dairy plant permit revoked by the state regulatory agency shall be eligible to hold a grade A dairy farm or dairy plant permit at any time after the permit holder's permit is revoked.

J. If multiple grade A dairy farms with separate herds and bulk holding tanks exist at the same physical mailing address or are under different ownership, each facility must have a separate grade A permit.

K. If a dairy farm owner has more than one grade A dairy farm at more than one separate physical mailing address, each facility must have a separate permit.

2VAC5-490-32. Authority to impound milk and milk products. (Repealed.)

~~The state regulatory agency may impound any condensed milk, condensed milk product, aseptically processed and packaged milk or milk product, retort processed after packaged milk or milk product, dry milk, dry milk product, milk, or milk product if it is in violation of any requirement of this chapter.~~

2VAC5-490-35. The examination of milk and milk products.

A. The state regulatory agency shall, except when the production is not on a yearly basis, during each month collect from each milk condensing plant, milk drying plant, whey condensing plant, or whey drying plant holding a grade A permit at least one sample of raw milk for pasteurization, after receipt of the milk by the plant and before pasteurization, and at least one sample of each grade A condensed milk product, grade A dry milk product, grade A condensed whey, and grade A dry whey manufactured. If the production of grade A dry milk products or grade A dry whey is not on a yearly basis, the state regulatory agency shall collect at least five samples within a continuous production period.

B. The state regulatory agency may collect samples of milk and milk products as it deems necessary from retail establishments selling milk or milk products to determine compliance with 2VAC5-490-40 and 2VAC5-490-50. Each person who operates the retail establishment shall furnish the state regulatory agency, upon the request of the state regulatory agency, with the names of all distributors from whom the person has obtained milk or milk products.

C. The state regulatory agency shall provide the remaining portion of the original raw milk sample from each grade A dairy farm that has been screened positive for animal drug residues by a milk plant, receiving station, or transfer station to the grade A dairy farm's milk marketing organization upon request.

D. Each grade A permit holder operating a milk plant within the Commonwealth shall provide to the state regulatory agency laboratory determinations of the quantity of vitamin A and vitamin D present in each of the milk plant's milk and milk products to which vitamin A or vitamin D has been added. Each grade A permit holder who operates a milk plant shall provide these laboratory determinations at least annually from a laboratory certified to determine the amount of vitamin A and vitamin D in milk and milk products under the requirements established in "Evaluation of Milk Laboratories," ~~2017~~ 2023 revision, available from the Food and Drug Administration, ~~Center for Food Safety and Applied Nutrition, Office of Field Programs, Division of HACCP, Laboratory Quality Assurance Branch, HFH-450, 6502 South Archer Road, Summit-Argo, Illinois 60501, USA.~~ Each grade A permit holder who operates a milk plant shall pay for the cost of the laboratory determinations.

2VAC5-490-36. Drug residue monitoring, farm surveillance and follow up.

A. Each grade A permit holder operating a milk plant, receiving station, or transfer station shall:

1. Comply with all regulations set forth in Appendix N of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision";
2. Retain each sample found to be positive for drug residues for a period of 120 hours after the sample test result is positive for drug residues for the use of the state regulatory agency unless directed otherwise by a representative of the state regulatory agency;

3. Report records of all results of tests on samples of raw milk to the state regulatory agency by the 15th day of each month for the preceding month to include a statement as to whether the test results are positive or negative. If the results are positive, the grade A permit holder shall also record (i) the identity of each producer contributing to the load from which the positive sample of raw milk was taken; (ii) the name of the person notified at the state regulatory agency of the positive test results; (iii) the date and time of day the person at the state regulatory agency was notified of the positive test results; and (iv) the method of notification of the state regulatory agency;

4. Immediately notify the state regulatory agency and the milk marketing cooperative or broker of any shipment of bulk tank raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging, or retort processed after packaging milk and milk products when the shipment of bulk tank raw milk is found to be positive for drug residues. Nothing in this subdivision shall be deemed to include individual raw milk samples collected from each grade A dairy farm included in any shipment of bulk tank raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging, or retort processed after packaging milk and milk products; and

5. Provide by facsimile machine or other electronic means to the state regulatory agency copies of load manifests, producer weight tickets, laboratory worksheets where the results of laboratory tests are originally recorded, and records from electronic readers documenting the results for samples tested for all positive loads.

B. Each grade A dairy farm permit holder's milk marketing cooperative or milk marketing agent shall be responsible for the collection and testing of follow-up milk samples for animal drug residues required for permit reinstatement and resumption of milk shipment from the dairy farm each time the grade A dairy farm permit holder's milk test positive for animal drug residues.

C. Each grade A dairy farm permit holder's milk marketing cooperative or milk marketing agent shall comply with the following when following up on a producer's dairy farm after a positive animal drug residue:

1. Only persons who hold valid permits to weigh, sample, and collect milk issued by the state regulatory agency shall collect and deliver follow-up milk samples to laboratories for official testing for the purpose of permit reinstatement and the resumption of milk shipments from the dairy farm; and

2. Reports of laboratory testing shall be provided from officially designated laboratories for each milk sample tested for animal drug residues and shall include the following information:

- a. The name of the grade A dairy farm permit holder;
- b. The patron number of the grade A dairy farm permit holder;
- c. The date, time, and temperature of the milk sample when collected;
- d. The name of the person who collected the milk sample;
- e. The name of the test method used to test the milk sample; and
- f. The test result for the milk sample.

2VAC5-490-37. Laboratory certification.

A. Each grade A permit holder operating a dairy plant that receives any milk that could require load confirmation or producer traceback as a result of a positive animal drug residue on a load of milk delivered at the plant shall provide to the state regulatory agency results of animal drug residue tests from an officially designated laboratory. Each officially designated laboratory shall maintain a listing in the IMS List – Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers as an approved milk laboratory certified to test load and producer

samples. All laboratory results from officially designated laboratories shall be reported to the state regulatory agency within six hours of the initial presumptive positive result at the plant.

B. Each officially designated laboratory shall comply with the requirements contained in the "Evaluation of Milk Laboratories," 2017 2023 revision", for certification and listing in the "IMS List – Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers."

2VAC5-490-40. Labeling.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or bring into, send into, or receive into the Commonwealth any milk, milk product, or condensed and dry milk product for use in the commercial preparation of grade A pasteurized, ultra-pasteurized, aseptically processed and packaged, or retort processed after packaged milk or milk products that are not labeled in compliance with the following:

1. Each grade A permit holder's bottles, containers, and packages enclosing any milk or milk products shall be labeled in accordance with the requirements of the Federal Food, Drug, and Cosmetic Act, as amended; the Nutrition Labeling and Education Act (NLEA) of 1990, and regulations developed thereunder; ~~and~~ the Food Allergen Labeling and Consumer Protection Act of 2004; and the "Grade "A" Pasteurized Milk Ordinance," 2023 Revision;

2. ~~The grade A permit holder shall label or mark all bottles, containers, and packages enclosing any milk or milk products with:~~

~~a. The name of a defined milk product, if there is a definition, and if there is no definition, a name that is not false or misleading;~~

~~b. The word "reconstituted" or "recombined" if the milk product is made by reconstitution or recombination;~~

- ~~c. The term "grade A" located on the exterior of the package on the principal display panel, the secondary or informational panel, or the cap or cover;~~
- ~~d. The identity of the plant where the grade A permit holder's milk or milk product is pasteurized, ultra-pasteurized, aseptically processed and packaged, or retort processed after packaged by specifying:~~
- ~~(1) The street address, city, state, and zip code of the plant; or~~
- ~~(2) The code assigned the plant under the National Uniform Coding System for Packaging Identification of Milk and Milk Product Processing Plants;~~
- ~~e. In the case of concentrated milk or concentrated milk products the volume or proportion of water to be added for recombining;~~
- ~~f. The name of the milk product that the concentrated milk product will produce, which name shall be preceded by the term "concentrated." In the case of flavored milk or flavored reconstituted milk, the grade A permit holder shall substitute the name of the principal flavor for the word "flavored";~~
- ~~g. In the case of aseptically processed and packaged milk and milk products or retort processed after packaged milk and milk products, the words "keep refrigerated after opening";~~
- ~~h. In the case of aseptically processed and packaged milk or milk products, the term "UHT" ultra-high temperature;~~
- ~~i. The term "ultra-pasteurized" if the milk or milk product has been ultra-pasteurized;~~
- ~~j. The term "goat" preceding the name of the milk or milk product when the milk or milk product is goat milk or is made from goat milk;~~

- ~~k. The term "sheep" preceding the name of the milk or milk product when the milk or milk product is sheep milk or is made from sheep milk;~~
- ~~l. The term "water buffalo" preceding the name of the milk or milk product when the milk or milk product is water buffalo milk or is made from water buffalo milk;~~
- ~~m. As in the case of cow's milk, goat's milk, sheep's milk, and water buffalo's milk, the common or usual name of the mammal from which the milk was obtained shall precede the name of the milk, milk product, condensed milk, condensed milk product, dry milk, or dry milk product;~~
- ~~n. The information appearing on the label of any bottle, container, or package of milk or milk product shall contain no marks, pictures, graphics, endorsements, or words that are misleading;~~
- e. The "pull date" shall not interfere with the legibility of other labeling required for the milk or milk product and shall be expressed by the first three letters in the name of the month, followed by or preceded by the numeral or numerals constituting the calendar date after which the product shall not be sold or expressed numerically by the number of the month followed by the number of the day. For example, June 1 shall be expressed "JUN 1," "1 JUN," "06 01," or "06-01";
- p. B. The grade A permit holder who operates a milk plant and offers for sale milk or milk product within the Commonwealth shall file and certify with the state regulatory agency the maximum number of days after manufacturing or processing the grade A permit holder's milk or milk products that will be used to determine the "pull date." The grade A permit holder shall establish a "pull date" that under normal storage the milk or milk product meets for a minimum of 96 hours after the "pull date," standards set by this chapter;

~~¶ C.~~ No person may sell or offer for sale any packaged grade A pasteurized milk, grade A pasteurized milk product, or milk product after the date of the "pull date" on the package; and

~~¶ D.~~ No person may sell or offer for sale any grade A pasteurized milk, grade A pasteurized milk product, or milk product in a package that does not bear the "pull date";

~~s. Nothing in this chapter shall apply to containers of grade A pasteurized milk, grade A milk products, or milk products that are not to be sold in the Commonwealth; and;~~

~~t. In the case of condensed or dry milk products, the label shall also contain (i) the identity of the state regulatory agency issuing the processing plant's permit; (ii) the identity of the distributor if the condensed or dry milk products are distributed by a party other than the processing plant, the name and address of the distributor shall also be shown by a statement such as "distributed by"; (iii) the code or lot number identifying the contents with a specific date, run, or batch of the product; and (iv) a statement of the quantity of the contents of the container.~~

2VAC5-490-50. Quality standards for milk and milk products.

A. No person may produce, provide, manufacture, sell, offer for sale, or store in the Commonwealth, or bring, send, or receive into the Commonwealth, grade A raw milk or milk product for pasteurization, ultra-pasteurization, aseptic processing and packaging, or retort processed after packaging that does not comply with the following standards:

1. The temperature of the raw milk shall be cooled to 40°F or cooler, but not frozen, within two hours after milking and the temperature after the first or any subsequent milking shall not be warmer than 50°F;

2. The bacteria count of raw cow's milk shall not exceed 50,000 bacteria per milliliter prior to commingling with any other milk; and the bacteria count of raw cow's milk that is commingled shall not exceed 300,000 bacteria per milliliter prior to pasteurization;

3. The bacteria count of raw sheep's milk, raw goat's milk, raw water buffalo's milk, or raw milk from any other hooved mammal shall not exceed 100,000 bacteria per milliliter prior to commingling with any other milk; and the bacteria count of raw sheep's milk, raw goat's milk, raw water buffalo's milk, or raw milk from any other hooved mammal that is commingled shall not exceed 300,000 bacteria per milliliter prior to pasteurization; and

4. The somatic cell count of raw cow's milk shall not exceed 500,000 somatic cells per milliliter. The somatic cell count of raw water buffalo's milk, raw sheep's milk, or raw milk from any other hooved mammal shall not exceed 750,000 somatic cells per milliliter. The somatic cell count of raw goat's milk shall not exceed 1,500,000 somatic cells per milliliter.

B. Each person who holds a grade A permit to produce raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging, or retort processed after packaging shall:

1. Offer for sale or sell no milk that has passed through any equipment if the milk-contact surfaces of the equipment are no longer visible or are covered or partially covered by an accumulation of milk solids, milk fat, cleaning compounds, or other soils. Any milk that passes through equipment, the milk-contact surfaces of which are no longer visible or are covered or partially covered by an accumulation of milk solids, milk fat, cleaning compounds, or other soils, shall be deemed adulterated (Item 10r);

2. Provide covered trash containers when individual sanitary towels are used (Item 16r);

3. Cool to 40°F or cooler (but not freeze) all raw milk for pasteurization, ultra-pasteurization, aseptic processing and packaging, or retort processed after packaging within two hours after the grade A permit holder completes milking and ensure that the temperature of the grade A permit holder's raw milk is not warmer than 50°F after the first milking or any subsequent milking. Raw milk for pasteurization that is warmer than a

temperature of 50°F after the first milking or any subsequent milking shall be deemed a public health hazard and shall not be offered for sale or sold (Item 18r);

4. Agitate all raw milk for pasteurization for not less than five minutes at least once every hour; assure that the milk in the farm's bulk milk cooling or holding tank covers the agitator paddle sufficiently to facilitate proper cooling and sampling after the completion of the first milking; and abstain from selling or offering for sale milk that does not cover the agitator paddle sufficiently to facilitate proper cooling and sampling after the completion of the first milking (Item 18r); and

5. Equip all farm bulk milk tanks with an approved temperature-recording device (Item 18r); ~~and~~

~~6. Maintain the milkroom free of insects, rodents, and other animals (Item 19r).~~

2VAC5-490-75. Sale of unpasteurized milk or unpasteurized milk product for human consumption prohibited.

No person may offer to sell or sell, barter, trade, or accept any goods or services in exchange for unpasteurized milk or unpasteurized milk product if the unpasteurized milk or unpasteurized milk product is intended for human consumption.

~~2VAC5-490-131. HACCP program participation voluntary. (Repealed.)~~

~~Each person operating a milk plant, receiving station, or transfer station and participating in the voluntary HACCP program shall have a minimum of 60 days of HACCP system records prior to a HACCP listing audit. Each milk plant, receiving station, or transfer station shall be inspected and permitted initially by the state regulatory agency and shall be regulated initially under the requirements of this chapter without taking into consideration the provisions of this part until the state regulatory agency conducts an acceptable HACCP listing audit documenting~~

~~the successful implementation of a fully functioning HACCP system in the person's milk plant, receiving station, or transfer station.~~

2VAC5-490-132. Prerequisite programs. (Repealed.)

~~Each person operating a milk plant, receiving station, or transfer station and participating in the voluntary HACCP program shall provide complete, up-to-date process flow diagrams for all grade A milk, milk products, condensed milk, condensed milk products, dry milk, or dry milk products prior to developing the HACCP plan.~~

FORMS (2VAC5-490)

~~Dairy Farm Inspection Report, ODF-DS-102 (rev. 2/2018)~~

~~Application for a Dairy Farm Permit, ODF-DS-100 (rev. 4/2018)~~

[Application for Reinstating a Permit \(rev. 4/2022\)](#)

[Grade "A" Fluid Milk Processing Plant Application \(rev. 1/2025\)](#)

[Guide for the Submission of Plans for Milking Operations \(rev. 5/2020\)](#)

[Permit Application for a Dairy Facility \(rev. 4/2025\)](#)

Documents Incorporated by Reference (2VAC5-490)

~~Evaluation of Milk Laboratories, 2017 Revision, published by the Food and Drug Administration Laboratory Proficiency and Evaluation Team, HFH 450, 6502 South Archer Road, Bedford Park, Illinois 60504~~

[Evaluation of Milk Laboratories, 2023 Revision, U.S. Food and Drug Administration](#)

~~Grade "A" Pasteurized Milk Ordinance, 2017 Revision, published by the Food and Drug Administration, Milk Safety Branch (HFS-626), 5100 Paint Branch Parkway, College Park, Maryland 20740-3835~~

Project 8498 - Fast-Track

Department of Agriculture And Consumer Services

Milk Transport Regulation Amendments

2VAC5-501-5. Grade "A" Pasteurized Milk Ordinance.

A. Any person permitted in accordance with Chapter 52 (§ 3.2-5200 et seq.) of Title 3.2 of the Code of Virginia regarding milk, milk products, and dairies shall comply with the provisions of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision."

B. Section One of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision" regarding definitions shall be used to determine the meanings of the words or terms used this chapter or in the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision" unless the context clearly indicates otherwise. If any definition in Section One of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision" conflicts with a definition in 2VAC5-501-10, ~~2VAC5-510-10~~ 2VAC5-501-10 shall control to the extent of the conflict.

C. If any provision of the "Grade "A" Pasteurized Milk Ordinance," ~~2017~~ 2023 Revision" conflicts with a provision in ~~2VAC5-501-10 through 2VAC5-501-100~~ this chapter, the provision in ~~2VAC5-510-10 through 2VAC5-501-100~~ this chapter shall control to the extent of the conflict.

2VAC5-501-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Contract hauler" or "subcontract hauler" means any person who contracts (i) to transport raw milk from a dairy farm to a milk plant, receiving station, or transfer station or (ii) to transport raw milk or milk products between a milk plant, receiving station, or transfer station and another milk plant, receiving station, or transfer station.

"Dairy plant sampler" means any employee of (i) a milk plant who is responsible for collecting official milk samples in the Commonwealth of Virginia, (ii) the Virginia Department of Agriculture and Consumer Services who is responsible for collecting raw milk or pasteurized milk product samples at a milk plant, or (iii) the Virginia Department of Health who is responsible for collecting raw milk or pasteurized milk product samples at a milk plant and who holds a permit issued by the Virginia Department of Agriculture and Consumer Services, if required, for the collection of official milk samples for regulatory purposes.

"Dairy product" means butter, natural or processed cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated whole or skim milk, condensed whole milk, and condensed plain or sweetened skim milk.

"Farm bulk cooling or holding tank" means any tank installed on a dairy farm for the purpose of cooling or storing raw milk.

"Official milk sample" means each sample of milk, milk product, or dairy product that is collected for compliance with requirements of this chapter by a person who holds a permit to collect milk, milk product, or dairy product samples issued by the state regulatory agency.

"Pay purpose laboratory" means a laboratory that conducts tests for the purpose of determining the composition of milk, milk product, cream, or dairy product as a basis for payment in buying or selling any milk, milk product, cream, or dairy product.

"State regulatory agency" means the ~~Virginia Department of Agriculture and Consumer Services, the agency having jurisdiction and control over the matters embraced within this chapter~~ Commissioner of Agriculture and Consumer Services, or his agent, or the State Health Commissioner, or his agent, when such person is carrying out any duty assigned to such commissioner in the Milk, Milk Products, and Dairies Law (Chapter 52 (§ 3.2-5200 et seq.) of Title 3.2 of the Code of Virginia).

"Summarily suspend" means the immediate suspension of a permit issued by the state regulatory agency without the permit holder being granted the opportunity to contest the action prior to the effective date and time of the suspension.

~~"3-A Sanitary Standards" means the standards for dairy equipment and accepted practices formulated by the 3-A Sanitary Standards Committees representing the International Association for Food Protection, the U.S. Public Health Service, and the Dairy Industry Committee and published by the International Association for Food Protection.~~

2VAC5-501-30. Permits.

A. It shall be unlawful for any person who does not possess a permit from the state regulatory agency to: (i) operate a bulk milk pickup tanker; (ii) sample, measure, and collect milk from farm bulk milk cooling or holding tanks; (iii) sample, measure, or receive milk in cans or containers into any milk plant, receiving station, or transfer station; (iv) possess or transport official milk samples; (v) collect official milk samples from bulk milk pickup tankers or milk transport tanks; or (vi) collect official milk samples of pasteurized milk or pasteurized milk products from a milk plant. Each person shall pass a test as prescribed by the state regulatory agency. Qualifications of such persons shall be those set forth by laws, regulations, and procedures prescribed by the state regulatory agency. ~~All such permits shall expire on December 31 next following the date of issuance. All such permits shall be renewed without further examination if the permit holder renews his permit within one year after the permit's expiration date. No permit to operate a bulk milk pickup tanker to sample, measure, and collect milk from farm bulk milk cooling or holding tanks shall be renewed without the applicant satisfactorily passing a test as prescribed by the state regulatory agency if the applicant did not renew his permit within one year after it expired.~~ Each bulk milk sampler shall be evaluated by the state regulatory agency at least once during the first year after the bulk milk sampler's permit is issued and a minimum of once every 18 months thereafter as a condition of permit renewal. It

shall be the responsibility of each bulk milk sampler to ensure the bulk milk sampler is available to be evaluated by the state regulatory agency and to contact the state regulatory agency if the bulk milk sampler has not been evaluated within the 18 months following the last evaluation.

B. It shall be unlawful for any person who does not possess a permit from the state regulatory agency to operate a milk tank truck cleaning facility. Each milk tank truck cleaning facility shall be inspected and determined to be in compliance with all requirements of this chapter by the state regulatory agency prior to permit issuance. ~~All such permits shall expire on December 31 next following the date of issuance.~~

C. Each contract hauler and subcontract hauler shall obtain a permit from the state regulatory agency in order to contract for the hauling of milk from a dairy farm to a milk plant or transfer station. Each contract hauler and subcontract hauler shall also obtain a permit from the state regulatory agency for each bulk milk pickup tanker and each milk transport tank they operate. Each bulk milk pickup tanker and each transport tank shall be identified by a ~~five-digit~~ number preceded by the letters "VA". The first ~~two~~ digits of the ~~five-digit~~ number shall identify the contract hauler or subcontract hauler as assigned by the state regulatory agency and the last ~~three~~ digits of the ~~five-digit~~ number shall identify the specific bulk milk pickup tanker or transport tank as assigned by the state regulatory agency. Each contract hauler and subcontract hauler shall identify each bulk milk pickup tanker and transport tank on the left hand side of the rear bulkhead of each tank with permanent, water resistant letters and numbers. Each contract hauler and subcontract hauler shall use only letters and numbers to identify a bulk milk pickup tanker or milk transport tank that are at least three inches tall and one-and-one-half inches wide. Each contract hauler and subcontract hauler shall provide the state regulatory agency with the name of the manufacturer, year made, model number, capacity, serial number, number of compartments, whether the tanker is a bulk milk pickup tanker or milk transport tank, delivery address, mailing address, telephone, and contact information for each bulk milk pickup tanker

and milk transport tank for permitting purposes. ~~Permits for contract haulers, subcontract haulers, bulk milk pickup tankers, and milk transport tanks shall expire on December 31 next following the date of issuance and shall be renewed annually.~~

D. It shall be unlawful for any person who does not possess a permit from the state regulatory agency to operate a pay purpose laboratory or to test milk for pay purposes. Each person employed by a pay purpose laboratory who is involved in testing milk for pay purposes shall pass a test as prescribed by the state regulatory agency. Qualifications of such persons shall be those set forth by laws, regulations, and procedures prescribed by the state regulatory agency. ~~All such permits shall expire on December 31 next following the date of issuance and shall be renewed annually. All such permits shall be renewed without further examination if the permit holder renews within one year after the permit's expiration date.~~

E. Only a person who complies with this chapter shall be entitled to receive and retain such a permit. Permits or identification numbers shall not be transferable with respect to persons, equipment, or locations.

F. The state regulatory agency may cancel, suspend, or revoke the permit of any person, or may deny to any person a permit if:

1. It has reason to believe that a public health hazard exists;
2. The permit holder fails to engage daily in the business for which the permit was issued;
3. The permit holder was not evaluated by the state regulatory agency if as required for ~~permit renewal~~;
4. The permit holder fails to comply with any requirement of this chapter, or of §§ 3.2-5200 through ~~3.2-5210~~ 3.2-5211 or 3.2-5218 through 3.2-5233 of the Code of Virginia;

5. The permit holder has interfered with the state regulatory agency in the performance of its duties;
6. The person supplies false or misleading information to the state regulatory agency: (i) in the person's application for a permit; (ii) concerning the identity of the person who will control the business or equipment that is the subject of the permit; (iii) concerning the amount of milk, milk product, or dairy product that the person weighs, samples, tests, or transports; (iv) concerning the distribution of the person's milk, milk product, or dairy product; (v) concerning any investigation conducted by the state regulatory agency; or (vi) concerning the location of any part of the person's operation or equipment that is subject to a permit;
7. The permit holder engages in fraudulent activity regarding: (i) the amount of milk, milk product, or dairy product the person weighs, samples, tests, or transports; (ii) the collection of samples used to determine compliance with any provision of 2VAC5-490, ~~2VAC5-530~~ 2VAC5-531, or this chapter; or (iii) the collection or testing of samples used for pay purposes;
8. The permit holder fails to correct any deficiency that the state regulatory agency has cited in a written notice of intent to suspend the person's permit, as a violation of this chapter; or
9. The agency in another state responsible for issuing permits to contract haulers, subcontract haulers, bulk milk haulers, bulk milk samplers, dairy plant samplers, transporters of official samples, pay purpose laboratories, or testers of milk samples for pay purposes has suspended, or revoked the permit of the person in that state for any act or omission that would violate this chapter or the statutes under which this chapter was adopted, had the act or omission occurred in the Commonwealth.

G. The state regulatory agency may summarily suspend the permit of any person for violation of subdivision F 1 or F 8 of this section.

H. Each bulk milk sampler and bulk milk hauler shall ensure that one complete set of milk samples representing each of the milk pickups on each load of farm pickup milk in his possession shall accompany the load to its destination. No person may remove the last complete set of milk samples from a bulk milk pickup tanker prior to its delivery to a milk plant, receiving station, or transfer station.

I. Each person who operates a dairy farm shall abstain from selling any milk from his dairy farm after his milk tests positive for excessive drug residues until notified by the state regulatory agency that a followup official milk sample taken from his milk supply tested negative for excessive drug residues.

J. To provide for permitting reciprocity between states, the state regulatory agency may issue a Virginia permit to any bulk milk hauler or bulk milk sampler who holds a valid permit issued by the regulatory agency in another state without that person having to take or pass a test in Virginia if the person will be picking up or sampling milk in Virginia.

K. Each person who operates a dairy farm shall use only a farm bulk milk pickup tanker or milk transport tanker for direct loading and storage of milk on his dairy farm if: (i) the milk tank truck is equipped with a means to collect representative milk samples approved by the state regulatory agency at his dairy farm; (ii) the milk tank truck is always delivered to the same milk plant in Virginia where a representative milk sample may be obtained by the state regulatory agency; or (iii) the operator of the dairy farm arranges for official milk samples to be collected and delivered to a laboratory operated by the state regulatory agency.

L. Each bulk milk hauler, bulk milk sampler, contract hauler, and subcontract hauler who transports any pasteurized milk, pasteurized milk product, pasteurized dairy product, or

pasteurized frozen dessert mix shall use only a milk tank truck that is dedicated solely to transport or hold pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix if the pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix will not be repasteurized in the milk plant receiving the pasteurized milk, pasteurized milk product, pasteurized dairy product, or pasteurized frozen dessert mix prior to being packaged for sale.

M. A dairy plant sampler who is an employee of a grade "A" milk plant is exempt from the requirements of obtaining a permit as required in this chapter, if such person is not required to obtain a permit under the provisions of the "Grade "A" Pasteurized Milk Ordinance," 2023 Revision.

2VAC5-501-40. Milkhouse or milkroom; construction and facilities.

Each person who operates a dairy farm shall:

1. Provide a milkhouse or milkroom of sufficient size in which the cooling, handling, and storing of milk and the washing, sanitizing, and storing of milk containers and utensils shall be conducted;
2. Provide adequate lighting fixtures that produce at least 20 foot-candles of light and are located near, but not directly above, any farm bulk milk tank if one is installed;
3. Provide sufficient light in the milkhouse or milkroom to illuminate the interior of each farm bulk milk tank installed on the dairy farm for inspection purposes. The person's lighting fixture for illuminating the interior of each farm bulk milk tank shall be either permanently installed or portable and battery operated;
4. Provide ventilation in his milkhouse or milkroom sufficient to prevent condensation from forming on the milkhouse ceiling or walls. No person who operates a dairy farm shall install vents in a milkhouse ceiling if the vents are located directly above any part of

a farm bulk milk tank, wash vat, hand basin, equipment storage rack or floor drain. Each person who operates a dairy farm shall install only vents in a milkhouse ceiling that comply with the following:

- a. Each vent shall be constructed to form a solid chimney between the milkhouse ceiling and the roof of the building so that there are no openings for dust, insects, birds, or other debris to enter the chimney and fall into the milkhouse or milkroom;
 - b. Each vent shall be screened at the top of the chimney after it exits the roof to prevent the entrance of insects and birds; and
 - c. Each vent shall be capped with a rainproof covering to prevent water and snow from falling down into the milkhouse or milkroom;
5. Not install a forced air heating or cooling vent directly over any farm bulk milk tank, wash vat, equipment storage rack, or hand basin;
6. Provide in his milkhouse or milkroom a water hose that complies with the following requirements:
- a. The water hose shall be of sufficient length to reach all parts of the milkhouse;
 - b. The water hose shall be connected to a permanently mounted water valve; and
 - c. The water hose shall be equipped with facilities for storing the water hose above the floor;
7. Provide in his milkhouse or milkroom a separate, permanently installed hand-washing facility with hot and cold running water under pressure supplied through a mix valve, soap, and single service paper towels;
8. Provide only potable water under pressure in his milkhouse from a public or private supply properly developed, constructed, and maintained; and

~~9. Maintain all records in compliance with Appendix H of the "Grade "A" Pasteurized Milk Ordinance, 2017 Revision"; and~~

~~10. Sell his milk production only to a person permitted to process or manufacture milk or milk products by the state regulatory agency or a regulatory agency of another state.~~

2VAC5-501-60. Construction and operation of farm bulk milk cooling or holding tanks, recording thermometers, interval timing devices, and other required milkhouse...

A. Each person that operates a dairy farm and installs one or more farm bulk cooling or holding tanks in the milkhouse shall provide the following facilities:

1. A milk hose port opening no larger than eight inches in diameter through a wall in the milkhouse closest to the area the bulk milk pickup tanker will be parked to receive the milk from each farm bulk cooling or holding tank. The hose port shall be:

- a. Provided with a self-closing door that shall open to the outside; and
- b. Of sufficient height above the milkhouse floor and the outside apron to prevent flooding or draining of the milkhouse;

2. An outside apron constructed of concrete or other equally impervious material shall be provided on the outside of the milkhouse directly beneath the hose port to protect the milk-conducting equipment from contamination; and:

- a. If constructed of concrete, each outside apron shall be a minimum of four inches thick and measure a minimum of two feet by two feet horizontally; or
- b. If constructed of a material other than concrete, each outside apron shall measure a minimum of two feet by two feet horizontally;

3. A 220-volt grounded weatherproof electrical outlet installed on the outside of the milkroom or milkhouse near the hoseport for the bulk milk hauler's use to power the milk pump on the bulk milk pickup tanker; and
4. A switch to control the electrical power to the 220-volt grounded weatherproof electrical outlet located on the inside of the milkroom or milkhouse near the outlet to the farm bulk cooling or holding tank.

B. Each person that operates a dairy farm and installs one or more farm bulk cooling or holding tanks in the milkhouse or milkroom shall comply with the following requirements:

1. Each farm bulk cooling or holding tank shall comply with all the requirements contained in:
 - a. 3-A Sanitary Standards for Farm Milk Cooling and Holding Tanks, Document No. 13-11 (July 2012); or
 - b. 3-A Sanitary Standards for Farm Milk Storage Tanks, Document No. 30-02 (July 2018);
2. Each farm bulk cooling or holding tank shall be equipped with an indicating thermometer accurate to plus or minus 2.0°F and capable of registering the temperature of the milk in the tank before it reaches 20% of the tank's volume;
3. Each farm bulk cooling or holding tank shall be installed to comply with the following minimum clearance distances around, above, and below each farm bulk cooling or holding tank:
 - a. Three feet measured horizontally between a wash vat and the outermost portion of any farm bulk cooling or holding tank;

- b. Three feet measured horizontally in a 180-degree arch from the front of the tank where the outlet valve is located;
 - c. Two feet measured horizontally from the sides and rear of any farm bulk cooling or holding tank to any wall, shelves, water heater, hand-basin, or other object;
 - d. Eighteen inches measured horizontally from the outermost portion of any farm bulk cooling or holding tank to any floor drain and the floor drain shall not be located underneath the tank;
 - e. Three feet measured vertically from the top of the manhole cover of any farm bulk cooling or holding tank to the ceiling;
 - f. Eight inches measured vertically from the floor underneath the bottom of any round farm bulk cooling or holding tank that measures greater than 72 inches in diameter;
 - g. Four inches measured vertically from the floor underneath the bottom of any round farm bulk cooling or holding tank that measures equal to or less than 72 inches in diameter; and
 - h. Six inches measured vertically from the floor underneath the bottom of any flat bottom farm bulk cooling or holding tank;
4. Farm bulk cooling or holding tanks installed through a milkroom wall shall meet the following minimum requirements:
- a. The area between the farm bulk cooling or holding tank and the wall shall be tightly sealed;
 - b. All vents and openings on the farm bulk cooling or holding tank located outside the milkroom shall be protected from dust, insects, moisture, and other debris which might enter the tank; and

- c. All agitators located outside the milkroom shall be equipped with a tightly fitting seal between the bottom of the agitator motor and the top of the farm bulk cooling or holding tank;
- 5. Each person that operates a dairy farm shall ensure that each farm bulk cooling or holding tank is installed with a foundation of sufficient strength to support the tank when it is full;
- 6. Each person that operates a dairy farm shall obtain prior approval from the state regulatory agency for each farm bulk cooling or holding tank and its installation before it is installed on the person's dairy farm; and
- 7. Each person that operates a dairy farm shall ensure each farm bulk cooling or holding tank on the farm is installed, gauged, and a volume chart prepared in compliance with regulations adopted pursuant to § 3.2-5206 of the Code of Virginia. Each farm bulk cooling or holding tank and any gauge rod, surface gauge, gauge, or gauge tube and calibration chart associated with it shall be identified by serial number in a prominent manner.

C. Each person that holds a grade "A" dairy farm permit and installs a farm bulk cooling or holding tank shall comply with the following:

- 1. Each farm bulk cooling or holding tank shall be equipped with a recording thermometer;
- 2. Each recording thermometer shall be installed to comply with the following:
 - a. Each recording thermometer shall be installed in the milkhouse;
 - b. No recording thermometer may be installed on or attached to a farm bulk cooling or holding tank;

- c. Each recording thermometer shall be installed (i) on an inside wall of the milkhouse, (ii) on an outside wall of the milkhouse or milkroom if installed with one inch of rigid insulation between the back of the recording thermometer and the surface of the outside wall, or (iii) on metal brackets from the ceiling or floor; and
 - d. Each recording thermometer sensor shall be installed on the farm bulk cooling or holding tank to record the temperature of the milk in the tank before the milk reaches 20% of the tank's volume;
3. Each recording thermometer installed on a farm bulk cooling or holding tank shall comply with the following minimum requirements:
- a. The case for each recording thermometer shall be moisture proof under milkhouse conditions;
 - b. The case for each recording thermometer shall be UL rated NEMA 4X enclosure or equivalent as provided in ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum) dated December ~~29, 2014~~ 8, 2020;
 - c. The case for each recording thermometer shall be equipped with a corrosion-resistant latching mechanism that keeps the recording thermometer tightly closed;
 - d. The recorder chart for each recording thermometer shall not exceed a maximum chart rotation time of 168 hours (seven days). Recorder charts for farm bulk cooling or holding tanks that are picked up every other day shall have a chart rotation time of 48 hours. Recorder charts for farm bulk cooling or holding tanks that are picked up every day may have a chart rotation time of 24 or 48 hours;
 - e. The recorder chart for each recording thermometer shall be marked with water resistant ink;

- f. The scale on the recording chart shall cover a minimum of 30°F to 180°F, with the scale reversed to show cold temperatures at the outside of the chart for best resolution;
- g. Each division on the recording chart shall represent a maximum of 1.0°F between 30°F and 60°F, with two degree divisions between 60°F and 180°F;
- h. Spacing of divisions on the recorder chart shall be a minimum of 0.040 inches per 2.0°F, with the ink line easily distinguishable from the printed line;
- i. The recording thermometer speed of response or sensing of temperature shall be a maximum of 20 seconds;
- j. The recording thermometer shall be accurate to plus or minus 2.0°F;
- k. The sensor for each recording thermometer shall be (i) a resistance temperature detector (RTD) type sensor, (ii) constructed of stainless steel type 304 or type 316 on all exterior surfaces, (iii) hermetically sealed, (iv) accurate to 0.3°C, and (v) continuous run wire;
- l. Each recording thermometer and sensor shall be calibrated and supplied as a package;
- m. No capillary system containing any toxic gas or liquid shall be allowed to come into direct contact with any milk or milk product;
- n. Other recording devices may be accepted by the state regulatory agency if they comply with the requirements of subdivisions 3 a through m of this subsection; and
- ~~o. If a strip chart style recorder is used, it shall move not less than one inch per hour and may be continuous for a maximum of 30 days; and~~
- ~~p. Recording thermometers may be manually wound or electrically operated;~~

4. Each recording thermometer installed on a farm bulk cooling or holding tank shall comply with the following minimum operating requirements:

a. Each recording thermometer shall be provided with a means to seal the calibration and zeroing mechanism to provide evidence of unauthorized adjustment or tampering;

b. Each recording thermometer shall be provided with a pin in the hub to prevent the recording chart from being rotated; and

c. Each recording thermometer shall be properly grounded and short circuit protected;

5. Each person that operates a dairy farm and installs a recording thermometer on the farm bulk cooling or holding tank shall maintain a minimum of a 30-day supply of unused recorder charts designed for the specific recording thermometer installed and shall maintain a minimum of the past six months of used charts for purposes of inspection; and

6. Each person that operates a dairy farm and installs a recording thermometer on the farm bulk cooling or holding tank shall provide a moisture proof storage container in the milkhouse or milkroom for purpose of storing a supply of new charts and a minimum of the past 60 days of used charts.

D. No person may remove from the dairy farm any recorder chart that has been used once and removed from the recorder within the past 60 days unless he has obtained permission from the state regulatory agency. All recorder charts removed from any dairy farm by any person other than a representative of the state regulatory agency shall be returned to the dairy farm within 10 days. All recorder charts shall be available to the state regulatory agency.

E. Each bulk milk hauler shall comply with the following requirements when picking up milk from a dairy farm if the farm bulk cooling or holding tank is equipped with a recording thermometer:

1. Each milk hauler, in making a milk pickup, shall properly agitate the milk and remove the chart from the recorder;

2. Each milk hauler shall record the following information on each chart removed from the recorder:

- a. The date and time of pickup; and

- b. The signature of the milk hauler;

3. Each milk hauler shall store the used chart in the storage container supplied by the dairy farmer;

4. Each milk hauler shall obtain a new chart from the supply provided by the dairy farmer and record the following information in the chart:

- a. The date; and

- b. The patron number of the dairy farmer;

5. If a recorder chart is used for more than one pickup, each milk hauler shall identify each lot of milk on the chart with the date, time of pickup, and his signature; and

6. Before removing any milk from the farm tank, each milk hauler shall check the recorder chart. If the recorder chart indicates that the milk temperature has varied in a manner that would preclude acceptance, he shall immediately notify his superior and the dairy farmer. If the milk is rejected, each milk hauler shall record this information on the chart. If the milk is picked up, each milk hauler shall sign the chart and record the date and time of pickup.

F. Each person that operates a dairy farm and holds a grade "A" dairy farm permit shall be responsible for maintaining each of the recording thermometers in good repair and adjustment to include calibrating the recording thermometer to read accurately within plus or minus 2.0°F of the actual milk temperature in the farm bulk cooling or holding tank.

G. Each recording thermometer installed on a farm bulk cooling or holding tank shall be inspected and may be sealed by the state regulatory agency after it has been shown to be properly installed and calibrated.

H. Each person that holds a grade "A" dairy farm permit and installs a farm bulk cooling or holding tank shall:

1. Install on each farm bulk cooling or holding tank an interval timing device that automatically agitates the milk in the farm bulk tank for not less than five minutes every hour during the entire time milk is being cooled or stored in the tank;
2. Not install a manual switch capable of turning off the interval timing device on any farm bulk milk cooling or holding tank while any milk is being cooled or stored; and
3. Maintain in good repair and operating condition each interval timing device installed on the farm bulk cooling or holding tank.

2VAC5-501-80. Farm bulk milk pickup tanker and milk transport tank requirements.

A. When picking up and transporting any milk in a bulk milk pickup tanker, each bulk milk hauler shall:

1. Practice good hygiene, maintain a neat and clean appearance, and abstain from using tobacco products in any milkhouse;
2. Conduct all pickup and handling practices to prevent contamination of any milk contact surface;

3. Pass the milk transfer hose through the hose port and remove the cap from the transfer milk hose and set it where it will not become contaminated and then attach the transfer milk hose to the tank outlet valve;
4. Wash his hands thoroughly and dry his hands with a clean single-service towel or electric forced air hand dryer immediately prior to measuring or sampling the milk in the tank;
5. Examine the milk in the tank by sight and smell for any off odor or any other abnormalities that would render the milk unacceptable and reject the milk if necessary;
6. Record the milk producer's name, milk producer's identification number, the date and time of pickup, the temperature of the milk, the measuring rod reading, the poundage, the name of the purchasing organization, and the signature of the bulk milk hauler on the producer's weight ticket;
7. Check the temperature of the milk in each farm bulk cooling or holding tank at least once a month with an accurately calibrated pocket thermometer after it has been properly sanitized;
8. Turn off the milk tank agitator if it is running when he arrives at the milkhouse or milkroom and allow the surface of the milk to become quiescent;
9. Carefully insert the measuring rod, after it has been wiped dry with a single-service towel, into the tank and then read the measurement. Each bulk milk hauler shall repeat this procedure until two identical measurements are obtained and then shall record the measurement on the weight ticket;
10. Agitate the milk in each tank holding ~~2,000~~ 1,000 gallons or less of milk a minimum of five minutes, or as specified by the tank manufacturer, before collecting any milk sample;

11. Agitate the milk in each tank holding more than ~~2,000~~ 1,000 gallons of milk a minimum of 10 minutes, or as specified by the tank manufacturer, before collecting any milk sample;
12. While the tank is being agitated, bring the sample container, dipper, dipper container, and sanitizing agent, or single service sampling tubes into the milkhouse aseptically;
13. While the tank is being agitated, remove the cap from the tank outlet valve and examine for milk deposits or foreign matter and then sanitize if necessary;
14. Remove the sample dipper or sampling device from the sanitizing solution and rinse it in the milk from the tank at least twice before collecting any official milk sample;
15. Collect two representative samples from each tank after the milk has been properly agitated, transferring the milk from the sample dipper to the sample container away from the tank opening to avoid spilling any milk back into the tank, and filling the sample containers only 3/4 full;
16. Rinse the sample dipper with water until it is free of visible milk and replace it in its carrying container;
17. Close the cover or lid of the bulk tank;
18. Identify each milk sample with the producer's patron or member number and the date of collection;
19. Collect at the first pickup for each load of milk two temperature samples and identify the temperature samples with the date, time, temperature of the milk, producer number, and name of the bulk milk hauler;
20. Place each milk sample collected immediately on ice in the sample storage cooler;

21. After collection of milk samples, open the outlet valve and start the pump to transfer the milk from the farm tank to the bulk milk pickup tanker;
22. Turn off the agitator once the level of milk in the tank has reached the level where over-agitation will occur;
23. Disconnect and cap the transfer hose after removing it from the outlet valve of the tank;
24. Observe the walls and bottom of the tank for foreign matter and extraneous material and record any objectionable observations on the weight ticket;
25. Rinse the entire inside of the tank with warm water while the tank outlet valve is open;
26. Use only sample containers and single-service sampling tubes that comply with all the requirements contained in Standard Methods for the Examination of Dairy Products, ~~17th~~ 18th Edition, ~~2004~~ 2024;
27. Cool and store all official milk samples to a temperature of 40°F or cooler, but not frozen;
28. Provide sufficient ice and water or other coolant in the sample storage cooler to maintain all milk samples at proper temperature;
29. Discard any milk that remains in the external transfer system that exceeds 45°F including any milk in pumps, hoses, and air elimination equipment or metering systems;
30. Protect samples from contamination and not bury the tops of sample containers in ice or bury sample containers above the milk level in the sample containers; and
31. Keep all producer milk samples that represent the commingled milk on the load with the load of milk until the load of milk has been received by a milk plant, receiving station,

or transfer station or if rejected by a milk plant, receiving station, or transfer station until the milk samples are collected for official laboratory testing to determine the disposition of the load of milk.

B. When sampling any milk from a bulk milk pickup tanker or transport tanker, the dairy plant sampler shall:

1. Practice good hygiene, maintain a neat and clean appearance, and abstain from using tobacco products in the receiving area;
2. Conduct all sampling and handling practices to prevent contamination of any milk contact surface;
3. Wash his hands thoroughly and dry his hands with a clean single-service towel or acceptable air dryer immediately prior to sampling the milk in the tank;
4. Examine the milk in the tank by sight and smell for any off odor or any other abnormalities that would classify the milk as unacceptable and reject the milk if necessary;
5. Agitate for a period of time needed to blend the milk in each compartment to a homogenous state using odor-free, pressurized, filtered air, or electrically driven stirring or recirculating equipment that has been properly sanitized before sampling or receiving;
6. Check the temperature of the milk in each compartment with a properly sanitized thermometer that has been checked against a standardized thermometer at least once every six months and certified accurate;
7. Reject any milk that has a temperature above 45°F;
8. Bring the sample container, properly constructed sample dipper, and sanitizing solution to the tanker aseptically after the milk is properly agitated;

9. Remove the sample dipper or sampling device from the sanitizing solution and rinse it in the milk from the tank at least twice before collecting any official milk sample;
10. Collect at least one representative sample from each compartment of the tanker, transferring the milk from the sample dipper to the sample container away from the tank opening to avoid spilling any milk back into the tank, and filling the sample container only three quarters full;
11. Rinse the sample dipper with water until it is free of visible milk and replace it in its carrying container or storage container;
12. Close the cover or lid for each compartment of the bulk milk tanker;
13. Identify each milk sample with the tanker number, compartment if the tanker is equipped with more than one compartment, and the date of collection;
14. Place each milk sample collected immediately on ice in a sample storage cooler or deliver it to the laboratory for immediate analysis;
15. Attach the milk transfer hose to the outlet valve of the milk tank truck and open the outlet valve of the milk tank truck before starting the pump to transfer the milk from the bulk milk pickup tanker to the milk plant storage facility or silo only after the collection of official milk samples;
16. Turn off the agitator once the level of milk in the tank has reached the level where over-agitation will occur;
17. Disconnect and cap the transfer hose after removing it from the outlet valve of the tank;
18. Observe the walls and bottom of the tank for foreign matter and extraneous material and record any objectionable observations on the plant receiving log;

19. Rinse the entire inside of the tanker with warm water after the tanker has been emptied and the external transfer system has been disconnected while the tanker outlet valve is open;

20. Use only sample containers and single-service sampling tubes that comply with all the requirements contained in Standard Methods for the Examination of Dairy Products, ~~17th~~ 18th Edition, ~~2004~~ 2024;

21. Cool and store all official milk samples to a temperature of 40°F or cooler, but not frozen;

22. Provide sufficient ice and water or other coolant in the sample storage cooler to maintain all milk samples at proper temperature;

23. Protect samples from contamination and not bury tops of sample containers in ice or bury samples above the milk level in the sample containers;

24. Promptly deliver samples and sample data to the laboratory; and

25. Discard any milk that remains in the external transfer system that exceeds 45°F including any milk in pumps, hoses, air elimination equipment, or metering systems.

C. Each bulk milk hauler shall:

1. Ensure each bulk milk pickup tanker or milk transport tank is properly cleaned and sanitized after unloading;

2. Ensure a cleaning and sanitizing tag is affixed to or near the outlet valve of the bulk milk pickup tanker or milk transport tank after it is washed;

3. Ensure when the bulk milk pickup tanker or milk transport tank is next washed, the previous cleaning and sanitizing tag is removed and stored at the location where the bulk milk pickup tanker or milk transport tank was washed; and

4. Ensure the following information is recorded on the wash and sanitize tag before it is attached to or near the outlet valve of the bulk milk pickup tanker or milk transport tank:

- a. Identification number of the bulk milk pickup tanker or milk transport tank;
- b. Date and time of day the bulk milk pickup tanker or milk transport tank was cleaned and sanitized;
- c. Location where the bulk milk pickup tanker or milk transport tank was cleaned and sanitized; and
- d. The signature of ~~the~~ each person who cleaned the appurtenances and sanitized the bulk milk pickup tanker or milk transport tank.

D. Each person that operates a milk plant, receiving station, or transfer station and each dairy plant sampler responsible for sampling and receiving milk into a milk plant, receiving station, or transfer station shall:

1. Ensure each bulk milk pickup tanker and milk transport tank is properly cleaned and sanitized after unloading;
2. Ensure a cleaning and sanitizing tag is affixed to or near the outlet valve of the bulk milk pickup tanker or milk transport tank after it is washed;
3. Ensure when washing a bulk milk pickup tanker or milk transport tank, the previous cleaning and sanitizing tag is removed and stored at the location where the bulk milk pickup tanker or milk transport tank is washed; and
4. Record the following information on the wash and sanitize tag before it is attached to the outlet valve of the bulk milk pickup tanker or milk transport tank:
 - a. Identification number of the bulk milk pickup tanker or milk transport tank;

- b. Date and time of day the bulk milk pickup tanker or milk transport tank was cleaned and sanitized;
- c. Location where the bulk milk pickup tanker or milk transport tank was cleaned and sanitized; and
- d. The signature of ~~the~~ each person who cleaned the appurtenances and sanitized the bulk milk pickup tanker or milk transport tank.

E. Each bulk milk hauler shall ensure that each shipping document or load manifest contains the following information for each bulk milk pickup tanker or milk transport tank:

- 1. The shipper's name, address, and permit number;
- 2. The Interstate Milk Shipper Bulk Tank Unit identification number for each Bulk Tank Unit on the load of milk or the Interstate Milk Shipper listed Plant Number;
- 3. The milk hauler permit number if the milk hauler is not an employee of the shipper;
- 4. The point of origin of the shipment;
- 5. The bulk milk pickup tanker or milk transport tank identification number;
- 6. The name of the product;
- 7. The weight of the product;
- 8. The temperature of the product when loaded;
- 9. The date of shipment;
- 10. ~~The name of the supervising regulatory agency at the point of origin of shipment;~~
- 11. A statement as to whether the contents of the load are raw, pasteurized, or in the case of cream, lowfat, or skim milk whether it has been heat-treated;
- 12. 11. The seal number on inlet, outlet, wash connections and vents, if applicable; and

~~13.~~ 12. The grade of the product.

F. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall:

1. Ensure the proper protection of all milk and milk samples in his custody. Each contract hauler, subcontract hauler, bulk milk hauler, and operator of a bulk milk pickup tanker or milk transport tank shall seal or lock each opening into a bulk milk pickup tanker or milk transport tank including each manhole lid, vent, wash port, and door to the pump housing and sample storage box prior to leaving the bulk milk pickup tanker or milk transport tank unattended;
2. Inspect the condition of the seals and locks placed on each opening into the bulk milk pickup tanker or milk transport tank upon his return after an absence to determine if the seals or locks have been tampered with;
3. Report immediately to the state regulatory agency instances of tampering with the seals or locks; and
4. Hold a valid permit issued by the state regulatory agency for the collection of milk samples prior to collecting or transporting any milk or milk samples.

G. The sample dipper, sample dipper container, and approved sanitizer may be provided and stored in the milkroom accessible to the contract hauler or subcontract hauler by the person operating the dairy farm where the contract hauler or subcontract hauler is picking up the milk.

FORMS (2VAC5-501)

~~Application for a Dairy Farm Permit, ODF-DS-100 (rev. 4/2018)~~

~~Dairy Farm Inspection Report, ODF-DS-102 (rev. 2/2018)~~

~~Guide for the Submission of Plans for Milking Operations, ODF-DS-104 (rev. 2/2018)~~

[Guide for the Submission of Plans for Milking Operations \(rev. 5/2020\)](#)

[Permit Application for a Dairy Facility \(rev. 4/2025\)](#)

[Permit Application for Farm Milk Pickup and Transport Tankers \(rev. 4/2025\)](#)

[Permit Application for Sampling and/or Transporting Milk \(rev. 4/2025\)](#)

Documents Incorporated by Reference (2VAC5-501)

[3-A Sanitary Standards for Farm Milk Cooling and Holding Tanks, Number 13-11, eff. July 23, 2012](#), 3-A Sanitary Standards, Incorporated, 6888 Elm Street, Suite 2D, McLean, Virginia 22101, www.3-a.org

[3-A Sanitary Standards for Farm Milk Storage Tanks, Number 30-02, eff. July 2018](#), [3-A Sanitary Standards, Incorporated](#), 6888 Elm Street, Suite 2D, McLean, Virginia 22101, www.3-a.org

~~Grade "A" Pasteurized Milk Ordinance, 2017 Revision, published by the Food and Drug Administration, Milk Safety Branch (HFS 626), 5100 Paint Branch Parkway, College Park, Maryland 20740-3835~~

[Grade "A" Pasteurized Milk Ordinance, 2023 Revision, U.S. Food and Drug Administration](#)

~~UL Rated NEMA 4x Enclosure Definition as published in ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum), ANSI Approval Date December 29, 2014, American Society of Mechanical Engineers~~

UL Rated NEMA 4x Enclosure Definition as published in ANSI/NEMA 250, Enclosures for Electrical Equipment (1000 Volts Maximum), ANSI Approval Date December 8, 2020, National Electrical Manufacturers Association

~~Standard Methods for the Examination of Dairy Products, 17th Edition, 2004, American Public Health Association~~

Project 8495 - Exempt Final

Department of Agriculture And Consumer Services

Remove CFR revision date

2VAC5-600-10. Adoption by reference.

A. Regulations from Title 21, Chapter 1, Subchapter A, Code of Federal Regulations. The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter A of the Code of Federal Regulations (~~Rev. April 1, 2019~~) as regulations applicable in the enforcement of the Virginia Food Act by reference:

Part 73, Listing of color additives exempt from certification, Subpart A - Foods.

Part 74, Listing of color additives subject to certification, Subpart A - Foods.

Part 81, General specifications and general restrictions for provisional color additives for use in foods, drugs and cosmetics.

Part 82, Listing of certified provisionally listed colors and specifications, Subpart B—
Foods, Drugs and Cosmetics.

B. Regulations from Title 21, Chapter 1, Subchapter B, Code of Federal Regulations. The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter B of the Code of Federal Regulations (~~Rev. April 1, 2019~~) as regulations applicable in the enforcement of the Virginia Food Act by reference:

Part 100, General.

Part 101, Food labeling.

Part 102, Common or usual name for nonstandardized foods.

Part 104, Nutritional quality guidelines for foods.

Part 105, Foods for special dietary use.

Part 109, Unavoidable contaminants in food for human consumption and food-packaging material.

Part 111, Current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements.

Part 113, Thermally processed low-acid foods packaged in hermetically sealed containers.

Part 114, Acidified foods.

Part 117, Current good manufacturing practice, hazard analysis, and risk-based preventive controls for human food.

Part 120, Hazard analysis and critical control point (HACCP) systems.

Part 123, Fish and fishery products.

Part 129, Processing and bottling of bottled drinking water.

Part 133, Cheeses and related cheese products.

Part 136, Bakery products.

Part 137, Cereal flours and related products.

Part 139, Macaroni and noodle products.

Part 145, Canned fruits.

Part 146, Canned fruit juices.

Part 150, Fruit butters, jellies, preserves, and related products.

~~Part 152, Fruit pies.~~

Part 155, Canned vegetables.

Part 156, Vegetable juices.

Part 158, Frozen vegetables.

Part 160, Eggs and egg products.

Part 161, Fish and shellfish.

Part 163, Cacao products.

Part 164, Tree nut and peanut products.

Part 165, Beverages.

Part 166, Margarine.

Part 168, Sweeteners and table sirups.

Part 169, Food dressings and flavorings.

§ 170.19, Pesticide chemicals in processed foods.

Part 172, Food additives permitted for direct addition to food for human consumption.

Part 173, Secondary direct food additives permitted in food for human consumption.

Part 174, Indirect food additives: General.

Part 175, Indirect food additives: Adhesives and components of coatings.

Part 176, Indirect food additives: Paper and paperboard components.

Part 177, Indirect food additives: Polymers.

Part 178, Indirect food additives: Adjuvants, production aids, and sanitizers.

Part 179, Irradiation in the production, processing and handling of food.

Part 180, Food additives permitted in food or in contact with food on an interim basis pending additional study, Subpart B—Specific requirements for certain food additives.

Part 181, Prior-sanctioned food ingredients.

Part 182, Substances generally recognized as safe.

Part 184, Direct food substances affirmed as generally recognized as safe.

Part 186, Indirect food substances affirmed as generally recognized as safe.

Part 189, Substances prohibited from use in human food.

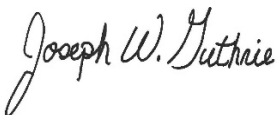
C. Regulations from Title 21, Chapter 1, Subchapter L, Code of Federal Regulations. The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter L of the Code of Federal Regulations (~~Rev. April 1, 2019~~) as regulations applicable in the enforcement of the Virginia Food Act by reference:

§ 1240.61, Mandatory pasteurization for all milk and milk products in final package form intended for direct human consumption.

D. Regulations from Title 40, Chapter 1, Subchapter E, Code of Federal Regulations. The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 40, Subchapter E of the Code of Federal Regulations (~~Rev. April 1, 2019~~) as regulations applicable to the enforcement of the Virginia Food Act by reference:

Part 180, Tolerances and exemptions for pesticide chemical residues in food.

Pursuant to the authority established in Section 3.2-5121 of the Code of Virginia, I hereby adopt these regulations, which conform with regulations adopted by the U.S. Food and Drug Administration pursuant to the federal Food, Drug, and Cosmetic Act.



Joseph W. Guthrie
Commissioner of Agriculture and Consumer Services

October 30, 2025

Rules and Regulations for the Enforcement for the Virginia Tree and Crop Pests Law –
Box Tree Moth Quarantine

Section 10. Declaration of Quarantine.

A quarantine is hereby established to restrict the movement of certain articles capable of transporting the box tree moth from regulated areas to unregulated areas of the Commonwealth.

Section 20. Purpose of Quarantine.

The box tree moth is an introduced species that is known for ravenous feeding and defoliation of boxwood plants. Given its biology, multiple generations of box tree moth can occur during the growing season, and feeding damage is such that the boxwood plants cannot recover and succumb to the intensive feeding. The box tree moth has become established in portions of the Commonwealth and has the potential to spread to unregulated areas by natural means or through the movement of infested articles. The purpose of this quarantine is to prevent the artificial spread of the box tree moth to unregulated areas of the state by regulating the movement of those articles that pose a significant threat of transporting the box tree moth.

Section 30. Definitions.

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Virginia Board of Agriculture and Consumer Services.

"Box tree moth" means the live insect, in any life stage, known as the box tree moth, *Cydalima perspectalis*.

"Buxus spp." means boxwood plants of any species, regardless of cultivar or variety, with the genus name *Buxus*.

"Certificate" means a document issued by the department or another state's regulatory equivalent to a person operating in accordance with a compliance agreement to allow the movement of regulated articles from a regulated area to an unregulated area.

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Compliance agreement" means a written agreement between a person engaged in growing, handling, receiving, or moving regulated articles and either (i) the Virginia Department of Agriculture and Consumer Services, (ii) the U.S. Department of Agriculture, or (iii) another state's regulatory equivalent wherein the person agrees to comply with inspection, disinfection, certification, or other requirements necessary to prevent the spread of box tree moth when moving regulated articles originating in a regulated area into an unregulated area of Virginia.

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

"Infestation" means the presence of the box tree moth or the existence of signs or symptoms that make it reasonable to believe that the box tree moth is present.

"Inspector" means an employee of the department authorized by the commissioner to enforce the provisions of this quarantine.

"Permit" means a document issued or authorized by the Commissioner or by another state's regulatory equivalent to provide for the movement of regulated articles to restricted destinations for limited handling, utilization, or processing.

"Moved," "move," or "movement" means shipped; offered for shipment; received for transportation; transported; carried; or allowed to be moved, shipped, transported, or carried.

"Person" means the term as defined in § [1-230](#) of the Code of Virginia.

"Regulated area" means a locality of Virginia or another state listed in Section 50 of this quarantine.

"Tree and Crop Pests Law" means Chapter 7 (§ [3.2-700](#) et seq.) of Title 3.2 of the Code of Virginia.

"Unregulated area" means a locality of Virginia or another state that has not been officially confirmed to have populations of the box tree moth and is not listed in Section 50 of this quarantine.

Section 40. Regulated Articles.

The following articles are regulated under the provisions of this quarantine:

1. Box tree moth (*Cydalima perspectalis*), in any living form;
2. The whole plant, plant parts, cuttings, or nursery stock of any living or dead *Buxus spp.* plant, including cut or fallen stems or branches, stumps, stems, roots, branches, leaves, or debris; and
3. Any other article, commodity, item, product, or means of conveyance that an inspector determines (i) presents a risk of spread of the box tree moth or (ii) is infested or susceptible to infestation of the box tree moth.

Section 50. Regulated Areas.

- A. The following areas in Virginia are quarantined for box tree moth:

The entire counties of:

Clarke

Frederick

The entire city of:

Winchester

- B. Any area that is subject to a federal box tree moth quarantine, a box tree moth quarantine of another state, or state statute restricting the movement of box tree moth is considered a regulated area for the purpose of this quarantine.

Section 60. Conditions for the Movement of Regulated Articles.

- A. A person may move a regulated article solely within regulated areas of Virginia without restriction.
- B. A person may move a regulated article from an unregulated area into a regulated area of Virginia without restriction.

C. A person may move a regulated article from an unregulated area, through a regulated area where the final destination is an unregulated area of Virginia, when:

1. The regulated article is accompanied by a waybill that sets forth the regulated article's point of origin and intended destination; and
2. The regulated article has moved directly through a regulated area without stopping, except for refueling or due to traffic conditions.

D. A person may move a regulated article from an unregulated area to an unregulated area and stop in a regulated area, if the regulated article (i) is safeguarded from infestation by tarping or enclosure; and (ii) is not commingled with a regulated article from the regulated area.

E. A person may move a regulated article from a regulated area of Virginia into an unregulated area after obtaining:

1. A certificate issued by the department in accordance with a valid and active compliance agreement with the department; or
2. A permit issued by the department or the Commissioner, indicating that the regulated article has been inspected and is free from any living life stage of the box tree moth and is free from evidence of box tree moth feeding.

F. A person may move a regulated article from a regulated area of another state into an unregulated area of Virginia after obtaining:

1. A certificate issued by (i) the U.S. Department of Agriculture or (ii) another state's regulatory equivalent in accordance with a valid and active compliance agreement, including provisions related to inspection, disinfection, certification, or other requirements as the Commissioner deems necessary to effectuate the purposes of this article; or
2. A permit issued by (i) the U.S. Department of Agriculture or (ii) another state's regulatory equivalent.

Section 70. Compliance Agreements.

A. A person engaged in growing, handling, or moving a regulated article may request a compliance agreement with the department. The department may, in its sole discretion, issue or decline to issue a compliance agreement. Any person operating under a compliance agreement shall comply with the provisions of this quarantine and any conditions imposed under the compliance agreement.

B. Once the department approves the compliance agreement, any person operating under a compliance agreement shall follow all prescribed safeguards to scout, trap, treat, and inspect regulated articles, ensuring that they are free from the box tree moth, prior to movement out of a regulated area.

C. The department may orally or in writing cancel a compliance agreement when the department finds that a person operating under a compliance agreement has failed to comply with this quarantine. If the cancellation is oral, the department shall confirm the cancellation and the reasons for the cancellation in writing to the person who entered into such compliance agreement as promptly as circumstances allow.

Section 80. Certificates and Limited Permits.

A. The department may issue a certificate or permit for the movement of a regulated article to any destination within Virginia when:

1. The regulated article has been examined by the inspector and found to be apparently free from the box tree moth and there is no evidence of a box tree moth infestation;
2. The regulated article has been grown, produced, stored, or handled in such a manner that, in the judgement of the inspector, would prevent an infestation of box tree moth;
3. The regulated article has received an approved treatment for box tree moth; or
4. The regulated article is to be moved in compliance with conditions deemed necessary under the Tree and Crop Pests Law to prevent the spread of the box tree moth.

B. The department may orally or in writing withdraw any certificate or permit if the department determines that the holder of the certificate or permit has not complied with all conditions for the use of the certificate or permit or with any applicable compliance agreement. If the withdrawal is oral, the department shall confirm the withdrawal and the reasons for the withdrawal in writing to the certificate or permit holder as promptly as circumstances allow.

Section 90. Assembly and inspection of regulated articles.

A. Any person who desires to move a regulated article and is seeking a certificate or permit shall apply for inspection of the regulated article as far in advance as practical, but no less than five business days before the regulated article is to be moved.

B. The regulated article must be assembled at the place and in the manner the inspector designates as necessary to facilitate inspection and shall be safeguarded from infestation.

Section 100. Attachment and disposition of certificates and permits.

A. During the intrastate movement of a regulated article that requires a certificate or permit to be moved, the certificate or permit must be attached at all times to the outside of the container that contains the regulated article or to the regulated article itself. The requirements of this section may also be met by attaching the certificate or permit to the consignee's copy of the waybill, provided the regulated article is sufficiently described on the certificate or permit and on the waybill to facilitate the identification of the regulated article.

B. The certificate or the permit for the intrastate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article. A copy of the certificate or the permit must be retained by the sender of the regulated article at the place of shipment.

Section 110. Inspection and disposal of regulated articles and pests.

Upon presentation of official credentials, an inspector is authorized to stop sale and inspect, and to seize, destroy, require treatment of, or otherwise dispose of or require disposal of regulated articles as provided in the Tree and Crop Pests Law.

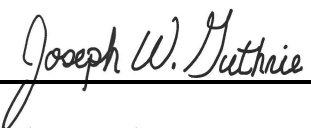
Section 120. Non-liability of the Department.

The department is not liable for any costs incurred by third parties whose costs result from, or are incidental to, inspections, disinfection, certification, or other required actions outlined in a compliance agreement issued under the provisions of this quarantine.

Section 130. Revocation of this quarantine.

This quarantine may be revoked by the Board when the Board is satisfied that the need for this quarantine no longer exists. Such revocation shall become effective upon the date specified by the order of the Board that revokes this quarantine.

Pursuant to the authority established in Section 3.2-703 of the Code of Virginia, I hereby impose a quarantine to restrict the movement of certain articles capable of transporting box tree moth, *Cydalima perspectalis*, as described herein.



Joseph W. Guthrie
Commissioner of Agriculture and Consumer Services

December 3, 2025

Date

Schmidt, Kevin (VDACS)

From: Ron Gaskill - Mosquito Joe of National Capital Region <rgaskill@mosquitojoe.com>
Sent: Tuesday, September 16, 2025 11:50 AM
To: Schmidt, Kevin (VDACS)
Cc: John Reid; Andrea Coron
Subject: Petition for Rulemaking
Attachments: Cover Letter for Petition for Rule Making Cat 8 9-15-25.docx; PETITION FOR RULEMAKING - DRAFT 9-15-25.docx

Hi Kevin –


Attached hereto, please find a cover letter and a petition for rulemaking submitted by the Virginia Pest Management Association to the Virginia Board of Agriculture and Consumer Services. We anticipate the opportunity to speak with the Board about the petition at its December 11, 2025 meeting, and surely we'll be actively involved in the comment period preceding it. Let me know if you need anything further from the VPMA.

Thank you Kevin. We look forward to working with the Board and the Dept. on the matter in the months ahead.

Kind regards,

Ronald L. Gaskill, Top Joe
Mosquito Joe of the National Capital Region - (p) 202-750-5730
Mosquito Joe of South Richmond - (p) 804-213-2300
(m) 202 213-0179 rgaskill@mosquitojoe.com

We live our code of values by showing respect for all people, acting with integrity in all dealings, serving customers with enthusiasm and having fun in the process!"



Virginia Pest Management Association
P.O. Box 7161
Fredericksburg, VA 22404
(540) 374-9200
office@vpmaonline.com

Date: 9/16/2025

Board of Agriculture and Consumer Services
Virginia Department of Agriculture and Consumer Service
P.O. Box 1163
Richmond, VA 23218

RE: Petition for Rulemaking – Creation of a Certification Category/Subcategory For Public Health Vector Control by Certified Commercial Applicators in Non-Public Settings.

The Virginia Pest Management Association (VPMA), the largest organization of structural pest control operators and applicators in Virginia, submits this Petition for Rulemaking in accordance with § 2.2-4007 of the Code of Virginia. This petition requests the creation of a new pesticide certification category, or subcategory, for certified commercial applicators who provide Public Health pest control measures that are not area-wide pest control services provided by, or at the direction of, a public entity for public purposes.

The goal is to ensure the proper training and licensing of all commercial pesticide applicators who provide public health pest control services. It's estimated that almost two-thirds of applicants for the Category 8, Public Health examination currently do not pass the exam because it contains detailed questions pertaining to public health pest control measures intended to be undertaken by public agencies. Most of these applicants have no intent to implement or conduct "public agency" pest control measures, and consequently the goal of obtaining a certified commercial applicator license for implementing public health pest control measures in non-public settings is unfairly thwarted.

In addition, those who generally do not provide pest control services as a primary part of their business or their work are discouraged from obtaining proper training and licensing for the same reason. Streamlining certification requirements for applicators such as these by excluding content from Category 8, Public Health that is not applicable to this non-public scope of work will reduce the exposure risk to the public from potential pesticide misuse by increasing the number of such commercial applicators who will be properly trained and certified.

The Virginia Dept of Agriculture and Consumer Services (VDACS) has already anticipated the need for separating public from non-public commercial pesticide applicators in training and licensing for the Public Health certification. We applaud the agency for doing so and urge that its satisfactory conclusion be made a top priority. The VPMA and its members look forward to

working actively together with VDACS to achieve the satisfactory outcome anticipated by this Petition.

The VPMA believes this change is needed to keep professionally high standards of qualification in the pest control industry, particularly involving the proper use of pesticides around the general public. By eliminating the more complex qualifications properly required of those who apply public health pest control measures in area-wide locations, from those who do not, the VPMA believes that more applicators will become properly trained and licensed, particularly those whose primary business or occupation is not pest control.

The VPMA looks forward to the support of this Petition by the Virginia Board of Agriculture and Consumer Services.

Sincerely,

John Reid
President

Enclosure

PETITION FOR RULEMAKING

PETITIONER NAME AND CONTACT –

Virginia Pest Management Association
P.O. Box 7161
Fredericksburg, VA 22404

Andrea Coron, Executive Director
Telephone: (540) 374-9200 Email: office@vpmaonline.com

SPECIFIC REQUEST -

Request establishment of a new pesticide certification category or subcategory that separates the area-wide applications of, or directed by, public agencies in support of area-wide public health pest control objectives, with public health pest control measures conducted by certified commercial applicators in non-public applications. And further, that training and examination requirements be adjusted between the separate categories to best reflect the unique applications intended and expected pursuant to each such category or subcategory.

SUBSTANCE AND PURPOSE –

The VPMA strongly supports the proper training and licensing of commercial pesticide applicators in the Commonwealth. Proper training and licensing is the single most important action that the Virginia pest control industry can implement to assure the safe and proper use of pesticides in our world. Most of VPMA's programming is in the training and education of pesticide applicators in the safe and effective use of pesticide products and methods.

Currently, pursuant to 2VACS-685- Regulations Governing Pesticide Applicator Certification under authority of the Virginia Pesticide Control Act, certified commercial pesticide applicators applying pest control measures on any property in the Commonwealth of Virginia that targets pests of public health significance must be trained in and pass the examination for Category 8, Public Health. The training and examination of public health pest control measures to be awarded Category 8 certification are robust and wide-ranging in scope. While this is generally good, it has also discouraged many otherwise qualified candidates from acquiring the Public Health qualification because some of the most complicated training and examination topics pertain to forms of public health pest control that such candidates do not, nor ever intend to,

undertake. It has become an impediment for many candidates to achieve the certified applicator qualification in Public Health, often slowing or stopping their career progression in the pest control industry.

Moreover, the current regulation for Public Health certification discourages some pest control operators from becoming properly trained and licensed, particularly those who provide pest control measures as a secondary part of their primary business. Examples include, but are not limited to, small landscaping and lawn service providers who also provide mosquito control services to their customers. They are often minimally trained and unlicensed. The opportunity for misuse of a pesticide in such cases is worrisome.

The specific need of this requested rulemaking is to remove the impediment to Public Health certification by creating a new category or subcategory where the training and examination for public health pest control measures conducted by certified commercial applicators in non-public settings do not contain training and examination of public health pest control measures used in area-wide vector control programs that are conducted or authorized to be conducted by public agencies. Examples of such include, but are not limited to, aerial application of pesticides, ULV treatments, etc. Methods that are not routinely, or ever, used in pest control treatments in non-public settings.

It is also proposed that those who earn certification in the newly created category/subcategory will be prevented from legally engaging in vector control programs implemented in area-wide applications for public health purposes by or authorized by a public agency, unless and until such person earns full Category 8 Public Health certification.

Finally, and of critical importance, this Petition for Rulemaking intends to keep Virginia consistent with its obligation, as elaborated in its EPA-approved Revised State Certification Plan, to create a separate commercial applicator category or subcategory for the non-public application of pest control measures for pests of public health significance. The deadline for Virginia to do so is November 2026.

Benefits of the proposed action to create a new category or subcategory for Public Health include:

1. Increased professionalism and public confidence –

Properly trained and licensed applicators are the most important action the Commonwealth and the pest control industry can take to protect the public from the misuse of pesticides. Meaningful regulation that targets actual practice is the best way to maintain a trained and licensed pest control workforce.

2. Industry Support and Workforce Development –

A new Public Health category/subcategory for non-public vector control, while still upholding vigorous training and compliance standards, will make the challenge of earning the Certified Applicator license achievable to a greater number of professionals who wish to grow in the pest control industry.

3. Adherence to Federal Law and Virginia’s EPA-Approved Revised State Certification Plan

Being consistent with federal pesticide laws and applicable regulations is essential. Virginia has expressed its intent to create the category or subcategory so requested in this Petition in its EPA-approved Revised State Certification Plan, and have it implemented by November 2026. This provides a ready opportunity for the Commonwealth to address its need to adjust the current application of Category 8, Public Health, with the desire of its pest control industry to have established a Public Health category or subcategory that is more consistent in training and application with public health measures generally implemented by certified commercial applicators in non-public settings.

LEGAL AUTHORITY –

Statutory Authority: Section 3.2-109 of the Code of Virginia establishes the Board of Agriculture and Consumer Services as a policy board with the power to adopt regulations.

Regulation of Pesticide Applicators: Section 3.2-3906(4) specifically authorizes the Board to adopt regulations that require individuals who sell, store, or apply pesticides commercially to be adequately trained.

Virginia Administrative Code (VAC): The Board promulgates the 2VAC5-685, which details the specific rules for pesticide applicator certification, including defining the various license categories for commercial applicators.



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Joseph W. Guthrie
Commissioner

September 26, 2025

John Reid
President, Virginia Pest Management Association
P.O. Box 7161
Fredericksburg, VA 22404
Via email to: john@accelpest.com

RE: Petition for Rulemaking – Creation of a Certification Category/Subcategory For Public Health Vector Control by Certified Commercial Applicators in Non-Public Settings

Dear Mr. Reid:

Your recent correspondence requests that the Board of Agriculture and Consumer Services (Board) promulgate regulations to establish a new category for pesticide certification. I directed staff to prepare and submit official notice of your petition for rulemaking for publication in the Virginia Register of Regulations within the 14 days required by the Virginia Administrative Process Act, § 2.2-4007(B) of the Code of Virginia. Staff submitted notice of your petition to the Registrar on September 25, 2025. The notice will be published on October 20, 2025. The required public comment period will commence on October 20, 2025, and conclude on November 10, 2025. You may submit comments via the Virginia Regulatory Town Hall at www.townhall.virginia.gov.

Following the 21-day period for public comment, I expect that your petition for rulemaking will be presented to the Board for consideration at its meeting at 9 a.m. on December 11, 2025, at the Patrick Henry Building, East Reading Room, 1111 E. Broad Street, Richmond, Virginia.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nicole L. Wilkins', with a long horizontal flourish extending to the right.

Nicole L. Wilkins
Program Manager, Office of Pesticide Services

CC: Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Andrea Coron, Executive Director, Virginia Pest Management Association
(office@vpmaonline.com)
Ron Gaskill, Mosquito Joe (rgaskill@mosquitojoe.com)



Agency

Department of Agriculture and Consumer Services

Board

Department of Agriculture and Consumer Services

Chapter

Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act [[2 VAC 5 - 685](#)]

27 comments

All comments for this forum

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Commenter: Andrea Coron Virginia Pest Management Association

10/31/25 9:06 am

Support for Petition to Create a Separate Pesticide Applicator Category for Backyard Mosquito Control

The Virginia Pest Management Association (VPMA), the largest association in Virginia representing pest control operators in the structural pest control industry, **strongly supports** the Petition for Rulemaking to amend 2 VAC 5-685 to create a new certification category for pest control measures of public health significance.

Creating a distinct category to separate the training and licensing requirements for **area-wide pest control programs** of public health significance from those for **non-area-wide (backyard) pest control measures** is essential to maintaining and improving the safe and effective use of pesticides across the Commonwealth.

Continual advancements in pest control products, technology, and methods are critical to helping Virginia's pest control operators confront the growing threat of insect-borne diseases. Applicator technicians are expected to enhance their knowledge throughout their careers and ultimately obtain advanced credentials, including the **Certified Applicator License**.

However, many qualified technicians face a significant barrier: the current **Category 8 – Public Health Pest Control** examination includes content focused on area-wide control programs and aerial or large-scale application techniques—topics that are **irrelevant** to technicians who conduct only **backyard or localized mosquito control**. These individuals often lack experience with such large-scale operations, and the inclusion of these topics unnecessarily limits their ability to advance professionally.

Establishing a **separate category or subcategory** focused on non-area-wide pest control would ensure that training and examinations are directly relevant to the scope of work performed by backyard mosquito control applicators. This targeted approach would promote better understanding and safer pesticide use without diluting the standards for broader public health pest control programs.

The VPMA believes that this adjustment will **strengthen Virginia's pest management workforce** by encouraging more technicians to pursue certification. Expanding access to relevant, role-specific training and licensure will enhance professional development and elevate the industry's overall capacity to apply pesticides safely and effectively throughout the Commonwealth.

We respectfully urge the Board to approve the petition and move forward with rulemaking to establish a distinct certification category for non-area-wide mosquito and other pest control measures of public health significance.

Thank you for your consideration and for your continued commitment to ensuring pesticide safety and effectiveness in Virginia.

CommentID: 237538

Commenter: Rhonda Elmore Sullivan

10/31/25 9:54 am

Mosquito Control

My name is Rhonda, and I am with Commonwealth Exterminators, a licensed pest control company in Virginia. We employ 11 certified pesticide applicators across the Commonwealth.

We fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non-area-wide (backyard) mosquito control.

This change will make certification requirements more relevant and achievable for commercial applicators, while maintaining high standards for safety and professionalism. Many technicians struggle to pass the current Category 8 exam because it includes questions unrelated to the work they perform. This adjustment would allow them to advance their careers and strengthen our industry's capacity to protect public health.

Thank you for considering this important issue. We urge the Board to approve the petition."

CommentID: 237539

Commenter: Alex Sullivan, Accel Pest and Termite Control

10/31/25 10:28 am

Two Tiered Public Health License

Good morning,

My name is Alex Sullivan, and I am with Accel Pest and Termite Control, a licensed pest control company in Virginia. We employ numerous certified pesticide applicators across the Commonwealth.

We fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non-area-wide (backyard) mosquito control.

This change will make certification requirements more relevant and achievable for commercial applicators, while maintaining high standards for safety and professionalism. Many technicians struggle to pass the current Category 8 exam because it includes questions unrelated to the work they perform. This adjustment would allow them to advance their careers and strengthen our industry's capacity to protect public health.

Thank you for considering this important issue. We urge the Board to approve the petition.

Kindly,

Alex S.

Peninsula Area Manager

Accel Pest and Termite Control

CommentID: 237540

Commenter: Damien Sanchez

10/31/25 10:28 am

Mosquito Control category for backyards

It would be a good thing to split the category 8 into right of way and backyard as they are two very different things. And it would help to get more people certified to help with supervision of seasonal work forces.

CommentID: **237541**

Commenter: Jill Cox

10/31/25 10:46 am

Non-area-wide or backyard pest control such as residential mosquito services

My name is Jill Cox, and I am the business manager with Mark's Pest Control, a licensed pest control company in Virginia. We employ 11 certified pesticide applicators across the Commonwealth.

We fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non-area-wide (backyard) mosquito control.

We feel that having the public health certification has prevented us from adding mosquito control to our services that our customers want. We are asked often to add this service to private homes during the summer season, and we can not offer it do to the extra certification required. We would not need the public health certification for any other reason than private mosquito control.

This change will make certification requirements more relevant and achievable for commercial applicators, while maintaining high standards for safety and professionalism. Many technicians struggle to pass the current Category 8 exam because it includes questions unrelated to the work they perform. This adjustment would allow them to advance their careers and strengthen our industry's capacity to protect public health.

Thank you for considering this important issue. We urge the Board to approve the petition.

Sincerely,

Jill Cox, Business Manager

and licensed technician

CommentID: **237542**

Commenter: Troy M Wolfrey - PermaTreat Peast Control

10/31/25 12:46 pm

Residential mosquito licensing

Due to the demand for mosquito control around public housing to protect the health of Virginians it is important that we train and license individuals accordingly. The existing tests are based on commercial application methods and equipment that are not used in residential mosquito control resulting in a high failure rate. We need a separate form of testing that will result in properly trained technicians with the knowledge of the equipment that is being used to provide such services.

CommentID: **237543**

Commenter: Ben Carter, PermaTreat Pest Control, A Rollins Brand

10/31/25 2:20 pm

VPMA Petition for Rulemaking

My name is Ben Carter with PermaTreat Pest Control. I have been in the industry for over 19 years now. We employ over 75 employees that are licensed in the state.

We fully support the VPMA petition for rulemaking to create a new certification that separates area-wide public health pest control from non-area-wide (backyard/ residential) mosquito control. I know personally, it took me a few attempts to pass the exam, because if the broad questioning in areas we do not service.

This type of change is good across the board for the industry in Virginia, allowing companies to focus training and education to what matters for their business.

And hopefully this will allow more to become licensed and knowledgeable in the proper categories for the applications.

Thank you for your consideration to this matter and look forward to your approval.

CommentID: **237544**

Commenter: Anonymous

11/2/25 6:50 pm

APPROVAL NEEDED

We employ [20] certified pesticide applicators across the Commonwealth.

We fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non-area-wide (backyard) mosquito control.

Our number one priority is ensuring that our staff have the proper training for their specific job. The wide range of content on the current test makes it difficult for applicants to pass.

This change will make certification requirements more relevant and achievable for commercial applicators, while maintaining high standards for safety and professionalism. Many technicians struggle to pass the current Category 8 exam because it includes questions unrelated to the work they perform. This adjustment would allow them to advance their careers and strengthen our industry's capacity to protect public health.

Thank you for considering this important issue. We urge the Board to approve the petition.

CommentID: **237547**

Commenter: Conrad Lyons, American Pest

11/3/25 8:22 am

Two Tier Public Health (Category 8)

To Whom it may concern,

As a certified applicator in Virginia for more than thirty-years, I am an advocate for engaging PCO's to push beyond being a registered technician, to hold certifications in all disciplines that pertain to their job. Public Health has routinely been the most challenging for technicians, in part due to a sizeable amount of content on the exam that may not be relevant to their work.

We at American Pest support VPMA's petition for rulemaking to create a two-tier Category 8, separating area-wide and non-area wide (mosquito control). Our hope is to have trained, knowledgeable team members that want to advance their careers in part through proper licensing, including Category 8.

We appreciate the Boards consideration of this matter.

Respectfully,

Conrad Lyons, ACE

American Pest

CommentID: 237548

Commenter: Brandon Watz - Orkin Pest Control

11/3/25 3:55 pm

Cat 8 Tier Change

My name is Brandon Watz, I am the Region Service Manager for Orkin here in Virginia.

I completely support the petition to tier the Public Health Cat 8 certification to area wide and non area wide specific training. This has long been an issue when attempting to certify technicians in the Cat 8 training as the scope of the exam is extensively broad, requiring questions that would mainly pertain to area wide treatments that are usually reserved for government and agricultural applications. We have also had multiple technicians that have had to take this exam numerous times to pass due to the extensive scope the exam purviews.

This change would allow more technicians and companies to obtain this certification and help residents control their mosquito concerns more effectively.

Thank you for considering this petition.

CommentID: 237555

Commenter: Jack Broome

11/3/25 5:32 pm

Petition to ammend 2VAC 5-685

I support the VPMA petition to create a separate and distinct Pesticide Applicator Category for non-area-wide (backyard) pest control measures.

A large part of the Category-8 testing is unrelated to backyard pest control applications causing a disadvantage to our technicians attempting to attain certification.

It makes sense to reconsider this approach and have the training pointed towards the methods for localized treatments that are related to the scope of the work being performed. This will promote more understanding and safer pesticide use.

I respectfully urge the the Board to consider this petition.

CommentID: 237556

Commenter: Brett Lieberman My Pest Pros

11/3/25 6:30 pm

Cat 8 Mosquito Control Licensing

As a pest control company, we want to make sure everyone is properly trained and licensed to properly and safely perform treatments. The way the current Category 8 certification is structured makes it unnecessarily difficult for companies and technicians who want to comply with the licensing. The exam focusses too much on area-wide treatments that are performed by government and agricultural applicators. I would encourage supporting the VPMA petition to have a separate exam with relevant questions for pest control technicians performing backyard and similar mosquito control treatments. This would help improve residential vector control and ensure that technicians know content relevant to their job duties.

Thank you,

Brett Lieberman
My Pest Pros
CommentID: 237557

Commenter: Adam Brown Tidewater Pest Services, Inc.

11/4/25 5:43 am

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

As a pest control operator, I believe that a new certification category for Non-area-wide pest control is necessary. The creation would result in better trained applicators and a safer environment for all.

Sincerely,

Adam Brown

CommentID: 237560

Commenter: David Outhous, RichPro Pest Management

11/4/25 8:17 am

Residential Backyard Mosquito Control

I fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non-area-wide (backyard) public health pest control.

The current category 8 exam includes some content that is not relevant to backyard mosquito control. Technicians sitting for the exam struggle to understand content like area-wide fogging and other non-relevant material as they will never be exposed to that in their daily work.

This change will make certification requirements more relevant and achievable for commercial applicators, while maintaining high standards for safety and professionalism. Many technicians struggle to pass the current Category 8 exam because it includes questions unrelated to the work they perform. This adjustment would allow them to advance their careers and strengthen our industry's capacity to protect public health.

Thank you for your consideration. I strongly urge the Board to approve this petition.

CommentID: 237561

Commenter: RJ Mitchell

11/4/25 10:44 am

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

I concur with the two (2) tiered public health license for Category 8. This change will result in having more technicians educated and trained throughout the state, thereby contributing, protecting and preserving our pollinators. The residents of Virginia deserve highly educated and well trained technicians to do so and this two tiered update will do just that through the efforts of the Virginia Pest Management Association and the National Pest Management Association.

CommentID: 237562

Commenter: Jordan DiGeronimo

11/5/25 3:46 pm

Amendment to 2 VAC 5-685

My name is **Jordan DiGeronimo**, licensed for pest control operating throughout the Commonwealth. We employ numerous certified pesticide applicators who are trained and licensed under Virginia's current standards.

We fully support the **VPMA Petition for Rulemaking** to create a new certification category that separates area-wide public health pest control from non areawide (residential/backyard) mosquito control.

Currently, I oversee technician training, licensure, and field operations daily. One of our biggest challenges is helping qualified technicians advance into public health certification when much of the current Category 8 exam material focuses on aerial and large scale mosquito control programs. These topics are irrelevant to their work, which centers on small scale, residential mosquito management using ground-based equipment, integrated pest management practices, and homeowner education.

This disconnect often discourages skilled professionals from pursuing licensure, creating staffing bottlenecks and limiting our ability to respond to community demand for safe, regulated mosquito control services. A targeted, residential specific certification would not dilute safety standards, it would enhance them by ensuring every technician is trained and tested on practices that directly reflect their scope of work.

This change would strengthen our industry's professionalism, support workforce development, and help Virginia maintain high compliance and safety standards while keeping pace with modern pest control needs.

Thank you for considering this important issue. **I strongly urge the Board to approve the petition** and move forward with the rulemaking process.

CommentID: **237568**

Commenter: Michael L. McCranner

11/6/25 8:35 am

Petition

My name is Michael L. McCranner, and I am one of the owner's of Slug-A-Bug in Virginia.

We fully support the VPMA Petition for rule making to create a new certification category that separates area wide public health pest control from non-area-wide (Backyard) public health control.

Thank you for considering this important issue. We urge the Board to approve the petition.

CommentID: **237571**

Commenter: David Price ACE Mosquito Joe

11/6/25 2:49 pm

Category for Backyard Mosquito Control

I am in support of this petition as there is a difference between an Area Wide Integrated Mosquito Management Program and a Backyard Integrated Mosquito Management program. I have established, trained and worked both of these programs in multiple states for over two decades with over 15 years as an Associate Certified Entomologist. The effectiveness of an Integrated Pest Management program and worker protection begins with the proper verified knowledge. In this case, it is more important as there needs to be a proper balance of the environment while protecting the public's health where people live.

CommentID: **237573**

Commenter: Shannon Harlow-Ellis, ACE Technical Services Manager, Mosquito Joe 11/6/25 3:27 pm

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

As both a licensed commercial applicator and an Associate Certified Entomologist actively engaged in training and supporting professionals across Virginia's pest management industry and beyond, I fully support the petitioner's request for the Board of Agriculture and Consumer Services to establish a new certification category or subcategory for public health pest control in non-public applications.

This proposed distinction is both timely and necessary. Commercial applicators who perform mosquito, tick, and other vector control services in residential and private settings operate under a different set of conditions, tools, and accountability measures than those conducting large-scale or publicly funded area-wide applications. Creating a separate certification path would allow for more focused education and examination that aligns with the specific risks, formulations, and integrated pest management (IPM) practices unique to private sector public health pest control.

Additionally, differentiating training and testing requirements would elevate professional standards across both sectors. Public agency applicators would continue to be evaluated on their responsibilities in surveillance, resistance management, and area-wide control, while applicators in the private sector could focus more deeply on customer education, source reduction on private property, and the responsible use of EPA-registered products.

By recognizing the specialized expertise required in both arenas, the Commonwealth would strengthen its commitment to protecting public health, the environment, and applicator professionalism. This clarification would also create clearer pathways for training providers and industry associations to deliver targeted, high-quality education that supports compliance and excellence within our growing field.

I respectfully urge the Board to give this petition full consideration and to work collaboratively with industry representatives, public health officials, and training providers to define the most appropriate framework for implementation.

CommentID: 237574

Commenter: Jeffrey Zeiber, ACE

11/6/25 7:59 pm

Recommended rule change to Category 8 Public Health Pest Control

I am reaching out regarding a rule and regulation that I believe warrants attention in the Pest Management industry. This regulation, which was introduced and passed on January 1st, 2015, affects Pest Management Professionals. Specifically, it pertains to the qualifications required for commercial applicators, who hold the 7A license for general pest control, a certification higher than that of a Registered Technician. A commercial applicator's license allows them to train newly hired employees under direct supervision until they obtain their Registered Technician license. This provision has been beneficial to the industry, and overall, the law as it stands is supported by the Virginia Pest Management community.

However, there has been a significant change since 2015 that I believe has unintended consequences. The new regulation now requires commercial applicators to obtain a Public Health license (category 8), which specifically certifies them in mosquito and tick treatments. While I understand the intent behind this—ensuring greater expertise in response to the growing threat of vector-borne diseases such as West Nile Virus, Lyme disease, and others—I have concerns about its implementation.

The core issue is that, under the current rules and regulations, a technician with a 7A commercial applicator license is legally unable to perform mosquito and tick treatments unless they also hold the Public Health license. This creates two primary issues:

1. **Impact on Workforce Efficiency:** Technicians who hold the 7A license (which is a higher certification than the Registered Technician license) are now restricted from providing these services, which were previously covered under the 7A category. This reduces the pool of qualified employees available to perform mosquito and tick treatments, leading to delays in service and potentially lower-quality work, as these tasks are now handled by less experienced technicians.
2. **Unintended Consequences:** The law was designed to ensure better training in response to health concerns, but it has had the opposite effect. Many Registered Technicians are reluctant to pursue the Public Health license due to the added responsibility, and technicians who already hold a 7A license are **struggling to pass the Public Health exam**. This has led to operational inefficiencies and increased costs for businesses across the state.

As a member of the Virginia Pest Management Association Board, as well as the chair of the Professional Development Committee and a member of the Legal, Legislative & Regulatory Committee, I am deeply familiar with these challenges. I strongly recommend making a rule and regulation change to separate the category 8 public health exam into two separate categories, 1 for Government and municipal vector control and 1 for Pest control operators who practice residential Mosquito and Tick control.

CommentID: 237576

Commenter: Marie Horner

11/10/25 7:37 am

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

My name is Marie Horner and I am the Vice President of Government Affairs for Arrow Exterminators, a pest control company located in Richmond, VA. Our company operates in 11 other states and we have seen those states adopt a new tier of Category 8 Public Health certification which more accurately tests commercial applicators knowledge on pesticides, safety and equipment that are used for residential and commercial treatments.

We are in support of the creation of a new certification category in Virginia for those reasons and encourage the department to move forward with this petition.

Best Regards,

Marie Horner, ACE

CommentID: 237586

Commenter: Megan Striegel, National Pest Management Association

11/10/25 8:45 am

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

The National Pest Management Association (NPMA) represents the professional pest management industry in the United States with more than 200 members based within the Commonwealth. Our industry's role in protecting public health, food safety and property start with our member companies, who manage and treat numerous pests, including mosquitoes, in countless commercial, residential and institutional settings in Virginia. NPMA supports the petition for rulemaking to amend 2 VAC 5-685 to create a new certification category for pest control measures of public health significance.

Our industry relies on continual advancements in pest control products, technology, and methods to confront the growing threat of vector-borne diseases. More than 5,000 pest management professionals across Virginia are committed to continuing their education throughout their careers, through continuing education credits awarded by the Virginia Department of Agriculture and

Consumer Services (VDACS) and earning advanced credentials, like the Certified Applicator License.

Under current Virginia regulations, pest management professionals who provide mosquito control services are required to obtain the Category 8 - Public Health Pest Control license through examination. The Category 8 examination is a single, all-encompassing comprehensive test that encompasses content focused on both large-scale, wide area applications and targeted applications made by pest management professionals.

This single test approach tests individuals on application methods that fall outside of scope of their professional responsibilities and expertise, creating unnecessary hurdles to certification and career growth. The subsequent barrier of entry impacts otherwise qualified applicators, without providing a corresponding increase in competency, safety or environmental outcomes.

By establishing a new license certification category or subcategory for non-wide area applications, the Department can ensure examinations and continued training are properly tailored to the targeted applications that Virginia applicators make for the protection of public health. This action will expand opportunities for individuals to earn additional certifications, providing professional advancement and development within the professional pest management industry across Virginia.

Finally, this proposal is a concept that VDACS is prepared to implement, through the state's Certification & Training Plan, approved by the U.S. Environmental Protection Agency (EPA) in November 2023.[1] In this approved plan, VDACS outlined the creation of a new license subcategory 7F – Public Health for Commercial Applicators, which separates the targeted applications our members make from the broader wide-area applications under Category 8.

We respectfully urge the Board to approve the petition and move forward with rulemaking to establish a distinct certification category for non-area-wide mosquitoes and other pest control measures of public health significance.

Thank you for your consideration of the petition and for the Department's continued commitment to ensuring opportunities for education and advancement are available in the state's professional pesticide applicator community.

Sincerely,

Megan Striegel

Senior Director of Public Policy

[1] U.S. Federal Register: EPA Notice of Approval for Certifying Authorities' Amended Plans for Certification of Commercial and Private Applicators of Restricted Use Pesticides; Batch Four, November 9, 2023.

CommentID: **237587**

Commenter: Ronald Gaskill, Mosquito Joe of the National Capital Region/South Richmond

11/10/25 1:04 pm

Support for Petition for Rulemaking

I am Ronald L Gaskill, President & General Manager of Oaklare Management Corporation d/b/a Mosquito Joe of the National Capital Region and South Richmond. Oaklare is a licensed pest control business in Virginia since 2014. Oaklare employs two pest control professionals who are certified commercial applicators in categories 3B, 7A, & 8. It also employs 6-8 applicator technicians who are licensed Registered Technicians under Virginia law. I am one of the two aforementioned certified commercial applicators.

I strongly support the Board's acceptance of the Petition for Rulemaking, to create a new category or subcategory for non-area wide applications of pest control measures of public health significance. The single most important step that can be taken for the safe use of pesticides in the Commonwealth is the training and licensing of pest control applicators. For many pest control operators in the state, career advancement is contingent on attaining increasingly more advanced training and licensing in pest control procedures and practices. To be most safe by virtue of being most licensed, it is essential that training and exam requirements most closely fit the license category for which license applicants are examined.

Currently, the requirements for obtaining license certification in Category 8, Public Health, are not always consistent with the intended use of the Category 8 certification. Many applicants for Category 8 certification never intend to apply area-wide treatments such as those conducted by public agencies. Yet the Category 8 examination includes several questions about area-wide pesticide applications by public agencies, topics that many applicants have not reasonably studied because it is not their intent to undertake such pest control applications. They aren't prepared to answer the exam questions, too often causing them to not pass the examination and consequently not being awarded the Category 8 Public Health certification. This is not a reasonable basis for being denied the Category 8 Public Health certification when area-wide application is not the intended use of the Category 8 certification.

A safer approach for the Commonwealth is to establish a new category or subcategory of Public Health certification exclusively for non-area wide pest control measures, so that more applicants for certified commercial applicator licenses may become licensed in the safe use of pesticides and pest control measures of public health significance. Other states have done it successfully. The Commonwealth of Virginia should do likewise for the additional protection of Commonwealth resources from pesticide misuse.

Thank you for your consideration of these views. I look forward to the Board's support for the Petition so presented.

CommentID: **237589**

Commenter: John Reid

11/10/25 1:52 pm

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

To Whom It May Concern,

I am John Reid, Vice-President of Accel Pest & Termite Control and the current President of the Virginia Pest Management Association (VPMA).

I am writing in full support of VPMA's Petition for Rulemaking requesting that the Board of Agriculture and Consumer Services create a new certification category or subcategory for commercial applicators who perform non-area-wide (backyard) public health pest control, and adjust the related training and examination requirements to accurately reflect the work being performed.

There is a clear distinction between area-wide mosquito management programs and localized backyard treatments. The current Category 8 exam contains content focused on large-scale public health operations that does not apply to many technicians conducting residential mosquito control. This creates unnecessary barriers and discourages participation in certification.

Adopting this petition will not only promote safer and more effective pesticide use, but will also serve the best interests of the Board of Agriculture by encouraging greater compliance among businesses and expanding the number of properly trained pest management professionals. Many companies currently operate outside of full compliance, and some technicians forgo certification due to the impractical nature of much of the existing content. A category that aligns with real-world

applications will bring more professionals into the system, benefiting both public health and environmental protection.

From personal experience, I've seen technicians lose motivation and often forgo further professional development due to the excessive difficulty and limited relevance of the current Category 8 content and test.

I respectfully urge the Board to approve this petition.

Sincerely,

John Reid

Vice President - Accel Pest & Termite Control

President - Virginia Pest Management Association

CommentID: **237590**

Commenter: Nathan Bullock, Talent Termite

11/10/25 2:04 pm

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

My name is Nathan Bullock, President of the Tidewater Pest Control Association and owner of Talent Pest Control in Virginia Beach.

I'm writing in support of VPMA's petition to create a new certification category for non-area-wide public health pest control. Right now, the existing Category 8 exam focuses heavily on government-style, area-wide mosquito control programs. That doesn't reflect the day-to-day work done by most private pest control professionals who perform localized treatments on residential and commercial properties.

Because the test content doesn't match the work being done, many good technicians either struggle to pass or avoid certification altogether. A new, more relevant category would fix that—helping more people get properly trained, stay compliant, and operate safely.

Other states have already made this update successfully. It's time for Virginia to do the same and bring the rules in line with how the industry actually operates today.

Thank you for your consideration.

Nathan Bullock

President – Tidewater Pest Control Association

Owner – Talent Pest Control

CommentID: **237591**

Commenter: Chuck Roach, Talent Pest Control

11/10/25 2:18 pm

Petition to Amend 2 VAC 5-685 to Create a New Certification Category

My name is Chuck Roach, General Manager at Talent Pest Control.

I support VPMA's petition to create a new certification category for non-area-wide public health pest control. The current Category 8 test focuses too much on large government mosquito programs, which doesn't match what most of us do in residential settings.

A separate category would make the training and testing more relevant, help more techs get certified, and improve safety and compliance across the industry.

Sincerely,

Chuck Roach

General Manager – Talent Pest Control

CommentID: **237592**

Commenter: Walter O'Shea, O'Shea's Pest Management

11/10/25 5:40 pm

Cat 8 changes

I absolutely believe there should be a different category for general pest control companies that are doing residential mosquito control. This should not be under the same licensing as people that are doing aerial spraying and other things like that.

CommentID: **237597**



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

PO Box 1163, Richmond, Virginia 23218

www.vdacs.virginia.gov

Joseph W. Guthrie
Commissioner

October 15, 2025

Members of the Board of Agriculture and Consumer Services:

I. PURPOSE

To report on the activities, educational programs, and grants administered through the Pesticide Control Fund (Fund), as required in item 93¹ of the 2025 Appropriation Act.

II. THE PESTICIDE CONTROL FUND

The Virginia Pesticide Control Act (Act) (Va. Code § 3.2-3900 *et seq.*) grants certain powers to the Board of Agriculture and Consumer Services (Board), including the authority to regulate pesticides in Virginia. Section 3.2-3906 of the Act authorizes the Board to adopt regulations, in part, to establish a fee structure for the licensure, registration, and certification of pesticide businesses and applicators. Section 3.2-3912 of the Act (i) establishes the Fund, which is a special non-reverting account established on the books of the Comptroller into which all moneys levied and collected under the Act are deposited, (ii) provides that moneys in the Fund shall be used by the Department of Agriculture and Consumer Services solely for carrying out the purposes of the Act, and (iii) specifies that “expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.”

III. PESTICIDE FEES

All pesticide fees that are collected pursuant to the Act are deposited into the Fund. The type, amount, frequency, and due date of the various fees are prescribed in 2 VAC 5-675, *Regulations Governing Pesticide Fees Charged by the Department of Agriculture and Consumer Services*.

The schedule of pesticide fees for fiscal year 2025 is below:

¹The Office of Pesticide Services shall publish a report on the activities, educational programs, research, and grants administered through the Pesticide Control Act Fund to the Board of Agriculture and Consumer Services by October 15 of each year.

-Equal Opportunity Employer-

Pesticide Business License (Initial)	\$75	Payable at time of application
Pesticide Business License (Renewal)	\$75	Annual (Due March 31)
Late Fee for Business License Renewal	\$15	Payable upon late renewal
Commercial Applicator Certification (Initial)	\$25	Payable at time of application
Commercial Applicator Reciprocal Certification	\$25	Payable at time of application
Commercial Applicator Certification (Renewal)	\$0	
Commercial Applicator - Additional certification category	\$25	Payable at time of application
Registered Technician Applicator Certification (Initial)	\$25	Payable at time of application
Registered Technician Applicator Certification (Renewal)	\$0	
Product Registration (Initial)	\$225	Payable at time of application
Product Registration (Renewal)	\$225	Annual (Due December 31)
Late Fee for Product Registration Renewal	\$45	Payable upon late renewal

On March 21, 2024, the Board approved a regulatory action to reduce several fees established in 2 VAC 5-675, *Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services*. The approved changes reduced the pesticide business license fee, both initial and renewal, from \$150 to \$75. It also reduced the commercial applicator and registered technician applicator initial certifications from \$100 to \$25. The new fee structure became effective on January 2, 2025.

IV. GRANT FUNDING

The Pesticide Control Fund received \$ 582,097.50 in grant funding from the U.S. Environmental Protection Agency (EPA). The Virginia Department of Agriculture and Consumer Services (VDACS) used the EPA grant funds to offset salary and fringe expenses related to certification and enforcement. The agency also used the grant funds for pesticide-related projects such as training workshops and Beecheck, the agency’s online communication tool to enhance pollinator protection.

V. ADMINISTRATION OF THE PESTICIDE CONTROL FUND DURING FISCAL YEAR 2025

The Fund carried a cash balance of \$ 3,875,043.06 from fiscal year (FY) 2024. During FY 2025, the Office of Pesticide Services reported Fund sources of \$ 4,187,561.99 and Fund uses of \$4,479,688.92. The Fund cash balance at the end of FY 2025 was \$ 3,582,916.13. (Please see Appendix 1.) Expense detail for 2021-2025 can be found in Appendix 2.

A. Operation of Office of Pesticide Services (OPS)

OPS certifies pesticide applicators, registers pesticide products, issues pesticide business licenses, and educates pesticide users and the public about the benefits and risks of these products. Staff conducts routine inspections and investigates complaints to determine if pesticides have been misused. Staff also carries out public interest programs such as recycling of pesticide containers and disposal of pesticides. Through these activities, OPS protects consumers and the environment while permitting the safe and effective control of pests that adversely affect crops, structures, health, and domestic animals.

During FY 2025, OPS certified 4,400 private applicators, 7,007 commercial applicators, and

10,281 registered technicians to apply pesticides in the Commonwealth. OPS also licensed 2,584 pesticide businesses and registered 15,389 pesticide products. Field staff conducted 2,245 routine inspections and related activities and initiated 149 investigations, including complaints, incidents, accidents, and related activities, at 1,897 individual sites throughout Virginia. The registration status of pesticides as part of use inspection and investigation activities was verified. Please see Appendix 3 for an organizational chart and staffing as of July 2025. Appendix 3 also indicates the positions that were vacant at year-end closing.

B. Training and Testing Programs

OPS continues to work with its Virginia Cooperative Extension (VCE) partners to provide pesticide applicators with up-to-date training materials and exams. Specific documents undergoing review and revision include four exams based upon the *Virginia Core* manual.

Costs related to applicator training, manuals, exams, and certification as well as continuing education and outreach programs were as follows:

<u>Virginia Cooperative Extension</u>	
Applicator Training, Manuals/Exams and Certification	\$ 310,185.34

Several options are available for testing prospective pesticide applicators. Certification exams can be taken in person (i) through the use of SecuriTest, which is offered at more than 70 Department of Motor Vehicles (DMV) customer service centers throughout the Commonwealth, (ii) by proctored exams at VCE offices, or (iii) by appointment with OPS staff. In addition, applicants can take the certification exams utilizing the online option provided by Everblue. During FY 2025, DMV administered 2,158 exams through SecuriTest and 663 prospective applicators utilized the remote testing option. A total of 7,168 exams were given at all sites, resulting in the issuance of 4,883 new certifications across all pesticide applicator categories.

VDACS renewed the pesticide safety education agreement contract with Telamon to provide worker and handler training to growers throughout the state. This training is provided free of charge to agricultural employers and is available in English, Spanish, and Haitian Creole. During FY 2025, Telamon trained 693 workers at 44 training sessions at a cost of \$26,857.56.

C. Environmental Stewardship Programs

Since its inception, the Pesticide Collection Program has collected approximately 1.8 million pounds of unwanted, expired, or discontinued pesticides. The program provides an environmentally conscientious option for agricultural producers, pesticide dealers, pest control firms, homeowners, and golf course operators to dispose of unwanted pesticides at no cost to them. For FY 2025, the Pesticide Collection Program collected 73,080 pounds of unwanted pesticides.

Since its inception in 1993, the Plastic Pesticide Container Recycling Program has collected more than 2.6 million pounds of containers. The program is available to any pesticide applicator or dealer in Virginia and is part of a nationwide effort by chemical manufacturers to reduce the waste generated by the disposal of plastic pesticide containers. For FY 2025, the Pesticide

Plastic Container Recycling Program collected 64,595 pounds of pesticide containers statewide.

Costs related to environmental stewardship programs were as follows:

Pesticide Disposal	\$	98,765.20
Container Recycling	\$	19,658.50
Total	\$	118,423.70

D. Fund Cash Balance

Obligations paid from the Fund during FY 25 include (i) OPS operating expenses, (ii) education and outreach programs, and (iii) the Pesticide Collection and the Plastic Pesticide Container Recycling programs.

The Fund’s year-end cash balance for the past five years:

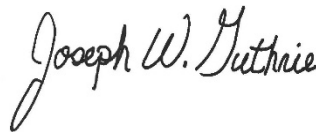
Fiscal Year	Ending Balance
2021	\$2,868,696
2022	\$3,310,412
2023	\$4,337,667
2024	\$3,875,043
2025	\$3,582,916

It is anticipated that information technology maintenance costs for the online application system will impact the ending balance for FY 2026. The year-end balance for FY 2026 is estimated to be \$ 3.43 million.

VI. CONCLUSION

The agency is committed to the fair and sensible regulation of pesticides in Virginia as well as activities that are consistent with the provisions of the Pesticide Control Act. I trust that our commitment is evident by the breadth and scope of the activities listed in this report. Please let me know if you have any questions or need additional information. As always, your input is most welcome and appreciated.

Sincerely,



Joseph W. Guthrie
Commissioner

cc: The Honorable Matthew Lohr, Secretary of Agriculture and Forestry
Travis Rickman, Deputy Secretary of Agriculture and Forestry

Appendix 1

Pesticide Control Fund – FY 2025	
Fund Balance – June 30, 2024	\$ 3,875,043.06
SOURCES	
Pesticide product registrations	\$ 3,326,545.00
Commercial applicator certification	\$ 101,985.00
Pesticide business licenses	\$ 223,885.00
Registered technician certification	\$ 166,628.44
Late fees, interest, misc.	\$ 318,107.43
Civil penalties	\$ 50,411.12
Total Sources	\$ 4,187,561.99
USES	
Personnel services	\$ 1,950,910.57
Contractual services	\$ 1,504,740.08
Supplies and materials	\$ 32,813.88
Transfer payments (includes grant payments)	\$ 318,170.02
Continuous charges	\$ 109,207.44
Equipment	\$ 31,371.93
Agency administrative expenses	\$ 532,475.00
Total Uses	\$ 4,479,688.92
Fund Balance – June 30, 2025	\$ 3,582,916.13

Appendix 2

**Pesticide Control Fund
FY 2021 - 2025**

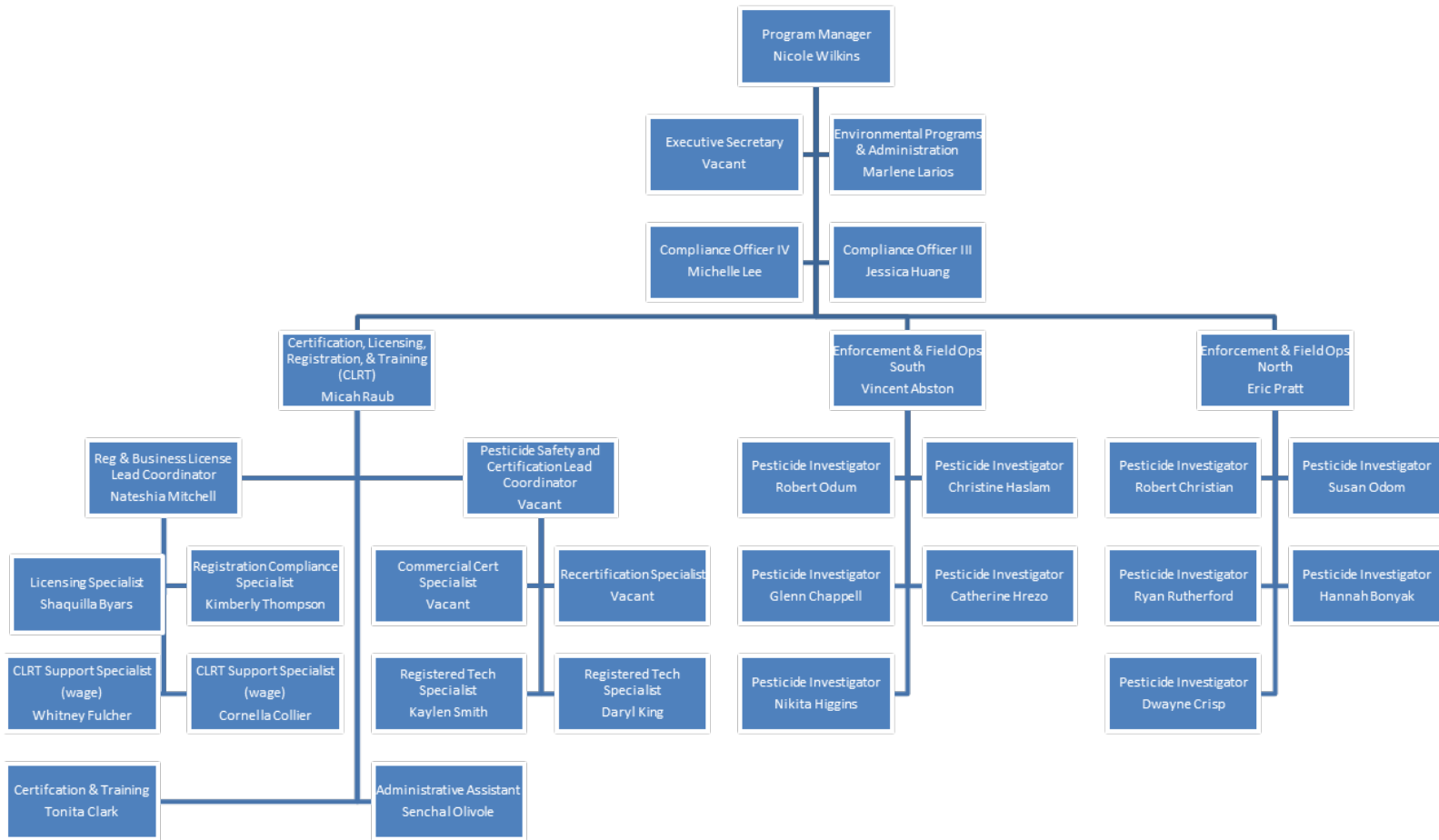
Expenditure Category	2021	2022	2023	2024	2025
Projects*	\$401,627.97	\$360,606.56	\$474,723.60	\$709,557.44	\$455,466.60
Salaries	\$1,103,705.65	\$1,112,168.11	\$1,142,280.43	\$1,400,809.47	\$1,370,847.48
Fringe Benefits	\$505,810.55	\$491,372.50	\$457,786.09	\$557,229.07	\$580,063.09
Administrative Overhead	\$591,002	\$581,552.00	\$546,560.00	\$554,668.00	\$532,475.00
Information Technology	\$585,538	\$1,178,310.93	\$184,932.67	\$854,627.83	\$934,047.32
Laboratory Services	\$87,843.93	\$140,185.21	\$152,237.67	\$200,761.54	\$292,644.59
Rent	\$91,127.81	\$91,071.76	\$89,518.68	\$89,708.32	\$105,467.64
Equipment	\$110,186.20	\$24,603.25	\$12,193.66	\$270,909.36	\$31,371.93
Supplies	\$30,651.92	\$35,336.65	\$39,068.17	\$30,625.56	\$32,813.88
Travel	\$1,790.85	\$2,515.14	\$9,079.34	\$23,108.10	\$5,480.28
Testing Services (DMV)	\$6,020	\$19,662.00	\$18,660.00	\$23,110.00	\$17,915.00
Other**	\$141,949	\$109,465.00	\$131,747.78	\$125,120.52	\$121,096.11
Revenue	\$4,609,809.34	\$4,588,565.73	\$4,286,043.38	\$4,377,610.80	\$4,187,561.99
June 30 Cash Balance	\$2,868,695.69	3,310,412.18	\$4,337,667.47	\$3,875,043.06	\$3,582,916.13

***Projects” includes expenditures for Applicator Training, Manuals/Exams and Certification (VCE); Pesticide Safety Education (Telamon) and pesticide disposal and container recycling.**

**** "Other" includes expenditures for postage, printing, telecommunications, public information, legal and media services, vehicle repair, temporary employee wages, workers compensation, unemployment compensation, liability and tort insurance, employee training, and various operating expenses.**

Appendix 3

VDACS - Division of Consumer Protection
Office of Pesticide Services



**BOARD OF AGRICULTURE AND CONSUMER SERVICES
Future Meeting Dates**

MARK YOUR CALENDARS

Thursday, March 26, 2026

Patrick Henry Building
East Reading Room
1111 E. Broad St.
Richmond, VA 23219

Thursday, May 21, 2026

Patrick Henry Building
East Reading Room
1111 E. Broad St.
Richmond, VA 23219

Summer, 2026

TBD

Thursday, December 10, 2026

Patrick Henry Building
East Reading Room
1111 E. Broad St.
Richmond, VA 23219