

Virginia Department of Agriculture and Consumer Services
Pesticide Fee Regulatory Advisory Panel

Draft Minutes
Thursday, July 1, 2021

The meeting of the Pesticide Fee Regulatory Advisory Panel convened at approximately 9:00 a.m. on Thursday, July 1, 2021. The meeting was held at the Oliver Hill Building located at 102 Governor Street, Richmond, Virginia.

Larry Nichols, Director of Consumer Protection for the Virginia Department of Agriculture and Consumer Services (VDACS), called the meeting to order. VDACS Commissioner Copenhaver welcomed the workgroup members to the meeting. All participants attending the meeting introduced themselves.

Regulatory Advisory Panel Members Present:

Neil Houff - Board of Agriculture & Consumer Services
Laurie Coulter - Virginia Crop Production Association
Shelley Barlow - Board of Agriculture & Consumer Services
Kevin Kordek - Virginia Pest Management Association
Tony Banks - Virginia Farm Bureau
Kyle Shreve - Virginia Agribusiness Council
Charles Church - Board of Agriculture & Consumer Services
Kristen Spatz - Responsible Industry for Sound Environment (RISE)

Staff Present:

Brad Copenhaver – Commissioner, VDACS
Charles Green – Deputy Commissioner, VDACS
Kendra Shifflett – Director, Administrative and Financial Services, VDACS
Larry Nichols – Director, Division of Consumer Protection, VDACS
Joel Maddux – Deputy Director, Division of Consumer Protection, VDACS
Liza Trossbach – Program Manager, Office of Pesticide Services, VDACS
Jeffrey Rodgers – Environmental Program Planner, Office of Pesticide Services, VDACS

Larry Nichols provided a presentation on the history of the pesticide fee structure, recommendations from the previous pesticide fee workgroup, and actions related to pesticide fees taken by the Board of Agriculture and Consumer Services. He also provided an update on current and projected budget data for the Pesticide Control Fund, including expenditures, revenue, and pesticide program cash balance.

The Regulatory Advisory Panel discussed various options related to changing the existing fee structure, with a goal of reducing fees while maintaining an adequate cash balance, ensuring that the cash balance did not increase beyond \$3 million, and ensuring that the Office of Pesticide Services (OPS) had the necessary resources to meet possible increasing expenditures. The workgroup discussed expenditure increases and that a projected 2% annual increase in expenditures may be low, and it may be closer to 3.5%.

The suggestion was made to eliminate application and renewal fees for commercial applicators and registered technicians while keeping the fee for product registration and pesticide business licenses unchanged. However there was concern that eliminating the fee for commercial applicators and registered technicians could lead to an influx of new applicants, resulting in an increase in Office of

Pesticide Services (OPS) processing time. The suggestion was made to keep fees unchanged for new applicants at \$100 for commercial applicators and \$50 for registered technicians, but eliminate the fees for renewal of these certifications. Concern was raised by workgroup members regarding the processing time for new applicants, however the processing time may be reduced when the agency's new online system is completed. Members of the Regulatory Advisory Panel also discussed the feasibility of eliminating the renewal application, if the renewal fee is eliminated.

Kyle Shreve made a motion that the Pesticide Fee Regulatory Advisory Panel recommend to the Board of Agriculture and Consumer Services that (i) fees for pesticide product registration and pesticide business licenses remain unchanged at \$225 and \$150 respectively, (ii) fees for new commercial applicator certifications and new registered technician certifications remain unchanged at \$100 and \$50 respectively, and (iii) the renewal fee for commercial applicator certifications and registered technician certifications be eliminated. The motion was seconded by Neil Houff and passed by a unanimous vote.

Public Comment

Andrea Coron, Executive Director, Virginia Pest Management Association, reiterated their full support for OPS. Ms Coron also commented that eliminating the renewal fees for commercial applicators and registered technicians now, will likely make it difficult to add these fees back in the future, should it be necessary.

Next Meeting

Kyle Shreve made a motion that the Regulatory Advisory Panel recommend to the Board of Agriculture and Consumer Services that the workgroup reconvene two years from the implementation date of the new recommended fee structure in order to review the Pesticide Control Fund budget and the impact of the fee changes. The motion was seconded by Tony Banks and passed by unanimous vote.