



Economic Impact Analysis Virginia Department of Planning and Budget

2 VAC 5-685 – Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act
Department of Agriculture and Consumer Services
July 6, 2013

Summary of the Proposed Amendments to Regulation

This Board of Agriculture and Consumer Services (Board) proposes to remove from Section 70 of 2 VAC 5-685, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act, the requirement of concurrent certification in the agricultural plant pest control category for the subcategories of (1) fumigation of soil and agricultural products, and (2) chemigation.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Department of Agriculture and Consumer Services (Department) oversees the testing of individuals who desire to become commercial pesticide applicators. The Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act establish the categories and subcategories in which a commercial pesticide applicator may be certified.

Certification in two subcategories, (1) fumigation of soil and agricultural products and (2) chemigation, currently requires concurrent certification in the agricultural plant pest control category. This requirement was necessary when each of these subcategories did not have its own separate manual and exam. Now that a manual and exam for both the fumigation of soil and agricultural products subcategory and the chemigation subcategory have been developed, concurrent certification in the agricultural plant pest control category is no longer necessary.

Therefore the Board proposes to no longer require concurrent certification in the agricultural plant pest control category for certification in the aforementioned two subcategories.

The proposed change will potentially save both time and fees for individuals desiring certification in fumigation or chemigation, but not agricultural plant pest control. The applicants will no longer have to spend the time necessary for studying and taking the agricultural plant pest control exam, nor wait for the Department to process the application. The Department estimates that the proposed repeal of the concurrent certification will save applicants anywhere from two to four weeks from the removal of studying, exam taking, and application processing associated with the agricultural plant pest control certification.

To become a commercial applicator, an individual must first pass a core examination that deals with general principles of pesticide safety and knowledge of appropriate federal and state laws and regulations, and then demonstrate competency in a particular type of pest control by passing the appropriate category examination(s). The certification fee allows applicators to take not only the core exam but also exams in as many other categories as they wish to during a given testing session. If an applicant wishes to certify in an additional category later on, he/she would pay a separate fee. By removing the requirement for concurrent certification, applicators would have fewer exams to take, thus making it more likely that they would complete those exams during one testing session, thereby reducing the fees they pay. The certification fee for the first testing session is \$70. The fee per additional testing session, if needed, is \$35.

Businesses and Entities Affected

Currently, 74 applicators are certified in the fumigation subcategory and 35 applicators are certified in the chemigation subcategory. Approximately 32 businesses will be affected by this regulatory action.¹ The Department estimates that all of the 32 firms are small businesses.

Localities Particularly Affected

The proposed repeal of these regulations does not particularly affect specific localities.

Projected Impact on Employment

The proposed repeal of the concurrent certification in agricultural plant pest control requirement will significantly reduce the time necessary to become certified in fumigation or

chemigation. This may increase the supply of available workers, particularly for temporary jobs. This may in practice result in a small increase in the total number of individuals employed in fumigation or chemigation.

Effects on the Use and Value of Private Property

The proposed repeal of the concurrent certification in agricultural plant pest control requirement will save time and in some cases fees for individuals desiring certification in fumigation or chemigation,

Small Businesses: Costs and Other Effects

The proposed repeal of the concurrent certification in agricultural plant pest control requirement will save time and in some cases fees for employees of small firms that provide fumigation or chemigation services.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and

¹ Estimate provided by the Virginia Department of Agriculture and Consumer Services

estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.