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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	2 VAC 5-670
<b>Regulation title(s)</b>	Rules and Regulations for Enforcement of the Virginia Pesticide Law
<b>Action title</b>	Amendments to language to clarify current requirements and program practices and address federal requirements
<b>Date this document prepared</b>	March 25, 2016 (revised on September 15, 2016, to include periodic review report of findings and to replace reference to FIFRA with reference to CFR in description of 2VAC5-670-130 B in Detail of Changes section)

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Agriculture and Consumer Services is authorized to adopt regulations governing the enforcement of the Virginia Pesticide Control Act, including the registration of pesticides for manufacture, distribution, sale, storage, or use. The proposed action seeks to update the regulation and align it with current agency practices and federal requirements by (i) changing the title and format to be consistent with other pesticide-related regulations; (ii) amending the language of the regulation to reflect the current agency policy regarding requirements for

submission of pesticide labels; (iii) clarifying the registration requirements involving mixtures of pesticides and fertilizers, animal feed, animal remedies, or other pesticides; (iv) amending language to align the regulation with federal requirements; (v) adding definitions to align the regulation with federal definitions and encourage compliance; (vi) amending language to more closely align the regulation with the Virginia Pesticide Control Act; (vii) removing duplicative registration requirements; (viii) amending and clarifying regulatory label requirements to more closely align with federal requirements and minimize confusion; (ix) amending ingredient statement requirements for consistency throughout the regulation; and (x) clarifying warning or caution statements to more closely align with federal requirements and minimize confusion.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.*

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“40 CFR” means Title 40 of the Code of Federal Regulations.

“Board” means the Board of Agriculture and Consumer Services.

“EPA” means the United States Environmental Protection Agency or any program thereof.

“FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 *et seq.*).

“VDACS” or “the agency” means the Virginia Department of Agriculture and Consumer Services.

“Virginia Pesticide Control Act” or “Act” means Chapter 39 of Title 3.2 of the Code of Virginia (Va. Code § 3.2-3900 *et seq.*).

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.*

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Section 3.2-109 of the Code of Virginia (Code) establishes the Board of Agriculture and Consumer Services (Board) as a policy board with the authority to adopt regulations in accordance with the provisions of Title 3.2 of the Code.

Section 3.2-3906(2) of the Code authorizes the Board to adopt regulations governing the enforcement of the Virginia Pesticide Control Act, including the registration of pesticides for manufacture, distribution, sale, storage, or use.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The content of 2 VAC 5-670, Rules and Regulations for Enforcement of the Virginia Pesticide Law, was transferred from the now repealed 2 VAC 20-20 in October 2012, when the former Pesticide Control Board was abolished and its duties were transferred to the Board of Agriculture and Consumer Services. The content of the current regulation has not been substantively amended since approximately 1991. Because of the inherent safety considerations associated with pesticides, it is imperative that the requirements for pesticide registration, distribution, sale, storage, and use are clear and unambiguous. The proposed amendments are intended to improve the clarity of the regulations and further promote compliance.

The pesticide industry in the U.S. is highly regulated and is aware that regulations undergo regular reviews and are updated as necessary to align the regulations with current federal pesticide laws, agency policies and procedures, and industry standards. The agency does not expect industry to have concerns with the proposed amendments.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.*

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Substantive amendments to the regulations that the agency is considering are as follows:

1. Change the title and format to be consistent with the other regulations authorized by the Virginia Pesticide Control Act. This regulation includes requirements for product registration as well as handling and storage, pesticide disposal, application and equipment, and container labeling. The current name of the regulation is not descriptive of what is actually contained in the regulation.
2. Add the requirement for submission of the final pesticide label, including the Material Safety Data Sheet (MSDS) or the Safety Data Sheet (SDS), along with the application for pesticide regulation. This is VDACS's current policy, and pesticide product registrations are not issued in the absence of these two documents.
3. Amend 2 VAC 5-670-220 B to include custom pesticide-animal feed and animal remedy mixtures.
4. Add specific requirements in 2 VAC 5-670-30 for directions for use. The current requirements state "Directions for use are required for the protection of the public. The public includes not only users of pesticides, but also those who handle them or may be affected by their use, handling, or storage"; however, this section does not include any specific requirements.

### Issues

*Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

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The proposed regulatory action is advantageous to private citizens and businesses, as the amendments clarify and streamline the requirements for pesticide product registration while ensuring continued compliance. The pesticide industry in the U.S. is highly regulated and is aware that regulations undergo regular reviews and are updated as necessary to align the regulations with current federal pesticide laws, agency policies and procedures, and industry standards. These actions do not add any additional requirements more restrictive than federal requirements to individuals or businesses seeking pesticide product registration. There are no known disadvantages to individuals, businesses, or the Commonwealth. The proposed regulatory action will clarify and streamline requirements and will lead to an increase in compliance through better understanding of applicable requirements.

### Requirements more restrictive than federal

*Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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The Rules and Regulations for Enforcement of the Virginia Pesticide Law, amended to be Regulations Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide Control Act, conforms to and is no more restrictive than applicable federal requirements. The proposed amendments reflect the specific needs of the regulated industry and pesticide regulatory program in Virginia and do not add any additional requirements to the existing regulation that would make it more restrictive than federal requirements.

### Localities particularly affected

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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No locality will be particularly affected by the proposed amendments.

### Public participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

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In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping, and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to:

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 Policy Analyst, Division of Consumer Protection  
 Virginia Department of Agriculture and Consumer Services  
 P.O. Box 1163, Richmond, VA 23218  
 Phone: (804) 786-1908  
 Fax: (804) 255-2666  
 Email: [laura.hare@vdacs.virginia.gov](mailto:laura.hare@vdacs.virginia.gov)

Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including:</b>  <b>a) fund source / fund detail; and</b>  <b>b) a delineation of one-time versus on-going expenditures</b></p>	<p>The cost of implementation is expected to be minimal. The proposed amendments seek to improve the clarity of existing requirements and remove any duplicative requirements. The proposed amendments to the regulation would not require extensive outreach to the regulated industry or changes to the agency's current processes. Any one-time or ongoing costs would be paid from pesticide fees that are collected pursuant to the Virginia Pesticide Control Act and used by the agency solely for carrying out the purposes of the Act</p>
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	(non-general funds).
<b>Projected cost of the new regulations or changes to existing regulations on localities.</b>	There is no cost associated with the proposed amendments to the regulation on localities. The proposed amendments seek to improve the clarity of existing requirements and remove any duplicative requirements.
<b>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</b>	Approximately 3,000 licensed pesticide businesses operating within in the Commonwealth in addition to the approximately 600 pesticide registrants who register their pesticides for use in Virginia will be affected by the proposed amendments.
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are approximately 3,000 licensed pesticide businesses in Virginia. It is estimated that the vast majority of the licensed businesses would be considered small businesses. There are approximately 600 pesticide registrants that register their products for use in Virginia. The number of registrants that would be considered a small business is unknown.
<b>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including:</b> a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	The projected costs associated with the proposed amendments on individuals, businesses, or other entities are minimal. The proposed amendments seek to improve the clarity of existing requirements and remove any duplicative requirements. It is anticipated that the majority of the approximately 3,000 licensed businesses and 22,750 certified applicators already have processes and funds in place to ensure that they comply with the current and amended regulations. The pesticide industry in the U.S. is highly regulated and is aware that regulations undergo regular reviews and are updated as necessary to align the regulations with current federal pesticide laws, agency policies and procedures, and industry standards.
<b>Beneficial impact the regulation is designed to produce.</b>	The proposed action is intended to improve the clarity of the regulations and further promote compliance. Given the inherent safety consideration associated with pesticides, it is imperative that the requirements for pesticide businesses that manufacture, sell, store, recommend for use, mix, or apply pesticides are clear and unambiguous. In addition, the proposed action will ensure that the regulations are

	aligned with current federal pesticide laws, agency policies and procedures, and industry standards.
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## Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

No alternatives to the proposed regulatory action that would meet the essential purpose of the action are available. In addition, no less intrusive or less costly alternatives exist for small businesses to achieve the purpose of the regulation. The establishment of less stringent requirements may lead to unsafe pesticide applications.

## Regulatory flexibility analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

Pesticides are used for the control of pests that adversely affect crops, structures, human health, and domestic animals. Pesticides have inherent risks because they are designed to prevent, destroy, repel, or mitigate pests. Exemption from existing requirements or establishment of less stringent requirements may lead to unsafe pesticide applications. Thus, the use of pesticides is highly regulated at the federal and state level. The proposed amendments reflect the specific needs of the regulated industry and pesticide regulatory program in Virginia and do not add any additional requirements to the existing regulation. Additionally, the proposed amendments seek to update the regulation, align it with current agency practices and federal requirements, and improve the clarity of the regulations to further promote compliance.

## Periodic review and small business impact review report of findings

*If you are using this form to report the result of a periodic review/small business impact review that was announced during the NOIRA stage, please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to*

*which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

This regulation is necessary for the protection of public health, safety, and welfare and is clearly written and easily understood. The agency has determined that this regulation is necessary because of the inherent safety considerations associated with pesticides. The agency has determined that, because of these safety considerations, the requirements for pesticide registration, distribution, sale, storage, and use should be as clear and unambiguous as possible. The agency did not receive any comments on this regulation during the periodic review public comment period that ran from August 11, 2014, through September 1, 2014.

The regulation conforms to and is no more restrictive than applicable federal requirements. The proposed amendments reflect the specific needs of the regulated industry and pesticide regulatory program in Virginia and do not add any additional requirements to the existing regulation that would make it more restrictive than federal requirements.

The content of 2 VAC 5-670, Rules and Regulations for Enforcement of the Virginia Pesticide Law, was transferred from the now repealed 2 VAC 20-20 in October 2012, when the former Pesticide Control Board was abolished and its duties were transferred to the Board of Agriculture and Consumer Services. The content of the current regulation has not been substantively amended since approximately 1991 and, as such, the agency has determined that the proposed amendments are necessary to improve the clarity of the regulations and further promote compliance.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Tony Banks, Assistant Director, Commodity/Marketing Department, Virginia Farm Bureau	Expressed concern regarding lack of detail provided by NOIRA.  Questioned how pesticide-animal feed mixture labeling is currently regulated.  Expressed support for changes that do not duplicate current state or federal laws governing pesticide, animal feed, and animal pharmaceutical labeling or require additional labeling for any products or compounds that could have multiple uses and registrations.	The proposed amendments seek to provide clarity as to pesticide mixture labeling. These amendments are not intended to be duplicative or more restrictive than current state or federal laws.  The proposed amendments to Subsection C of Section 220 do address "pesticide- animal feed" mixtures.  The amendments proposed in the TH-01 (NOIRA) concerning changes to Section 150 regarding prevention of unauthorized access to pesticides are not included in the proposed amendments. The agency does not

	<p>Recommended that proposed changes include comparable requirements for pesticide-animal feed mixtures.</p> <p>Recommended that changes to Subsection C of Section 220 reflect pesticide-animal feed considerations.</p> <p>Recommended that changes to Section 30 should be no more restrictive than federal labeling requirements, except when there is a special use or emergency label approved by the Board of Agriculture and Consumer Services.</p> <p>Questioned the intent of changes to Section 150 regarding prevention of unauthorized access to pesticides.</p> <p>Recommended that changes to Section 150 should provide protection, in cases of illegal breach, for those who secure, to the best of their ability, pesticides from unauthorized access.</p> <p>Recommended that changes to Section 150 not create any undue burden on farmers in transporting pesticides or any undue burden for pesticide retailers in their transport, storage, or other needs to comply with restricting pesticide access.</p> <p>Recommended that changes should be no more restrictive than specific label requirements for storage and current federal regulation.</p>	<p>plan to propose these changes at this time.</p>
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### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The proposed amendments to this regulation will have no direct impact on the institution of the family or family stability.

### Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below.*

For changes to existing regulation(s), please use the following chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
Title	N/A	Currently, the title of the regulation is “Rules and Regulations for Enforcement of the Virginia Pesticide Law”.	The current title of the regulation is not descriptive of what is actually contained in the regulation. The proposed title is “Regulations Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide Control Act”. This regulation includes requirements for product registration as well as handling and storage, pesticide disposal, application and equipment, and container labeling. The new title better reflects the chapter’s purpose. The title of the statute that provides the authority for this regulation, § 3.2-3900. <i>et seq.</i> , was updated in 2008.
10	N/A	Currently, the word “vise” is being utilized in the phrase “vice versa”,	The word “vise”, in this situation, is being used incorrectly and should be replaced with “vice”.

		meaning “conversely”. The phrase currently reads “vise versa”.	
10	N/A	N/A	The definition of “custom mixture” was taken from 2 VAC 5-690, Regulations for Pesticide Containers and Containment under Authority of the Virginia Pesticide Control Act. This definition has been added in order to provide clarity for registrants.
10	N/A	N/A	The definition of “department” was taken from other agency regulations for consistency. This definition has been proposed in order to provide clarity for registrants and to align the regulation with federal requirements.
10	N/A	N/A	The definitions of “distributor”, “EPA”, “FIFRA”, and “minimum risk pesticide” were derived from 40 CFR Section 152.132. These definitions have been proposed in order to provide clarity for registrants.
10	N/A	N/A	The definition of “producer” was derived from the EPA’s definition. This definition has been proposed in order to provide clarity for registrants.
10	N/A	N/A	The definition of “temporary storage” was created through consultation with other states and examination of their laws and regulations. This definition has been proposed in order to provide clarity for registrants.
30 A	N/A	Currently, the regulation states that the name and address of the manufacturer shall appear on the pesticide label.	The word “manufacturer” has been replaced with “producer, registrant, or person for whom the product was produced.” These words have been proposed in order to make this regulation’s label requirements consistent with those stated in the EPA’s Label Review Manual in order to align the regulation with federal requirements.
30 D	N/A	Currently, the regulation states that directions for use are required for the protection of the public and the public includes not only users of pesticides but also those who handle them or may be affected by their	The statement denoting that “the public includes not only users of pesticides, but also those who handle them or may be affected by their use, handling, or storage” has been stricken. This statement has been deemed unnecessary as it is vague and does not provide the necessary

		use, handling, or storage.	clarity.
30 D	30 E	Currently, exceptions to retail container requirements are listed in Subsection D.	The exceptions are no longer listed in Subsection D and are now listed in the new Subsection E. This reorganization was necessary in order to provide clarity for registrants.
30 D		N/A	This specification of directions for use of a pesticide was made to Subsection D. These specifications were derived from 40 CFR Section 156.10. The goal of the proposed language is to align the regulation with federal requirements. These specifications have also been proposed in order to provide clarity for registrants.
30 D	30 E	Currently, the regulation discusses pesticides that are sold to distributors.	The word “distributors” has been changed to the word “producer.” The word “producer” is more accurate than the word “distributors.” In addition, this term is utilized by the EPA and pesticide industry.
40 A	N/A	Currently, it is not specified where an ingredient list shall appear on a pesticide label.	The words “the front of the label” have been proposed in order to make this part of regulation consistent with Section 60 of this chapter. This proposed change was necessary in order to provide clarity for registrants.
40 A	N/A	Currently, the regulation states that ingredient statements shall be in larger type than surrounding words on the label.	The word “type” has been stricken and “font” has been proposed in its place. “Font” is more commonly used to describe type and size of typography. This proposed change was necessary in order to provide clarity for registrants.
40 C	N/A	N/A	This proposed statement regarding “Plant Incorporated Protectants” was added to Subsection C and is derived from the EPA’s discussion of the topic. The statement has been added because such protectants do not have labels with traditional ingredients statements and the agency must have the ability to register them because the EPA registers them. The goal of the proposed amended language is to align the regulation with federal requirements. Additionally, this proposed change was necessary in order to provide clarity for registrants.

40 D	N/A	Currently, the regulation states that the term "inert ingredient" shall appear in the same size type.	The word "type" has been stricken and "font" has been proposed in its place. "Font" is more commonly used to describe type and size of typography. This proposed change was necessary in order to provide clarity for registrants.
50 A, 50 C	N/A	Currently, the word "which" is being used in this section.	The word "which" has been stricken and "that" has been proposed in its place. "Which" is being used incorrectly, and the use of "that" is grammatically correct.
50 C	N/A	Currently, the terms "LD50" and "LC50" are described in the subsection without proper wording or punctuation.	The proposed changes to wording and punctuation have been added to the regulation in order to correct the grammatical mistakes. The wording and punctuation changes were necessary in order to provide clarity for registrants.
60 A, 60 B	N/A	Currently, the catchline for this section is "Warning or caution statement." Also, signal words are described.	The current wording regarding "warning or caution statements" has been stricken and "precautionary statements" has been proposed in its place. References to "signal words" have also been stricken. "Precautionary statements" more accurately describes the type of statements that are necessary for the protection of the public. "Signal words" are not required for all pesticide labels, as prescribed in FIFRA. The goal of the proposed amended language is to align the regulation with federal requirements. These proposed changes were necessary in order to provide clarity for registrants.
60 C, 60 D	N/A	Currently, the regulation states that every pesticide that is highly toxic must have specific caution words on the label. Additionally, the regulation states that caution statements that comply with FIFRA will be considered in compliance with this chapter.	The stricken language in Subsections C and D is identical to the federal registration process for pesticides and is, therefore, duplicative.
70 B	N/A	N/A	The proposed language has been designated Subsection B and describes all products that require

			<p>registration under FIFRA as well as “minimum risk pesticides” as pesticides that are required to be registered in the Commonwealth. Additionally, all products requiring federal registration must have and maintain a valid federal registration to be registered in the Commonwealth. The goal of the proposed language is to align the regulation with federal requirements. The proposed wording was necessary in order to provide clarity for registrants.</p>
70 B	70 C	<p>Currently, Subsection B describes that applications for pesticide registration should be made on a provided form.</p>	<p>The proposed changes describe that applications for registration should be made on a form provided by VDACS. The proposed changes also describe additional materials required to accompany the application. The proposed changes describe the agency’s current policy and that pesticide product registrations are not issued in the absence of these documents. The additional materials required to accompany the application for registration are established by the EPA and considered part of the pesticide’s labeling.</p> <p>These changes will allow for the use of alternative forms, including electronic forms, as long as they are provided by VDACS. The goal of the proposed amended language is to align the regulation with federal requirements. The proposed wording was necessary in order to provide clarity for registrants.</p>
70 C, 70 D, 70 E, & 70 F	70 D, 70 E, 70 F, & 70 G	<p>Currently, the Subsections are lettered C, D, E, and F.</p>	<p>The proposed language changes preceding these subsections require the relettering of each of these sections.</p>
80 A	N/A	<p>Currently, Section 130 is cited as “2VAC5-670-130 of this chapter.”</p>	<p>The proposed change seeks to correct the reference to Section 130 by proposing the correct citation, “2VAC5-670-130.”</p>
130	N/A		<p>The proposed changes seek to re-letter the section and make the section grammatically correct. The proposed wording was necessary in</p>

			order to provide further clarity for registrants.
N/A	130 B		The proposed language describes the products exempt from the requirements of this chapter. These exempt products are described in 40 CFR Part 152 and have been included in order to align the regulation with federal requirements. The proposed wording was necessary in order to provide clarity for registrants.
150	N/A	Currently, the word “which” is being used in this section.	The word “which” has been stricken and “that” has been proposed in its place. “Which” is being used incorrectly, and the use of “that” is grammatically correct.
160	N/A	Currently, the word “which” is being used in this section, and there is no mention of responsibility for disposal.	The word “which” has been stricken, and “that” has been proposed in its place. These changes were proposed in order to make the section grammatically correct. Additionally, new language has been proposed in order to make clear that the end user of a pesticide is responsible for its proper disposal.
180	N/A	Currently, the word “which” is being used in this section.	The word “which” has been stricken and “that” has been proposed in its place. “Which” is being used incorrectly, and the use of “that” is grammatically correct.
220 A	N/A	Currently, general sale of mixtures is described without respect to the type of mixtures of pesticides with fertilizers or with other pesticides. Additionally, references to the Virginia Fertilizer Law, Commercial Feed Law, and Animal Remedies Law are made.	The proposed changes include additional detail regarding the sale of mixtures, including a list of the types of mixtures commonly found: pesticide-fertilizer, pesticide-pesticide, pesticide-animal feed, and pesticide-animal remedy mixtures. These changes seek to provide further clarity for registrants and correctly reference all related laws regarding the mixtures outlined in the proposed language.
220 B	N/A	Currently, custom mixtures may be created without label registration when pesticide products within the mixture are registered and when such mixtures are not prohibited.	The proposed changes add the potential for all mixtures to be exempt from registration when pesticide products within the mixture are registered and when such mixtures are not prohibited. The proposed changes provide clarity for those companies seeking registration for their products regarding the current

			exemption for custom mixtures containing registered pesticide products when such mixtures are not otherwise prohibited.
220 C	N/A	Currently, parentheses are being used to make several words in this section plural. Additionally, "proper, safe use, and disposal of the mixture" is referenced.	The proposed wording and punctuation has been added to the regulation in order to correct the grammatical mistakes. The wording and punctuation changes were necessary in order to provide clarity for registrants.