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## Periodic Review and Small Business Impact Review Report of Findings

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|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Agency name</b>                                            | Board of Agriculture and Consumer Services                                                                              |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 2 VAC 5-680                                                                                                             |
| <b>VAC Chapter title(s)</b>                                   | Regulations Governing Licensing of Pesticide Businesses Operating under Authority of the Virginia Pesticide Control Act |
| <b>Date this document prepared</b>                            | May 1, 2026                                                                                                             |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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

"VDACS" 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

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the*

*promulgating agency to regulate this specific subject or program, as well as a reference to the agency'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 of the Code authorizes the Board to adopt regulations, including the licensing of businesses that manufacture, sell, store, recommend for use, mix, or apply pesticides.

### Alternatives to Regulation

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

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The agency has determined that no viable alternatives exist for achieving the purpose of 2 VAC 5 680, Regulations Governing Licensing of Pesticide Businesses Operating under Authority of the Virginia Pesticide Control Act.

The regulation establishes the licensing requirements for businesses that manufacturer, sell, store, recommend for use, mix, or apply pesticides in the Commonwealth. Licensed pesticide businesses are required to demonstrate knowledge of (i) pesticide laws and regulations, (ii) hazards of pesticides to humans and the environment, and (iii) the safe distribution, use, and disposal of pesticides. Licensed pesticide businesses must also meet certain requirements related to the sale of restricted-use pesticides and keep records of the sale of restricted-use pesticides and pesticide applications. Given the inherent safety considerations associated with the application of pesticides, it is imperative that the requirements established in the regulation are met by businesses. This regulation is the least burdensome alternative to establish these requirements and ensure that they are clear and unambiguous.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The agency did not receive any comments during the public comment period following the publication of the Notice of Periodic Review on October 20, 2025. An informal advisory group was not formed for the purpose of assisting in the periodic review.

### Effectiveness

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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The regulation is necessary for the protection of public health, safety, and welfare. Pesticides are used for the control of pests that adversely affect crops, structures, human health, and domestic animals. Given the risk associated with the application of pesticides to both human health and the environment, the use of pesticides is highly regulated at the federal and state level. VDACS's pesticide programs protect human health and the environment by ensuring the proper use of pesticides. These programs include the certification of pesticide applicators, the licensing of pesticide businesses, the registration of pesticide products, and inspections and investigations to ensure compliance with all applicable laws and regulations. This regulation sets forth the minimum requirements that must be met by businesses that manufacture, sell, store, recommend for use, mix, or apply pesticides, and is clearly written and easily understood.

### Decision

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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This regulation is included in a pending regulatory action that will align its provisions with pesticide applicator standards established by the U.S. Environmental Protection Agency. The regulatory action is in the proposed stage of the regulatory process. The agency has determined that no additional changes are needed to this regulation at this time.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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The agency has determined that this regulation continues to be necessary as it sets forth minimum requirements for pesticide businesses. The agency has determined that this regulation is not unnecessarily complex and that the complexity of this regulation is not such that it would have an economic impact on small businesses. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. The regulation is part of a current action that is seeking to align some of the provisions with Environmental Protection Agency applicator standards. The regulation poses no known disadvantages to the public, small businesses, or the Commonwealth.

The regulation establishes the licensing requirements for businesses that manufacture, sell, store, recommend for use, mix, or apply pesticides in the Commonwealth. Licensed pesticide businesses are required to demonstrate knowledge of (i) pesticide laws and regulations, (ii) hazards of pesticides to humans and the environment, (iii) the safe distribution, use, and disposal of pesticides, and to employ a certified commercial applicator and maintain liability insurance. Licensed pesticide businesses must also meet certain requirements related to the sale of restricted-use pesticides and keep records of the sale of restricted use pesticides and pesticide applications. Small businesses may experience indirect costs associated with complying with these requirements. Given the inherent safety considerations associated with the application of pesticides, it is imperative that the requirements established in the regulation are met by businesses. There are approximately 3,000 licensed pesticide businesses.

