BOARD OF AGRICULTURE AND CONSUMER SERVICES
Electronic meeting held during state of emergency due to novel coronavirus (COVID-19)
Tuesday, July 21, 2020

AGENDA

9 A.M.

1. Call to order

2. Roll call

3. Approval of draft Board meeting minutes from May 21, 2020

4. Board member reports

5. Commissioner's report to Board

6. 2020 Session of the General Assembly – Legislative Report – Kevin Schmidt, Director, Office of Policy, Planning, and Research

7. 2020 Session of the General Assembly – Budget Report – Kendra Shifflett, Director, Administrative and Financial Services

8. Exempt action to adopt amendments necessary to conform to changes in Virginia statutory law – 2 VAC 5-405 (Regulations for the Application of Fertilizer to Nonagricultural Lands) – David Gianino, Program Manager, Office of Plant Industry Services

9. Notice of Intended Regulatory Action – 2 VAC 5-405 (Regulations for the Application of Fertilizer to Nonagricultural Lands) – David Gianino, Program Manager, Office of Plant Industry Services

10. Proposed exempt action to promulgate 2 VAC 5-595 (Regulations Governing the Manufacturing and Sale of Products that Contain Industrial Hemp Extracts Intended for Human Consumption) – Ryan Davis, Program Manager, Office of Dairy and Foods

11. Office of Pesticide Services – Case Decision – Lawn Doctor of Stafford (Case # 66174) – Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services

12. New business

13. Future board meetings

14. Public comment period

15. Adjourn

PUBLIC PARTICIPATION

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https://covaconf.webex.com/covaconf/onstage/g.php?MTID=eee0aff62b5b55bc8ee29f31ca2073b0a
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Should any interruption of the broadcast of this meeting occur, please call 804-363-9201 or email Erin.Williams@vdacs.virginia.gov to notify the agency. Any interruption in the broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

DRAFT MINUTES

Thursday, May 21, 2020

The meeting of the Board of Agriculture and Consumer Services (Board) convened at approximately 9:00 a.m. on Thursday, May 21, 2020. The meeting was held by electronic communications means due to the state of emergency issued by Governor Northam as a result of the novel coronavirus (COVID-19). The meeting was held using Cisco Webex Events. President Barlow called the meeting to order.

ROLL CALL

The Board Secretary called the roll:

PRESENT	**CONGRESSIONAL DISTRICT**
O. Bryan Taliaferro, Jr.	1st
Donald Horsley	2nd
Clifton A. Slade	3rd
Shelley Barlow	4th
Cecil Shell	5th
Margaret Ann Smith	6th
L. Wayne Kirby	7th
Kay Johnson Smith	8th
James S. Huffard, III	9th
John R. Marker	10th
Richard Sellers	11th
Neil Houff	Pesticides – Commercial Agricultural
Kevin J. Kordek	Pesticides – Commercial Structural
Dr. Alan Grant	Representing Dr. Timothy D. Sands, President, Virginia Tech
Dr. M. Ray McKinnie	Representing Dr. Makola Abdullah, President, Virginia State University

STAFF PRESENT

Jewel Bronaugh, Commissioner, Virginia Department of Agriculture and Consumer Services
Kevin Schmidt, Secretary, Board of Agriculture and Consumer Services
Katherine Coates, Virginia Department of Agriculture and Consumer Services

APPROVAL OF MINUTES

Mr. Sellers moved that the draft minutes of the meeting on December 12, 2019, be approved as distributed. Mr. Kordek seconded the motion. The motion was approved by a unanimous roll call vote.

APPROVE: Taliaferro, Horsley, Slade, Barlow, Shell, M. Smith, Kirby, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Kordek, Grant, McKinnie

OPPOSE: None

ELECTION OF OFFICERS

Commissioner Bronaugh opened the floor for nominations for Board President. Mr. Kordek nominated Ms. Barlow for President, and Mr. Sellers seconded the motion. There being no other

nominations, Commissioner Bronaugh closed the nomination and called for a vote on the nominee. The Board elected Ms. Barlow as President by a unanimous roll call vote.

APPROVE: Taliaferro, Horsley, Slade, Barlow, Shell, M. Smith, Kirby, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Kordek, Grant, McKinnie

OPPOSE: None

President Barlow opened the floor for nominations for Vice President. Mr. Horsley nominated Mr. Houff for Vice President, and Mr. Shell seconded the motion. There being no other nominations, Ms. Barlow closed the nomination and called for a vote on the nominee. The Board elected Mr. Houff as Vice President by a unanimous roll call vote.

APPROVE: Taliaferro, Horsley, Slade, Barlow, Shell, M. Smith, Kirby, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Kordek, Grant, McKinnie

OPPOSE: None

President Barlow then called for nominations for Secretary. Mr. Sellers nominated Mr. Schmidt for Secretary, and Mr. Kordek seconded the motion. There being no other nominations, President Barlow closed the nomination and called for a vote on the nominee. The Board elected Mr. Schmidt as Board Secretary by a unanimous roll call vote.

APPROVE: Taliaferro, Horsley, Slade, Barlow, Shell, M. Smith, Kirby, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Kordek, Grant, McKinnie

OPPOSE: None

All three officer positions become effective July 1, 2020, and run through June 30, 2021.

REPORT FROM BOARD MEMBERS
A full recording of Board Member reports can be found at the following link:
http://www.vdacs.virginia.gov/mp3/maybacsrecording.mp4

O. Bryan Taliaferro
Mr. Taliaferro reported on the weather patterns, corn crop, and soybean crop in his district. He reported those in his area are optimistic. They need to get trade going again and make it through the coronavirus. He concluded his report by noting that a state prison facility and nursing facility in Richmond County have been heavily impacted by COVID-19.

Clifton Slade
Mr. Slade reported on the status of the grain, fruit, and vegetable crops in his district. He noted that this is the coldest spring his district has ever seen.

Cecil Shell

Mr. Shell reported on the corn, soybean, tobacco, and hay crops in his district. He stated that the timber harvest was going well and that the status of industrial hemp in his district is uncertain.

Margaret Ann Smith
Ms. Smith reported on the rainfall in her district. She noted a change in the volume at livestock markets and is unsure if it is related to COVID-19 or hay shortages. She reported on the hay, corn, and soybean crops in her district and the impact of the May frost.

L. Wayne Kirby
Mr. Kirby reported on the status of the corn, soybean, vegetable, and small grain crops in his district**.** He shared information about the Virginia Grain Producers Association virtual Small Grains Field Day.

Kay Johnson Smith
Ms. Johnson Smith reported on the virtual Animal Agricultural Alliance's Annual Stakeholder Summit. She provided information on the ways farmers' markets and restaurants in her district are adapting to the COVID-19 restrictions.

James Huffard
Mr. Huffard provided information on the recent weather conditions in his district and reported on the status of the dairy industry in his district. He stated that his bottling business, Duchess Dairy, has been doing very well with increased demand from local stores.

John Marker
Mr. Marker reported on the corn, soybean, fruit, and hay crops in his district and how the crops have been impacted by weather conditions. He stated that cattle prices are not looking good and noted that local slaughter houses are backed up for months due to supply chain issues. Nurseries and farmers' markets have been doing very well. He concluded his report by talking about how COVID-19 has impacted his district related to H2-A workers and closures.

Richard Sellers
Mr. Sellers reported on the impact of COVID-19 on unemployment and the scarcity of certain foods and other impacts on grocery stores in his area. He noted increases in home gardens in his district. He stated that when restrictions are lifted, he would like to have the Commissioner and VDACS staff come to his district to discuss urban agriculture.

Neil Houff
Mr. Houff reported on the weather patterns and corn and soybean crops in his district. He stated there have been some obstacles for the pesticide industry due to the COVID-19 pandemic and the related restrictions.

Kevin Kordek
Mr. Kordek reported on the weather and the impact of COVID-19 in his district and on the pest control industry. This will be his last meeting as a member of the Board, and he concluded his report with remarks and thanks to the Board.

Donald Horsley

Mr. Horsley reported on the weather and soybean and corn crops in his district. He provided information on the impact of COVID-19 on events and poultry processing facilities in his district.

Dr. M. Ray McKinnie
Dr. McKinnie reported that Virginia State University (VSU) is working through several scenarios for its fall semester due to COVID-19 and discussed enrollment. He reported on the virtual programs the College of Agriculture has held to keep the public active and engaged. VSU is beginning to look at a phased re-opening of Randolph Farms, which has been operating on essential operations only status. He also discussed the U.S. Department of Agriculture (USDA) 1890 National Scholars Program.

Dr. Alan Grant
Dr. Grant reported that Virginia Tech (VT) is operating on essential operations only status and classes have been all online since Spring Break. Summer activities will be conducted virtually. VT will make a decision about the fall semester in early June. He stated that VT agricultural programs are continuing to the extent possible, including the animal agriculture programs. He also provided information on the annual events that will be conducted virtually or have been cancelled due to COVID-19.

Shelley Butler Barlow
President Barlow reported on the cotton crop in her district. She stated that commodity prices and businesses are being threatened by COVID-19. She noted that three Virginia farmers were present at the official roll out of the new USDA Coronavirus Food Assistance Program. She commended VDACS, Virginia State, Virginia Tech, and Virginia Cooperative Extension for their flexibility in moving to digital outreach. She provided information on her work with Healthy Suffolk. She concluded her report by discussing the uncertainty of plans for the July meeting of the Board.

COMMISSIONER'S REPORT
Commissioner Bronaugh delivered her report to the Board. During the presentation of this report, she briefed the Board on personnel changes, recent events, and other matters relating to VDACS and the COVID-19 state of emergency. A copy of the written report on which her presentation was based was included in the Board meeting agenda.

PROPOSED FAST-TRACK ACTION TO AMEND 2 VAC 5-585 (RETAIL FOOD ESTABLISHMENT REGULATIONS)
President Barlow called on Ryan Davis, Program Manager, Office of Dairy and Foods. Mr. Davis presented the Board with a brief overview of the proposed fast-track action to amend 2 VAC 5-585.

Following Mr. Davis' presentation, Mr. Sellers moved that the Board of Agriculture and Consumer Services adopt 2 VAC 5-585, Retail Food Establishment Regulations, as presented by staff, and that the Board authorize staff to take any and all steps necessary to amend this regulation through a fast-track regulatory action. Mr. Kirby seconded the motion. The Board voted unanimously to approve the motion.

APPROVE: Taliaferro, Horsley, Slade, Barlow, Shell, M. Smith, Kirby, K. Johnson Smith, Huffard, Marker, Sellers, Houff, Kordek, Grant, McKinnie

OPPOSE: None

NEW BUSINESS

Mr. Kordek expressed his appreciation to the Office of Pesticide Services on behalf of the Virginia Pest Management Association for its support of the Virginia pesticide industry.

Mr. Slade provided an update on his experience growing, harvesting, and attempting to sell his industrial hemp crop.

PUBLIC COMMENT PERIOD
There was no public comment.

FUTURE BOARD MEETINGS
Mr. Schmidt informed the Board that the summer Board meeting will be held on July 21 either electronically or at President Barlow's farm. The December Board meeting will be held either on December 4 or 11 in Richmond.

ADJOURNMENT
There being no further business, the Board adjourned at approximately 10:54 a.m.

Respectfully submitted,

Shelley Barlow Board President	Kevin Schmidt Board Secretary

COMMISSIONER'S REPORT TO
BOARD OF AGRICULTURE AND CONSUMER SERVICES
July 21, 2020

PERSONNEL NEWS

Mike Wallace was selected as the Director of the Office of Communications in June. Mike replaces Elaine Lidholm, who recently retired from the agency. Mike previously served as the Acting Communications Director since March 2020 and as the Assistant Communications Director since August 2018. He has 21 years of related experience with the City of Richmond, Bon Secours, Comcast, and VDACS. Mike has significant experience in communications and media, with demonstrated experience in public relations program management, publications management, and media relations strategies. Mike holds a B.A. in Mass Communications from the University of North Carolina at Pembroke.

In July, Dr. Charlie Broaddus, State Veterinarian returned to the agency following his U.S. Army deployment. His deployment was extended beyond its original estimated end date of April 2020 due to the novel coronavirus (COVID-19) pandemic.

With a wave of retirements and resignations, the Office of Meat and Poultry Services (OMPS) has been fortunate to hire 10 new meat and poultry inspectors since March 2020. OMPS is now very close to filling all vacant positions. The VDACS Human Resource Office has worked diligently with OMPS to obtain approvals, recruit prospective applicants, and complete the hiring process. Due to the COVID-19 pandemic, the onboarding approach for these new inspectors had to be conducted differently. OMPS redesigned its training program to allow for appropriate social distancing while still providing opportunities for new employees to become proficient in their job duties. Regardless of the work conditions, the new employees have proved to be enthusiastic about their roles and look forward to learning all they can.

COVID-19 RESPONSE

Virginia continues to operate under the state of emergency established on March 12 by Governor Northam's Executive Order (EO) 51 due to COVID-19. As a result of EO 51, the State Coordinator of Emergency Management directed the activation of the Virginia Emergency Operations Center and the Emergency Support Teams to coordinate the provision of assistance to state, local, and tribal governments and to facilitate emergency services assignments throughout the Commonwealth. VDACS continues to provide services for Emergency Support Function 11 (ESF-11) Agriculture and Natural Resources. ESF-11 was fully activated on March 16 with the engagement of multiple VDACS divisions and offices.

From March 30 through June 25, VDACS's Office of Food Distribution (OFD) operated a U.S. Department of Agriculture (USDA) Disaster Household Feeding Program at all seven Federation of Virginia food banks. The program distributed emergency food to families in need during the coronavirus pandemic. On March 27, USDA granted OFD initial approval to conduct a disaster household distribution program from March 28 through April 26. In April and May, Virginia received

two extensions to continue the program, with the last extension expiring on June 26. USDA declined to grant further extensions. While the disaster household distribution program was in place, many of the normal USDA rules and regulations were waived. Participants were not required to complete an application or to sign any forms. The goal was to limit exposure between staff and recipients. The Virginia program served approximately 12,000 – 15,000 participants weekly. To help fund the program, OFD received $8,031,865 in additional USDA funding through the federal Families First Coronavirus Response Act. In order to continue feeding families in need, the federal Coronavirus Aid, Relief, and Economic Security Act (CARES) will provide Virginia with an additional $9,038,882 in USDA The Emergency Food Assistance Program funding. This will include both food and administrative funding for the seven Federation of Virginia food banks.

The coronavirus outbreak continues to impact agriculture related business transactions and trade events. Many trade shows, including the Summer Fancy Food Show in New York and the Produce Marketing Association (PMA) Fresh Summit in Dallas have recently been cancelled. The Office of Promotions (OP) typically hosts a Virginia's Finest pavilion with 25 exhibiting Virginia's Finest companies at the Summer Fancy Food Show. The PMA Fresh Summit has been a key marketing and promotional event for the Office of Domestic Marketing (ODM), with up to 12 Virginia produce companies and farmers exhibiting each year. The event attracts over 20,000 attendees, including key produce retail buyers, wholesalers, and packers. It is estimated that Virginia producers have generated more than $300,000 in sales each year as a result of participation in the event. PMA has announced that it will host a virtual web-based Fresh Summit in the fall of 2020.

OP worked with colleagues at the Virginia Tourism Corporation on the development and promotion of the inaugural Virginia's Farmers' Market Week, which began April 27 and concluded on May 3. The promotion highlighted the start of the 2020 market season and encouraged consumers and localities to support their local markets. Virginia Farmers' Market Week brought exposure and publicity to the business operations and consumer promotions of Virginia farmers' markets. In order to achieve social distancing requirements while continuing to serve as a valuable source of nutrition for the public, many markets shifted to alternative sales methods. Some markets offered online pre-ordering and pick-up or delivery service. Others modified their markets to allow limited walk-through traffic with prepacked produce options. Both farmers and markets quickly adopted new ways of doing business by utilizing ecommerce strategies and developing alternative solutions for logistics, packaging, and conducting transactions. Markets across the state embraced these changes according to the needs and unique nature of each community while continuing to provide their patrons with healthy, nutritious food options. OP and the VDACS Office of Communications organized market visits for Commissioner Bronaugh and Secretary of Agriculture and Forestry Ring during this time.

Market News reports that national beef and pork slaughter capability have improved but processing plant closures and plants running at reduced capacity continue to impact operations. Based on USDA national data, current capacity at beef and pork processing plants throughout the nation is now nearing 90 percent compared to the same period last year. This is a marked improvement from prior months. Compared to the same periods in 2019, slaughter capacity in May 2020 was 75 percent and slaughter capacity in April 2020 was 65 percent.

OMPS inspectors, supervisors, and veterinarians have provided daily inspection coverage performing slaughter and processing inspection throughout the COVID-19 pandemic. Several facilities where

OMPS provides inspection services had multiple employees test positive for COVID-19. The meat and poultry industry has made significant alterations to promote necessary social distancing measures and to improve employee habits to align with Centers for Disease Control recommendations. In order to protect employees and allow for the continuation of operations, many industry employers have installed barriers between employees, utilized one-way employee traffic flow within facilities, and staggered employee schedules. The location and size of the facilities have largely determined the approach to taking precautions. Many smaller operations in rural areas have not felt the need to make any adjustments other than increased hand washing requirements and sanitation. Slaughter numbers and processing quantities have both increased to help meet the demands for harvesting and processing meat products. All Virginia slaughter facilities have reported that their slaughter operations are booked solid for 12 months.

In June, at the request of the USDA Farm Service Agency (FSA), Market News helped publicize the federal Coronavirus Food Assistance Program (CFAP). An announcement was published in Market News' weekly Cattle and Crops publication and was sent to an additional 1,150 email subscribers. CFAP provides vital assistance to producers of agricultural commodities by providing financial assistance to allow growers to absorb the sales declines and increased marketing costs associated with the COVID-19 pandemic. USDA FSA and USDA Agricultural Marketing Service administer the program. FSA is accepting applications for CFAP from May 26 to August 28.

Market News reports prices for several agricultural commodities have decreased significantly since the COVID-19 pandemic. Below is a summary as of June 26 compared to late February:

Percentage of Price Decrease from February to June 26, 2020	
Corn	12 percent
Soybeans	3 percent
Wheat	3 to 4 percent
Feeder Cattle	4 to 5 percent
Slaughter Cattle	16 percent
Hogs	44 percent
Broilers	3 percent
Cotton	2 percent

With the closure of Department of Motor Vehicles (DMV) customer service centers statewide due to COVID-19, prospective pesticide applicators' options for testing were greatly reduced. To ensure prospective applicators continued to have opportunities to take the required examinations to become certified, Office of Pesticide Services (OPS) developed a priority based in-person testing plan that maintained social distancing and limited groups to 10 or less. Priority was given to commercial applicators involved in food production as well as general pest control services. As testing for prospective pesticide applicators resumed at DMVs on May 18, OPS staff concluded the priority based in-person testing for prospective pesticide applicators on May 21. In-person testing at other VDACS approved testing sites will resume assuming social distancing and appropriate group sizes can be maintained. Overall, of the 237 prospective applicators offered the opportunity to test under the

priority-based plan between April 9 - May 21, 34, or approximately 14 percent, tested for certification. The remaining prospective applicators declined to participate in the in-person testing.

In response to the COVID-19 pandemic, VDACS took the following steps to support pesticide businesses:

- For the duration of the COVID-19 state of emergency established by EO 51, licensed pesticide businesses may allow their employees to apply pesticides without obtaining a registered technician certification when those employees meet certain training and testing requirements. Registered technicians not for hire (any registered technician who uses or supervises the use of pesticides as part of his job duties only on property owned or leased by him or his employer) may also apply pesticides without obtaining registered technician certification. Allowing employees to apply pesticides without obtaining a registered technician certification will cease 30 days after Governor Northam rescinds Virginia's COVID-19 state of emergency.

- All authorization letters for prospective applicators to take the exam(s) to become certified pesticide applicators issued on or after December 20, 2019, have had their expiration dates extended to July 31, 2020, if the current date of expiration is earlier. Prospective applicators who do not take the exam(s) by July 31, 2020, or the current date of expiration, whichever is later, will be required to submit a new application with appropriate fees to take the exam(s).

- For 2020, the certification renewal date for pesticide applicators has been extended from June 30 to August 29, 2020. The extension will allow applicators an additional 60 days to take the recertification training required for renewal. Applicators may continue to apply pesticides between June 30 and August 29; however, all applicators must renew by 11:59 p.m. on August 29. Applicators who do not renew by August 29 cannot apply pesticides until they renew their certification. There is no additional grace period. In addition, applicators who do not renew their certification by August 29 will be required to take an exam in addition to the required training when they renew. Renewal notices will be mailed in the near future, and applicators are encouraged to renew their certificates after they take the required recertification course. While the 2020 date for renewal has been extended to August 29, the expiration date of certificates renewed during 2020 will be June 30, 2022.

In its ongoing effort to assist the agricultural community, OPS staff has been working closely with Virginia Cooperative Extension (VCE) to assist agricultural producers by providing Worker Protection Standard training to their Spanish-speaking workers via webinar. The webinar training provides for social distancing and groups of fewer than 10 while ensuring compliance with the federal Worker Protection Standard, which requires workers and handlers to be trained prior to beginning work. The training must be completed annually and in a language the workers understand. Participants are able to interact with the presenters during the webinar. The training utilizes U.S. Environmental Protection Agency (EPA) approved training materials. To date, 78 workers and handlers have been trained as part of eight virtual meetings. Training is provided at no cost to agricultural employers.

The Office of Weights and Measures (OWM) will allow prospective service technicians that were scheduled to complete OWM's March 24-26 or July 28-30 service technician class to begin work as a certified service technician upon the completion of an online training course offered through the Commonwealth of Virginia Learning Center. The March and July service technician training classes

were postponed due to COVID-19. This exception to the in-person training requirement for new service technicians is available only while EO 51 is in effect and only to those service technicians who were scheduled for the March and July classes.

In May and June, Office of Dairy and Foods (ODF) staff spent a significant amount of time responding to a large volume of calls from customers of retail food establishments and owners and managers of retail food stores, wineries, and microbreweries with questions regarding Phase One and Two requirements for re-opening businesses in Virginia. Questions were responded to regarding the use of masks by patrons of food establishments as well as questions regarding the restrictions on outdoor and indoor dining and the number of patrons allowed at food establishments and events.

GOVERNOR'S PRIORITIES

Since May, Governor Northam has announced three new Agriculture and Forestry Industries Development (AFID) Fund facility grants totaling $265,000. These projects represent $14,260,000 in new capital investment, 34 new jobs and nine full-time equivalent positions, and commitments for the purchase of $77,448,780 of Virginia-grown agriculture and forestry products. The grants were awarded to (i) Halifax County for Blue Ribbon Extraction, (ii) Caroline County for Ashton Lewis Lumber Company, and (iii) Northampton County for Shore Breeze Farms. To date, 93 AFID Fund facility grants have been successfully awarded to 60 localities across Virginia

In April, Governor Northam signed Chapter 1220 of the 2020 Acts of Assembly, which formally established the Governor's AFID Fund Planning Grant program. At the Governor's request, the General Assembly approved the addition of an emergency clause that would enact the chapter immediately upon his signature. The emergency clause was added because the program awards small grants to local governments to support and promote agriculture and forestry, which the Governor considers a potentially valuable tool in aiding localities and businesses impacted by the COVID-19 pandemic. In April, Office of Agriculture and Forestry Development (OAFD) staff introduced revised guidelines that reduced the match requirement for economically distressed localities and expanded the list of approved sources of matching funds, which will make the program more accessible, especially for rural counties. As of July, OAFD has received three completed applications from localities, each of which it anticipates will be approved and announced by early fall.

In May, Stafford County utilized $231,566 in matching funds from the Virginia Farmland Preservation Fund to purchase an easement on 81.78 acres of farmland. On February 19, 2020, Governor Northam announced awards totaling $350,000 from the Virginia Farmland Preservation Fund to six Virginia localities to permanently preserve working farmland through local Purchase of Development Rights programs. Stafford County was one such recipient. To date, the Virginia Farmland Preservation Fund has provided $12,338,178 in matching funds for 106 easements in 16 localities protecting a total of 14,271 acres.

In May, the Industrial Hemp Program distributed information regarding the 2020 hemp growing season to currently registered industrial hemp growers. This communication included information regarding the agency's plans to (i) use a risk and random system to select industrial hemp production fields for sampling and (ii) determine compliance using an industrial hemp crop's post-decarboxylation delta-9

tetrahydrocannabinol concentration as well as the testing laboratory's measurement uncertainty. This communication also included information regarding the provision in the 2020 Appropriation Act increasing the industrial hemp registration application fees and the legislation establishing requirements regarding the distribution of a hemp product intended for smoking. The Industrial Hemp Program also sent this communication to agency programs that may interact with hemp growers and requested that the communication be distributed to all VCE agents and Virginia State University's Small Farm Outreach Program staff.

Total number of active industrial hemp registrations, as of July 11, 2020:	
Industrial Hemp Grower Registrations	1,291
Industrial Hemp Processor Registrations	360
Industrial Hemp Dealer Registrations	234
Planned Hemp Acreage For 2020	**9,093**

AGENCY OPERATIONS

In June, the U.S. Ninth Circuit Court of Appeals (Court) issued a decision vacating the registrations of three dicamba herbicides; XtendiMax (produced by Bayer), Engenia (produced by BASF), and FeXapan (produced by Corteva). As a result, EPA issued a cancellation order for these products. OPS staff provided notification to a broad range of stakeholder groups, including the Virginia Farm Bureau Federation, Virginia Agribusiness Council, VCE, and Virginia Crop Production Association. Staff updated the OPS webpage with information regarding the cancellation of the registration for these products. EPA's cancellation order provides the following guidance for all uses of these products and includes requirements for the sale, distribution, and use of existing stocks:

1. Private applicators (growers) and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label and may not continue after July 31, 2020.

2. With the exception for the purposes of disposal or return of the product to the registrant, distribution or sale of existing stocks of the dicamba products listed above is prohibited.

The ruling has significant implications nationally, with an estimated 60 million acres of dicamba-tolerant cotton and soybeans planted for the 2020 growing season. VCE estimates that approximately 480,000 acres of soybeans and 60,000 cotton could be impacted in Virginia.

Commissioner's Office

In May, Commissioner Bronaugh met with Tyler Wegmeyer, owner of Wegmeyer Farms (Loudoun County) and President of the Virginia Strawberry Association. Commissioner Bronaugh and Mr. Wegmeyer discussed the ways that strawberry growers around the state are working to ensure the safety of their customers by adapting their operations to the requirements of the COVID-19 environment. These methods include providing handwashing stations, posting signage, charging by the basket rather

than by the pound, creating row assignments, and taking reservations, all of which contribute to a safer pick-your-own experience. The Wegmeyers have 7.5 acres across three locations in Loudoun County. The Office of Domestic Marketing (ODM) coordinated the meeting, and OC staff filmed footage to use for a short video, which was then edited and posted on social media to promote Pick-Your-Own Strawberry Farms and to encourage consumers to buy local.

In May, Commissioner Bronaugh and the Acting OC Director travelled to Cub Run Dairy in McGheysville to tour the dairy and record a video to promote the dairy industry. Commissioner Bronaugh also travelled to Albemarle Ciderworks in North Garden, accompanied by the Director of the Division of Marketing and Development and the OC Acting Director, to record a video to promote the cider and craft beverage industry.

In June, Commissioner Bronaugh and Deputy Commissioner Green participated in a virtual meeting of the Southern Association of State Departments of Agriculture (SASDA) hosted by the Kentucky Department of Agriculture. Much of the discussion focused on the COVID-19 response in the agricultural sector as well as the federal Coronavirus Aid, Relief, and Economic Security Act and Coronavirus Food Assistance Program funding availability and utilization by agricultural producers. USDA Secretary Sonny Perdue and Senate Majority Leader Mitch McConnell briefly joined the video conference to provide federal updates. One issue voiced by several states in light of impending state budget shortfalls was the fact that many states are re-considering their interest or ability to manage industrial hemp regulatory programs under federal requirements. Under the 2018 Farm Bill, states and Indian tribes can opt to manage industrial hemp programs in their respective states or territories under a USDA-approved management plan. If a state opts not to submit a management plan to USDA, then USDA is obligated to manage the industrial hemp program in that territory. USDA's hemp regulations and requirements only apply to growers, however. Many states, including Virginia, have requirements and regulations that extend beyond the farm. Specifically, in Virginia, there are also requirements for hemp dealers and processors.

This summer, Commissioner Bronaugh began her term as Treasurer for the Southern Association of State Departments of Agriculture (SASDA). She was elected to the positon by her peers whom are the Commissioners, Secretaries, and Directors of Agriculture from Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the Virgin Islands.

In June, Commissioner Bronaugh issued an Agricultural Stewardship Act (ASA) program civil penalty totaling $1,000 to a dairy farm in Smyth County for failure to maintain the stewardship measures included in his corrective order, with the option for the owner to invest up to $500 in stewardship measures on his farm in lieu of payment. On two occasions the previous week, ASA staff documented the manure pit on the dairy farm overflowing into the farm lane and eventually into the adjacent stream. This will be the first civil penalty issued through the ASA program.

In June, Commissioner Bronaugh, Secretary Ring, and VDACS staff participated in the Richland's Creamery Grand Opening and Ribbon Cutting Ceremony in Nottoway County. The OC Director worked with the Dinwiddie Economic Development Director to coordinate a dairy toast at the event, which he captured on video and shared on the agency's social media platforms.

In June, Commissioner Bronaugh, Secretary Ring, and OAFD staff participated in American Farmland Trust's (AFT) webinar “Farms Under Threat: State of the State.” Approximately 40 people streamed the webinar, which was focused on sharing AFT's new data regarding threats to farmland in Virginia and policy recommendations to curb the conversion of working farmland to other uses. Secretary Ring, Commissioner Bronaugh, and OAFD staff shared information on Virginia’s farmland preservation activities from both from a policy and programmatic perspective.

In June and July, Commissioner Bronaugh and agency staff participated in conference calls with Assistant Secretary of Agriculture and Forestry Hertz and representatives from the American Heart Association, Duke University, and DAISA Enterprises to discuss Equitable Food Oriented Development (EFOD). The EFOD framework will be used to guide the formation of and guidelines for the new Virginia Food Access Information Fund (VFAIF). The VFAIF was established by Chapter 986 of the 2020 Acts of Assembly to combat food inequality through a grant program aimed at encouraging grocery stores and other food retailers to combat food deserts. The program received $1.2 million in nonreverting funds as of July 1. OAFD staff will play a significant role in the initial launch and design of the program.

Division of Marketing and Development (DMD)

From mid-May through early July, ODM approved and trained 196 farmer vendors for the 2020 Senior Farmers Market Nutrition (SFMNP) and Women and Infant Children (WIC) programs. The SFMNP and WIC are federal programs administered under an agreement between the Virginia Department of Aging and Rehabilitative Services and VDACS that provides senior citizens and women with infant children with SFMNP and WIC program checks to purchase fresh Virginia Grown produce from approved Virginia farmer vendors at participating public farmers’ markets. The 2020 SFMNP/WIC has 20 new farmer vendors, 62 farmers’ markets, and 31 roadside stands participating in the program. The 2020 SFMNP program has $408,824 in available funds and the WIC program has $52,926 in available funds for use by program participants to purchase farmers’ market produce. ODM is responsible for the training, field verification, approval, and monitoring of all Virginia farmer vendors who participate in the program.

In July, OP and the Virginia Marine Products Board worked with Hardywood Brewery and Wicomico Oyster Company on a direct-to-consumer beer and seafood “Taste of the Bay” promotion. “Taste of the Bay” offered consumers the opportunity to purchase Hardywood beers paired with Virginia seafood products. The promotion utilized an online pre-order and pick-up system. Online ordering went live on June 24 and continued through July 7.

In May, ODM staff worked with the Virginia-Carolina Peanut Promotions Office to consider new promotion methods and target audiences for in-shell peanuts. It is anticipated that fall trade shows will be cancelled due to the COVID-19 pandemic. Most in-shell peanuts are consumed at baseball games, and ballparks closures have hit this segment of the peanut industry hard. ODM staff provided a list of Virginia food publications as a potential new advertising market for the organization.

Earlier this year, the China trade representative introduced Blue Ridge Lumber and Musser Lumber to Chinese lumber importer Yi Sen Wood. After several months of communications between the companies, Yi Sen Wood ordered two containers of red oak from Musser Lumber valued at $18,000

and two containers of white ash, red oak, and white oak from Blue Ridge Lumber valued at $20,000. The orders arrived in China at the end of June.

The Office of International Marketing (OIM) is working with its trade representatives in Canada, China, and Europe to identify export opportunities for Blue Ribbon Extracts' hemp isolate, distillate, and biomass products. The three trade representatives have been asked to conduct a thorough review of the market for these products within their respective regions. So far, the China trade representative reports that the few-value added cannabidiol (CBD) products sold in the Hong Kong market are imported from the U.S. and has shared this information with Blue Ribbon Extracts. The Europe trade representative's research has indicated that each European country has its own complex rules and regulations for hemp and CBD products, many of which are seemingly not enforced. It is anticipated that the European hemp and CBD markets will experience significant changes over the next three years. The Canada trade representative's research is ongoing.

In June, OIM staff submitted a success story about U.S. Livestock Genetics Export Council (USLGEC) activities in Kazakhstan to be published in the USDA Foreign Agricultural Service annual publication, *Export Programs at Work*. Virginia-based livestock exporter TK Exports (Culpeper) participated in several USLGEC-sponsored activities, including several trade shows and forums in Kazakhstan. TK Exports experienced great success exporting cattle to the country as a result in late 2018 and early 2019, and additional cattle exports are planned for August of this year. These success stories are also used to develop the USLGEC Unified Export Strategy and demonstrate the effectiveness of OIM programming and the value of market development programs.

In June, OIM staff and the Southeast Asia trade representative participated in the Pan-Asia Soy Food Summit, a virtual event hosted by the U.S. Soybean Export Council, of which VDACS is a member. The event featured virtual presentations throughout the event and a lounge where attendees could interact via chat. Additionally, attendees could chat with staff at each booth space they visited virtually. Booths and presentations from the event will be available online for three months. The trade representative staffed the virtual booth of Montague Farms, where he collected trade leads to share with Montague Farms and OIM.

In June, the China trade representative and OIM staff participated in the U.S. Poultry and Egg Export Council webinar. The webinar included participants from the China Meat Association (CMA), USDA Agricultural Trade Offices, and U.S. poultry companies. The China trade representative gave a presentation that introduced VDACS and the Virginia poultry industry, including the poultry products and suppliers available in Virginia. This webinar provided a good opportunity to introduce Virginia poultry and establish a relationship with potential Chinese buyers. According to the U.S. Poultry and Egg Export Council, from December 2019 through April 2020, China became the number one export market for U.S. poultry, purchasing more than 99,000 metric tons of meat. Following the webinar, a participating CMA member contacted the trade representative to express interest in importing chicken parts from Virginia. The CMA member is a wholesaler of frozen imported chicken who currently imports approximately 1,500 metrics tons of product each month. OIM staff has distributed the lead to relevant Virginia poultry companies

Since May, the Canadian trade representative has created and executed a digital marketing program that consists of two social media campaigns to promote Virginia specialty food products - Virginia Saucy

and Virginia Crunchy. For each campaign, a Canadian social media influencer was hired to create content that highlights Virginia products. The influencer for the Virginia Saucy campaign created three recipes using a different Virginia sauce product in each that she featured in a blog post and promoted on social media. The influencer for Virginia Crunchy is a lifestyle blogger who has created social media posts on how she includes the Virginia products in her daily routine. Advertising links in the created content direct consumers back to the Virginia companies' social media pages. The first influencer post went live on June 9, and posts will continue to be run on a weekly basis through July. Participating Virginia companies include AR's Hot Southern Honey (Richmond), Hubs Peanuts (Sedley), Gunther's Gourmet (Richmond), Clark & Hopkins (Richmond), and Hudson Henry Granola (Palmyra). The trade representative is providing the participating companies with digital metric updates throughout the promotion.

In June, the Latin America representative completed a new social media campaign proposal for Catoctin Creek Distilling Company. This campaign will focus on creating awareness of the brand and its availability in the Mexican market. Catoctin Creek is distributed in Mexico by Viparmex. Catoctin Creek was introduced to Viparmex in June 2019 when it exhibited with VDACS at the La Barra Mexico trade show, and the partnership was announced in September 2019. The proposed social media campaign will direct consumers to the Viparmex website.

In June, Market News published its 28th annual Retail Farmers' Markets publication. This publication serves as a valuable source of price information for Virginia producers and helps promote the availability of locally grown produce and meat to potential buyers. In an effort to promote individual markets, each participating market has its own listing, which includes information on time and locations, website links, contact information, product availability, and prices. In addition, the first issue of the year includes a section with historical prices showing annual average prices over the past five years. Many market managers and vendors have stated that the historical price information is a helpful tool as they determine their current pricing. Due to concerns surrounding the COVID-19 pandemic, many farmers' markets are closed or open on a limited basis at this time. Some markets are offering pre-order services through their websites or through their vendor's websites.

In July, Market News staff published its *Hay Clearing House* newsletter. The publication serves as a tool to bring together buyers and sellers of hay and is particularly effective in helping livestock producers locate hay during times of shortages. *Hay Clearing House* includes listings of hay sellers and buyers and also has a section with historical hay prices from the Rushville hay auction. Virginia Market News Service continues to receive compliments from producers who report that the *Hay Clearing House* newsletter is the primary marketing tool they use to sell hay.

Division of Commodity Services

Since May, Division of Commodity Services (CS) staff:

- Inspected and certified soybeans, corn, wheat, soybean meal and soybean hull pellets with a total value of more than $57 million destined for 19 countries;

- Conducted General Market Inspections on 33,050 pounds of fresh fruits and vegetables and Processed Food Inspections on over 360,090 pounds of processed products;

- Conducted inspections on approximately 800,000 pounds of potatoes exported to Canada;
- Performed 13 Good Agricultural Practice (GAP) Audits to Virginia fruit and vegetable growers;
- Inspected and certified approximately 42 million pounds of Farmers' Stock peanuts and regrades, approximately 39.2 million pounds of shelled and in-shell milled peanuts, and 1.2 million pounds of imported peanuts from Argentina and Paraguay;
- Analyzed approximately 1,359 samples of peanuts for the presence and levels of aflatoxin to determine if the peanuts were safe for human consumption;
- Certified approximately 955 thousand pounds of various poultry parts for the USDA Feeding Program for School Lunch Products;
- Provided evaluation services to producers who marketed over 2,700 Virginia Quality Assured (VQA) feeder cattle. The VQA program is established by the Virginia Cattlemens Association and is one of the most recognized and valuable programs to producers and buyers;
- Provided evaluation services to producers on approximately 31,000 cattle, 300 lambs or goats, and 500 beef carcasses; and
- Conducted a potato inspection school on Virginia's Eastern Shore to prepare inspectors for the 2020 Virginia potato season.

In May, CS staff conducted a condition examination on boneless skinless breasts delivered to the Blue Ridge Area Food Bank at the request of Tyson Foods. The temperature of the chicken was above zero degrees when it arrived at the facility. When staff evaluated the product, its temperature was 10 degrees and it was frozen solid, with no evidence of thawing. Staff informed USDA Commodity Procurement of its findings.

In June, CS staff completed a USDA Food Defense Audit for the Tyson Prepared Plant based in Wilkesboro, North Carolina. USDA has asked VDACS to assist with the completion of such audits. Due to the COVID-19 pandemic, the audit was done remotely using desk audit procedures, which allowed staff to remain in Virginia.

Division of Animal and Food Industry Services (AFIS)

On March 23, the Produce Safety Program (PSP), which is supported entirely by a grant from the U.S. Food and Drug Administration (FDA), received notification from FDA that all produce-related field level activities were to cease until further notice due to the COVID-19 pandemic. This directive applied to inspections, on-farm readiness reviews, on-farm education or technical assistance activities (except via phone or computer), and any in-person education and outreach activities, including trainings. This restriction applied regardless of the authority being used to conduct inspections. On June 5, the "cease field activities" directive from FDA was rescinded. At that point, PSP supplied staff with personal protective equipment and resumed regulatory inspections of small and large covered farms. Staff will also resume educational visits, referred to as On-Farm Readiness Reviews, for very small farms until

inspections begin in May 2021. These visits are conducted jointly by PSP staff and VCE agents and are designed to assist and educate farmers. PSP continues to offer outreach to industry stakeholders and associations.

In June, Office of Veterinary Services (OVS) staff visited a Rockingham County dairy to conduct a best practices visit as part of the drug residue prevention program. The program is designed for outreach and education to farms with recent tissue residue violations identified by FDA. The visits, which are funded through a Cooperative Agreement with FDA, are strictly for educational purposes and allow state personnel to build trust and non-regulatory relationships with the producers. Staff provided the dairy with management advice on preventing residues and materials for better record keeping and treatment documentation.

In fiscal year 2020 (FY 2020), OVS reported a total number of 70 animal shelter inspections, with 22 citations, of which 15 were referred for civil penalties. During the same period, OVS processed 33 animal care complaint cases, some of which included multiple individual complaints. A total of 49 individual animal care complaints were received. OVS staff investigated 11 of the 33 complaint cases and the other 22 cases were referred to other agencies with jurisdiction.

In April and May, the ODF Food Safety Program worked with food establishments to open 86 new food businesses, which included two new hemp extract processors. The Food Safety Program has an inventory of 13,106 firms under inspection. Twenty-four (24) Food Safety Specialists, two Food Technical Specialists, and three Field Supervisors are responsible for the regulatory oversight of these firms. During the same period, the ODF Food Safety Program conducted 666 inspections of food establishments (which includes retail food stores, food manufacturers, and food warehouses) and investigated 33 consumer complaints,

Due to the COVID-19 pandemic, the ODF Dairy Services program was granted an exemption by FDA that allowed the program to postpone all routine regulatory requirements for Grade "A" farms, tankers, and hauler/samplers. Nevertheless, field inspectors continued to work in the field and did their best to fulfill the standard Grade "A" requirements as normal. There have been minimal COVID-19 related interruptions in routine inspection and sampling duties with respect to Dairy Program Staff. As a result, in April and May, the ODF Dairy Services Program conducted 232 inspections of Grade "A" and manufactured-grade dairy farms and 61 inspections of retail frozen dessert establishments. To ensure compliance with Virginia's regulatory standards, program staff collected 555 milk samples from Virginia Grade "A" dairy farms. One hundred sixty (160) cheese and frozen dessert samples were also collected to determine compliance with current dairy laws and regulations. Inspectors also made 777 farm visits to review construction of dairy facilities, to review the installation of milking equipment and other related items, and to offer advice and assistance to dairy farmers and manufactured milk processors.

In June, the Fairfax County Health Department contacted the ODF Rapid Response Team Coordinator regarding a complaint concerning a child who had experienced an apparent severe allergic reaction from consuming an ice cream product. The individual in question consumed a packaged ice cream product purchased from an ice cream truck carrying packaged homemade ice cream and treats. The individual was later hospitalized. The artesian brand of ice cream was packaged in a cup with a lid and did not include any labeling. The child told the cashier they had severe allergies and asked if nuts were

in the products and was told no by the cashier. The firm, known as Scoops2U, was in the ODF Food Safety Program firm inventory listed as a warehouse. ODF staff was deployed to the firm. It was discovered that firm was manufacturing the ice cream in question and nine additional artisan ice cream flavors. The ice cream manufactured was used to supply the company's ice cream truck and to stock its ice cream carts, which were available to rent for special events. The firm had also started a bakery at the location in question, which supplied cookies, popcorn, and other treats for the ice cream truck and the carts. The investigation revealed a lack of proper product labeling and allergen warnings on the prepared and packaged food products; a lack of production, sanitation, and allergen control policies and practices; and a failure to secure prior approval and inspection from VDACS before processing food products. Staff informed the firm that they must stop sale of all food products until the firm had been inspected and permitted by VDACS. The firm agreed to cease production until it could conform to existing laws and regulations.

In May, OVS staff participated in National Dairy FARM (Farmers Assuring Responsible Management) training for veterinarians organized by North Carolina Cooperative Extension. Created by the National Milk Producers Federation and supported by Dairy Management Inc., FARM is a certification program that ensures participants operate using science-based, best-management practices. There are four areas of focus for the program (antimicrobial stewardship, environmental stewardships, animal care, and workforce development). The online seminar reviewed the foundations of FARM and then concentrated specifically on the animal care aspect of the program. It is essential that veterinarians be involved in FARM along with producers as dairies strive to meet the requirements of this program principle.

In June, OVS staff hosted a webinar for members of the Page County Farmer’s Association to provide information on the Asian Longhorned Tick and *Theileria orientalis* (a cattle disease transmitted by the Asian Longhorned Tick) in Virginia. This is a topic of ongoing importance that has continued to spark interest and concern among beef producers in the area since the tick was first identified in Virginia in 2018. Not normally found in the Western Hemisphere, these ticks were reported for the first time in the U.S. in 2017. Asian Longhorned ticks have been found on pets, livestock, wildlife, and people. The female ticks can lay eggs and reproduce without mating. In some parts of the world, Asian Longhorned ticks have reduced production in dairy cattle by 25 percent because of the tick’s prolific nature and its ability to spread disease. The tick is also a possible human health concern.

OMPS is receiving regular requests for information and advice about the possibility of building new slaughter and processing facilities. Currently, there is a large demand for slaughter and processing services due to increases in meat purchases by customers attempting to avoid any perceived shortage of meat to buy. It is difficult to determine if such demand will continue and echoes the demand increases that followed the consumer trend of 10 to 15 years ago to sell direct-to-consumers who were interested in the “buy local” movement.

In March, the Office of the State Inspector General (OSIG) began an audit of OMPS. OMPS gathered and provided background information that detailed its mission, operations, and oversight to OSIG. OMPS continued to provide such information until May, when OSIG notified VDACS that it had decided to terminate the audit as a result of the information provided and interviews conducted. OSIG indicated that OMPS effectively demonstrated that the effectiveness and efficiency of the OMPS program could not be improved by continuing the audit. Language from the audit termination letter

included: “OSIG has determined that at this time, the USDA Food Safety and Inspection Services Division in addition to VDACS Internal Audit Division oversight is adequately helping ensure the processes are effective and efficient.”

In July, five OMPS inspectors completed their USDA-mandated Food Safety Inspection Services (FSIS) Methods virtual training. Because VDACS operates an "equal to" meat and poultry inspection program in Virginia, OMPS inspectors are required to undergo the same training as the federal FSIS employees. Previously, this training was conducted out-of-state over four weeks, which created hardships for employees required to be away from home and was costly for the program. The virtual training, which was created in response to travel restrictions resulting from the COVID-19 pandemic, is effective, easier for the inspectors, and less expensive for the agency because there are no travel or per diem expenses. OMPS supervisors and managers provided inspection coverage so that the inspectors were available to complete the training.

Division of Consumer Protection (DCP)

As of June 22, OPS has issued 2,593 new and renewing pesticide business licenses for 2020. The Virginia Pesticide Control Act requires that any person or business that, in exchange for compensation, sells, stores, distributes, mixes, applies, or recommends for use, pesticides in Virginia obtain a pesticide business license. All pesticide business licenses expire March 31 of each year. Pesticide business license renewal notices were sent to all pesticide businesses in January 2020.

Due to the extension of EO 51, the waiver for Reid Vapor Pressure (RVP) for gasoline blended with ethanol, which was set to expire June 10, 2020, was extended. Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers after May 20, 2020, may be distributed and sold until the supply is depleted or EO 51 is rescinded, whichever occurs first. Likewise, retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline that meets the conditions of this waiver after May 20, 2020, until their supplies are depleted or EO 51 is rescinded, whichever occurs first.

During the spring of 2020, Office of Plant Industry Services (OPIS) staff treated spotted lanternfly (SLF) egg masses and newly hatched SLF nymphs with Golden Pest Spray Oil in an effort to reduce populations in the SLF generally infested area. OPIS staff have treated approximately 5,200 egg masses and over 4,000 nymphs on five acres at more than 45 priority sites. Priority sites are those that pose an increased risk of SLF being transported out of the infested area, such as rest stops, construction sites, and along the rail line. SLF feeds on more than 70 plant species, including grapes, apples, stone fruits, hops, and Ailanthus altissima (Tree of Heaven), which is its preferred host, and poses a threat to Virginia’s peach, apple, grape, and wine industries.

In June, OPIS treated approximately 350 square feet of Giant Hogweed (*Heracleum mantegazzianum*) in Fauquier and Clarke counties. Both sites were initially treated in the summer of 2019 and again this year as a part of a multiyear eradication effort. The 2020 treatments were necessary after follow-up inspections by OPIS staff determined that not all plants were eradicated in 2019. However, the 2020 population of Giant Hogweed plants is 20 times lower at the site than it was in 2019. Giant Hogweed has the potential to cause severe skin irritation and burns when the sap gets on human skin that is subsequently exposed to sunlight. Giant Hogweed is listed as a Tier 1 noxious weed in Virginia’s

Regulations for the Enforcement of the Noxious Weeds Law.

In May, the OPIS Gypsy Moth Slow-the-Spread (STS) program conducted gypsy moth aerial treatments on 8,672 acres using the insecticide, *Bacillus thuringiensis* (Btk). Treatments took place in the counties of Tazewell and Washington. The STS program uses aerial applications of Btk to treat isolated infestations, which are located outside of the generally infested area. In June, the Gypsy Moth STS program conducted gypsy moth aerial treatments using mating disruption biocontrol on approximately 25,400 acres. The mating disruption treatments took place in the counties of Grayson, Halifax, Pittsylvania, Russell, Smyth, Tazewell, Washington, and Wythe and the City of Danville. The STS program uses aerial applications of mating disruption to treat low-level gypsy moth populations located outside of the generally infested area.

In June, OPIS staff participated on a national conference call hosted by USDA-APHIS Plant Pest Quarantine (PPQ) regarding a national survey for the plant pest Tomato Brown Rugose Fruit Virus (ToBRFV). ToBRFV is a virus that affects yield and quality of tomato, peppers, eggplant, and other solanaceous crops. USDA-APHIS-PPQ has determined that greenhouse grown solanaceous crops are at the highest risk for ToBRFV. Therefore, the survey will focus on commercial greenhouses. Field grown crops will not be surveyed. ToBRFV was first identified in Jordan in 2015. USDA-APHIS-PPQ has identified the virus in tomatoes at border inspections and has established entry restrictions for tomato seed and fruit from countries where ToBRFV is known to occur.

In June, OPIS staff participated in a SLF environmental monitoring training session in Winchester. The meeting was hosted by USDA-APHIS. The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of proposed projects. The environmental monitoring will evaluate SLF pesticide treatments to determine if pesticides are causing harm to the environment and humans. The training consisted of a review of NEPA and the federal Endangered Species Act, pesticide application monitoring protocols, new SLF program requirements, and environmental sampling techniques necessary to follow the USDA-APHIS Environmental Monitoring Plan. As of June 2020, USDA-APHIS is requiring all state cooperators that receive federal funding for SLF treatments to conduct environmental monitoring.

CONSTITUENT/CUSTOMER ISSUES

In June, Division of Marketing and Development staff spoke with representatives of Homestead Creamery regarding new rules for bulk milk dispensers in college and university cafeterias established by the Virginia Department of Health. For the 2020-2021 school year, all bulk milk dispensers in such cafeterias will have to be no-touch. Homestead has confirmed with one of its customers, Roanoke College, that the dispensers that are currently in use will not be allowed for the coming school year. Homestead assumes that this rule will apply to all school sites. In seeking solutions to this issue, Homestead is researching plastic pints and will contact equipment manufacturers to learn about retrofitting current dispensers. Any solution will require added investment by Homestead and the school systems and colleges, and the company inquired about financial assistance to help cover added expenses resulting from new health regulations. The no-touch dispensers will likely impact all other creameries that do business with school systems, colleges, and universities.

In June, Office of International Marketing (OIM) staff participated in a conference call with the Virginia Department of Forestry (VDOF), the U.S. Forest Service, and the South Carolina Department of Forestry to discuss the possibility of working with USDA Animal and Plant Health Inspection Services (APHIS) to negotiate with China to lift the ban on the import of pine logs from Virginia. The issue was most recently raised by South Carolina stakeholders, who are interested in action to lift the ban on South Carolina pine logs and approached VDOF to discuss a joint effort. For years, pine logs from North Carolina have been approved for export to China, but Virginia and South Carolina have been banned. During the call, both states agreed to a joint approach and to take next steps in learning more about the existing protocols that North Carolina follows for its exports of pine logs to China. OIM is participating in this effort under the leadership of Secretary of Agriculture and Forestry Ring and State Forester Farrell.

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Boardpass: Board presentation - bills that passed

Composite view

Bills	Committee	Last action	Date
HB 193 - Orrock - Vehicles used for agricultural and farm purposes; other uses.	(H) Committee on Transportation (S) Committee on Transportation	(G) Acts of Assembly Chapter text (CHAP0781)	04/07/20
HB 342 - Bell - Meals tax and county food and beverage tax; exemption for farmers market and roadside stand sales.	(H) Committee on Finance (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0241)	03/10/20
HB 491 - Marshall - Industrial hemp; VDACS to convene work group to assess opportunities for development of industry.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0745)	04/06/20
HB 764 - Orrock - Domesticated animal premises; liability for transmission of domesticated animal pathogen.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0453)	03/25/20
HB 942 - Marshall - Industrial hemp; federal regulations, adoption in Virginia.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0620)	04/02/20
HB 962 - Marshall - Hemp; products intended for smoking.	(H) Committee for Courts of Justice (S) Committee on the Judiciary	(G) Acts of Assembly Chapter text (CHAP0406)	03/23/20
HB 1002 - Guzman - Agriculture and Forestry Industries Development Planning Grant Program; created.	(H) Committee on Appropriations (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP1220)	04/22/20
HB 1237 - Wilt - Beehive distribution program; changes process for granting of basic beehive units.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0407)	03/23/20
HB 1240 - Wilt - Legal services plans; registration information or fees.	(H) Committee on Labor and Commerce (S) Committee on Commerce and Labor	(G) Acts of Assembly Chapter text (CHAP0408)	03/23/20
HB 1349 - Tyler - Agriculture and Consumer Services, Department of; removes references to Division of Marketing.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0317)	03/12/20

HB 1353 - Gooditis - Federal acts; meat and poultry.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0318)	03/12/20
HB 1422 - Plum - Chesapeake Bay watershed implementation plan initiatives; nutrient management plans for cropland.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP1185)	04/11/20
HB 1430 - Gooditis - Industrial hemp extract; approval as food or ingredient, regulations.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0659)	04/06/20
HB 1436 - Jones - Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0410)	03/23/20
HB 1509 - McQuinn - Virginia Food Access Investment Program and Fund; established and created, report.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0956)	04/09/20
HB 1552 - Levine - Tethering animals; adequate shelter and space.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0954)	04/09/20
HB 1573 - Bell - Rabid animals; Class 1 misdemeanor for person to permit rabid dog or cat to stray from premises.	(H) Committee for Courts of Justice (S) Committee on the Judiciary	(G) Acts of Assembly Chapter text (CHAP1183)	04/11/20
HB 1670 - O'Quinn - Pharmaceutical processors; cannabidiol oil, permit to operate processor.	(H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health	(G) Acts of Assembly Chapter text (CHAP0928)	04/09/20
HB 1681 - Willett - Virginia Charitable Gaming Board; electronic versions of instant bingo, pull tabs or seal cards.	(H) Committee on General Laws (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0979)	04/09/20
HB 1690 - Keam - Charitable gaming; increase in certain maximum allowable prize amounts.	(H) Committee on General Laws (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0980)	04/09/20
SB 24 - Petersen - Agritourism activities; adds horseback riding to definition.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0411)	03/23/20
SB 114 - Marsden - Comprehensive animal care; enforceable under Virginia Consumer Protection Act.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0412)	03/23/20

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Boardcont: Board presentation - bills that were continued

Composite view

Bills	Committee	Last action	Date
HB 87 - Carter - Marijuana; legalization of simple possession, penalties.	(H) Committee for Courts of Justice	(H) Continued to 2021 in Courts of Justice	02/05/20
HB 269 - Heretick - Marijuana; legalization of simple marijuana possession, penalty.	(H) Committee for Courts of Justice	(H) Continued to 2021 in Courts of Justice	02/05/20
HB 1192 - Lopez - Hazardous Substance Aboveground Storage Tank Fund; created.	(H) Committee for Courts of Justice	(H) Continued to 2021 in Courts of Justice	02/07/20
HB 1194 - Lopez - Dairy Producer Margin Coverage Premium Assistance Program; established.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (15-Y 1-N)	02/25/20
HB 1279 - O'Quinn - Animal shelters; confinement and disposition of animals.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
HB 1497 - Mugler - Fertilizer contractor-applicator; application pursuant to nutrient management plan.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
HB 1566 - Keam - Industrial hemp; definition, maximum THC concentration.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	01/29/20
HB 1621 - Plum - Virginia Urban Agriculture Advisory Council; created, report.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (13-Y 0-N)	02/25/20
HB 1706 - Kory - Pesticides; prohibits the manufacture, distribution, etc., for use of chlorpyrifos.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
HB 1712 - Hudson - Food packaging; PFAS chemicals, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
HB 1727 - Reid - Feral cats; trap, neuter, and return programs.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/05/20
SB 304 - Stanley - Animal shelters; euthanasia rate.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(H) Continued to 2021 in Agriculture, Chesapeake and Natural Resources	02/26/20
SB 387 - McPike - Charitable gaming; creates special permit for the play of electronic versions of instant bingo, etc.	(S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (15-Y 0-N)	02/10/20
SB 486 - Favola - Food waste; to study VDACS sources, scale, and prevention of food waste.	(H) Committee on Rules	(H) Continued to 2021 in Rules	02/27/20

	(S) Committee on Finance and Appropriations		
SB 510 - Reeves - Milk; definition, misbranding product, prohibition.	(S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (15-Y 0-N)	02/06/20
SB 626 - Surovell - Hazardous Substance Aboveground Storage Tank Fund; created.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Continued to 2021 in Agriculture, Conservation and Natural Resources (15-Y 0-N)	02/04/20
SB 669 - Boysko - Animal testing; breeding.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Continued to 2021 in Agriculture, Conservation and Natural Resources (12-Y 3-N)	02/04/20
SB 854 - Petersen - Virginia Urban Agriculture Advisory Council; created, report.	(S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (15-Y 0-N)	02/06/20
SB 1052 - Reeves - Virginia Charitable Gaming Board; regulations of the Board.	(S) Committee on Finance and Appropriations	(S) Continued to 2021 in Finance and Appropriations (16-Y 0-N)	02/10/20

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SB 199 - Barker - Charitable gaming; removes restrictions regarding the number of calendar days that may be conducted.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0568)	03/31/20
SB 272 - Bell - Tethering animals; adequate shelter and space.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0955)	04/09/20
SB 303 - Stanley - Dogs; import and sale from certain breeders, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0569)	03/31/20
SB 394 - McPike - Virginia Health Club Act; automated external defibrillator required in health clubs.	(H) Committee on Labor and Commerce (S) Committee on Commerce and Labor	(G) Acts of Assembly Chapter text (CHAP0628)	04/02/20
SB 583 - Mason - Virginia Spirits Board and Virginia Spirits Promotion Fund; established, report.	(H) Committee on General Laws (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0085)	03/02/20
SB 646 - Surovell - Tetrahydrocannabinol concentration; definition.	(H) Committee for Courts of Justice (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0831)	04/07/20
SB 742 - McPike - Dogs or cats; rental or lease prohibited, civil penalty, exception.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0630)	04/02/20
SB 786 - Lewis - Animal shelters; housing conditions.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP1109)	04/10/20
SB 812 - Morrissey - Virginia Telephone Privacy Protection Act; telephone solicitation calls.	(H) Committee on Communications, Technology and Innovation (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0607)	04/02/20
SB 849 - Mason - Lawn fertilizer; contractor-applicators.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0413)	03/23/20
SB 885 - Marsden - Performance of laboratory analysis; cannabidiol oil, THC-A oil, tetrahydrocannabinol.	(H) Committee on Health, Welfare and Institutions (S) Committee on Education and Health	(G) Acts of Assembly Chapter text (CHAP0941)	04/09/20
SB 891 - Marsden - Animal welfare regulations; keeping of dogs, cats, and rabbits.	(H) Committee on Appropriations	(G) Acts of Assembly Chapter text (CHAP1284)	05/21/20

	(S) Committee on Finance and Appropriations		
SB 918 - Marsden - Industrial hemp extract; approval as food or ingredient, regulations.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0660)	04/06/20
SB 936 - Petersen - Charitable Gaming Board; Texas Hold'em poker events.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0982)	04/09/20
SB 1030 - Spruill - Dangerous captive animal exhibits; definitions, penalty, effective date.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Agriculture, Conservation and Natural Resources	(G) Acts of Assembly Chapter text (CHAP0632)	04/02/20
SB 1048 - Deeds - Virginia Horse Center Foundation; DACS to investigate and negotiate public assistance.	(H) Committee on Rules (S) Committee on Rules	(G) Acts of Assembly Chapter text (CHAP0571)	03/31/20
SB 1073 - McClellan - Virginia Food Access Investment Program and Fund; established and created, report.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(G) Acts of Assembly Chapter text (CHAP0957)	04/09/20

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Composite view

Bills	Committee	Last action	Date
HB 27 - Lindsey - Cruelty to animals; serious bodily injury, first offense, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Stricken from docket by Agriculture, Chesapeake and Natural Resources (22-Y 0-N)	01/22/20
HB 248 - Lindsey - Industrial hemp products; signage, green cross emblem.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 249 - Lindsey - Hemp products; regulation, labeling.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 349 - Davis - Hemp products; regulation, advertising.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 451 - Fowler - Charitable gaming; removes restrictions regarding the number of calendar days that may be conducted.	(H) Committee on Appropriations	(H) Left in Appropriations	02/11/20
HB 484 - Davis - Hemp products; regulation, labeling.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 490 - Marshall - Farm vehicles; use.	(H) Committee on Transportation	(H) Left in Transportation	02/11/20
HB 508 - Willett - Animal care; cruelty, dangerous dogs.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 640 - Samirah - Product safety; liquid containers containing bisphenol A prohibited, civil penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 943 - Marshall - Industrial hemp; testing after harvest.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 1034 - Rasoul - Local Food and Farming Infrastructure Fund and Grant Program; established.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(S) Failed to pass in Senate	03/12/20
HB 1065 - Kory - Animal cruelty videos and photos; prohibited, penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Stricken from docket by Agriculture, Chesapeake and Natural Resources (22-Y 0-N)	01/22/20
HB 1069 - Adams, D.M. - Dairy milk cases or milk crates; unauthorized use.	(H) Committee for Courts of Justice	(H) Left in Courts of Justice	02/11/20
HB 1125 - Davis - Charitable Gaming Board; Texas Hold'em poker events.	(H) Committee on Appropriations	(H) VOTE: DEFEATED (33-Y 61-N)	02/10/20
HB 1129 - Lopez - Product safety; flame retardants, regulations, civil penalty.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 1190 - Poindexter - Land used for	(H) Committee for	(H) Left in Courts of Justice	02/11/20

agricultural purposes; throwing or depositing certain materials or substances.	Courts of Justice		
HB 1204 - Tran - Fall cankerworm; spraying prohibited except through opt-in program.	(H) Committee on Counties, Cities and Towns	(H) Failed to report (defeated) in Counties, Cities and Towns (9-Y 11-N)	02/07/20
HB 1289 - Kory - Humane Cosmetics Act; civil penalties.	(H) Committee on Labor and Commerce	(H) Failed to report (defeated) in Labor and Commerce (7-Y 9-N)	02/04/20
HB 1317 - Aird - Industrial hemp grower; public notice, buffer zone, odor mitigation.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
HB 1416 - Campbell, R.R. - Animal care; zoos and petting zoos, seizure of animals.	(H) Committee on Agriculture, Chesapeake and Natural Resources	(H) Left in Agriculture, Chesapeake and Natural Resources	02/11/20
SB 310 - Stanley - Public animal shelters; notice to euthanize.	(H) Committee on Agriculture, Chesapeake and Natural Resources (S) Committee on Finance and Appropriations	(H) Left in Agriculture, Chesapeake and Natural Resources	03/03/20
SB 311 - Stanley - Dogs or cats; breeding for experimentation, prohibition.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Incorporated by Agriculture, Conservation and Natural Resources (SB669-Boysko) (15-Y 0-N)	01/28/20
SB 751 - Reeves - Charitable gaming; regulations of the Charitable Gaming Board.	(S) Committee on General Laws and Technology	(S) Passed by indefinitely in General Laws and Technology (14-Y 0-N)	01/29/20
SB 822 - Morrissey - Telephone privacy protection; solicitor to immediately disclose who is calling, etc.	(S) Committee on Commerce and Labor	(S) Passed by indefinitely in Commerce and Labor (15-Y 0-N)	02/09/20
SB 827 - Ruff - Industrial hemp; federal regulations, adoption in Virginia.	(S) Committee on Agriculture, Conservation and Natural Resources	(S) Incorporated by Agriculture, Conservation and Natural Resources (SB918-Marsden) (14-Y 0-N)	01/28/20
SB 954 - Obenshain - Dairy Producer Margin Coverage Premium Assistance Program; established.	(H) Committee on Appropriations (S) Committee on Finance and Appropriations	(H) Left in Appropriations	03/03/20

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Chapter 1289 - 2020 Bill and Amendment Summaries to VDACS Budget

	Division	FY 2021 Dollars	FY 2021 FTE	FY 2022 Dollars	FY 2022 FTE	
Chapter 854 (2019 Appropriation Act) - Fiscal Year 2020		**$ 73,174,199**	**544.00**	**$ 73,174,199**	**544.00**	
Technical Adjustments						
General Fund		$ 1,513,842	-	$ 1,513,842	-	
Nongeneral Fund		$ 2,000,752	-	$ 2,000,752	-	
Total Technical Adjustments:		**$ 3,514,594**	**-**	**$ 3,514,594**	**-**	
Increases:						
Enhance economic growth and food safety in the commonwealth	*AFIS*	*$ 267,201*	*3.00*	*$ 256,701*	*3.00*	*
Ensure adequate animal care coverage	AFIS	$ 94,533	1.00	$ 94,533	1.00	
Fulfill Virginia's phase III watershed implementation plan	*CP*	*$ 240,021*	*2.00*	*$ 185,021*	*2.00*	*
Inspect industrial hemp extracts for public consumption	AFIS	$ 99,553	1.00	$ 86,053	1.00	
Provide funding for cloud service utilization and readiness	ADM	$ 245,308	-	$ 98,417	-	
Support industrial hemp commercialization in Virginia	CP	$ 426,340	1.00	$ (123,660)	1.00	
Support industrial hemp commercialization in Virginia - Increased fee revenue (nongeneral funds)	*CP*	*$ 300,000*	-	*$ 300,000*	-	
Increase deposit to the Wine Promotion Fund based on wine liter tax collections	MRKT	$ 508,553	-	$ 508,553	-	
Virginia Food Access Investment Program and Fund	MRKT	$ 1,125,000	1.00	$ 125,000	1.00	
Comprehensive Companion Animal Care Programs	AFIS	$ 86,488	1.00	$ 86,488	1.00	
Holiday Lake 4-H	*MRKT*	*$ 250,000*	-	*$ -*	-	*
Enhance Charitable Gaming Programs	CP	$ 374,667	4.00	$ 374,667	4.00	
Local Food and Farming Infrastructure Fund; Grant Program	MRKT	$ -	-	$ -	-	
Total Increases:		**$ 4,017,664**	**14.00**	**$ 1,991,773**	**14.00**	
Decreases:						
Delay filling two vacant marketing positions	MRKT	$ (86,656)	-	$ (44,993)	-	
Total Decreases		**$ (86,656)**	**-**	**$ (44,993)**	**-**	
Net change with new legislation		**$ 3,931,008**	**14.00**	**$ 1,946,780**	**14.00**	
Language Only:						
Modify real estate sale language to address easement transfer		Included		Included		
Chapter 1289 (2020 Budget Bill)		***$ 80,619,801***	***558.00***	***$ 78,635,573***	***558.00***	
Percentage change over Chapter 854		***10.18%***	***2.57%***	***7.46%***	***2.57%***	
Chapter 1289 (2020 Budget Bill) - General Fund		***$ 42,378,884***	***344.00***	***$ 40,394,656***	***344.00***	
Percentage change over Chapter 854		***13.82%***	***4.24%***	***8.49%***	***4.24%***	

	FY 2021 Dollars	FY 2021 FTE	FY 2022 Dollars	FY 2022 FTE
*Spending freeze placed on identified initiatives based on the Governor's Amendments to the 2020-2022 Biennial Budget Adopted by the 2020 General Assembly	*$ 757,222*	*5.00*	*$ 441,722*	*5.00*

Potential General Fund Reduction Targets:

	FY 2021	FY 2022
5 percent	$2,118,944	$2,019,733
10 percent	$4,237,888	$4,039,466
15 percent	$6,356,833	$6,059,198

Project 6415

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Amend acreage reporting requirement per Ch. 413 of the 2020 Acts of Assembly

2VAC5-405-100. Recordkeeping requirements and reporting for the application of fertilizer.

A. Licensees, contractor-applicators, and state agencies, localities, or other governmental entities subject to this regulation shall maintain records of each application of fertilizer to nonagricultural land for at least three years following the application. These records shall be available for inspection by the commissioner. Each record shall contain the:

1. Name, mailing address, and telephone number of customer, as well as address of application site if different from customer's mailing address;
2. Name of the person making or supervising the application;
3. Day, month, and year of application;
4. Weather conditions at the start of the application;
5. Acreage, area, square footage, or plants treated;
6. Analysis of fertilizer applied;
7. Amount of fertilizer used, by weight or volume; and
8. Type of application equipment used.

B. Contractor-applicators and licensees who apply lawn fertilizer and lawn maintenance fertilizer to more than a total of ~~100~~50 acres of nonagricultural lands annually, and state agencies, localities, or other governmental entities that apply lawn fertilizer and lawn maintenance fertilizer to nonagricultural lands under their control, shall submit an annual report on or before February 1 indicating the total acreage or square footage by zip code of the land receiving lawn fertilizer and lawn maintenance fertilizer in the preceding calendar year. The report shall be submitted on a form prescribed by the commissioner.

Project 6441

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Industrial hemp extracts intended for human consumption

CHAPTER 595

REGULATIONS GOVERNING THE MANUFACTURING AND SALE OF PRODUCTS THAT CONTAIN INDUSTRIAL HEMP EXTRACTS INTENDED FOR HUMAN CONSUMPTION

2VAC5-595-10. Purpose.

The purpose of this regulation is for the efficient enforcement of Article 5 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2 of the Code of Virginia pertaining to industrial hemp extracts intended for human consumption.

2VAC5-595-20. Definitions.

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

"Approved source" means a manufacturer of an industrial hemp extract or food containing an industrial hemp extract who operates (i) under inspection by the responsible food regulatory agency in the location in which such manufacturing occurs and (ii) in compliance with the laws, regulations, or criteria that pertain to the manufacturer of an industrial hemp extract or food containing an industrial hemp extract in the location in which such manufacturing occurs.

"Batch" means a specific quantity of an industrial hemp extract that is uniform and is produced during a specified period of time under similar conditions and identified by a specific code that allows traceability.

“Cannabinoid” means a naturally-occurring, biologically active, chemical constituent of Cannabis sativa, including but not limited to cannabidiol (CBD), cannabidiolic acid (CBDA), delta-9-tetrahydrocannabinol (THC), and delta-9-tetrahydrocannabinolic acid (THCA).

“Consumer” means a person who (i) purchases an industrial hemp extract or a food containing an industrial hemp extract for personal use, (ii) is not functioning in the capacity of an operator of a food establishment or food processing plant, and (iii) does not offer the industrial hemp extract or food containing an industrial hemp extract for resale.

“Consumption” means oral ingestion.

“Contaminant” means any substance not intended to be an ingredient in a food and that is potentially harmful to the consumer.

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

“Extract” means a naturally occurring phytochemical produced by the industrial hemp plant that has been removed from the inert structural material of the plant.

“Food” means any article that is intended for human consumption and introduction into commerce, whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation thereof. “Food” does not mean a drug as defined in § 54.1-3401 of the Code of Virginia. “Food” includes a dietary supplement.

“Industrial hemp” means any part of the plant Cannabis sativa with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.

“Industrial hemp extract” means an extract (i) of a Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law and (ii) that is intended for human consumption.

"Manufacturer" means a person who (i) produces a packaged food or a food intended to be used as an ingredient in a food and (ii) offers the food for sale directly to consumers or for wholesale distribution.

"Manufacturer" does not include a person who adds an industrial hemp extract to food for immediate consumption by consumers in a retail food establishment or at a farmers' market, if that person did not produce the industrial hemp extract.

"Phytochemical" means any naturally occurring chemical compound in a plant.

"Processor" means a person registered pursuant to subsection A of § 3.2-4115 of the Code of Virginia to process industrial hemp.

"Production field" means the land or area on which a grower is growing or intends to grow industrial hemp.

"Retail food establishment" means a food business regulated under and operating in compliance with the Retail Food Establishment Regulations (2VAC5-585) and Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 of the Code of Virginia.

"Retail sale" means the sale of a product directly to a consumer.

"Total delta-9 tetrahydrocannabinol concentration" means the post-decarboxylation delta-9 tetrahydrocannabinol concentration, which can be determined using the following equation [delta-9 tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

"Wholesale distribution" means the sale of a product to an intermediate entity that intends to further distribute that product for retail sale.

2VAC5-595-30. Regulated articles.

Industrial hemp extracts and foods containing an industrial hemp extract are subject to the provisions of this chapter.

2VAC5-595-40. Inspection required.

A. A person who manufactures an industrial hemp extract in Virginia and introduces that industrial hemp extract into commerce shall first be inspected by the Department for compliance with the requirements in section 50 of this chapter.

B. To apply for an inspection to manufacture an industrial hemp extract or to introduce an industrial hemp extract into commerce, a person must:

1. Submit an application on a form provided by the Commissioner; and

2. Provide documentation of an unexpired Industrial Hemp Processor Registration issued pursuant to subsection A of § 3.2-4115 of the Code of Virginia.

2VAC5-595-50. General requirements.

A. A manufacturer shall produce an industrial hemp extract in compliance with Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 of the Code of Virginia and Regulations Pertaining to Food for Human Consumption (2VAC5-600), including 21 CFR Part 117.

B. Notwithstanding subsection A of this section, a manufacturer shall produce an industrial hemp extract or food containing an industrial hemp extract in compliance with 21 CFR Part 111, if the industrial hemp extract or food containing an industrial hemp extract is:

1. Produced in a tablet, capsule, powder, softgel, or gel cap form;

2. Labeled with a panel titled “Supplement Facts;” or

3. Labeled with a statement that describes the role of a nutrient or ingredient intended to affect the structure or function in humans or that characterizes the documented mechanism by which a nutrient or ingredient acts to maintain such structure or function.

C. The manufacture or sale of food that contains an industrial hemp extract is not eligible for the exemption from inspection provided in § 3.2-5130 of the Code of Virginia.

D. A person offering for sale a food containing an industrial hemp extract shall obtain the industrial hemp extract from an approved source.

2VAC5-595-60. Laboratory testing required for contaminants and phytochemicals of an industrial hemp extract or a food containing an industrial hemp extract.

A. If an industrial hemp extract is used as an ingredient in a food and that industrial hemp extract was produced by a manufacturer who is an approved source pursuant to § 3.2-5145.3 of the Code of Virginia, that food containing an industrial hemp extract is not subject to the testing requirements prescribed in this section. However, a food containing an industrial hemp extract that contains any contaminant in an amount that exceeds an acceptable criteria or tolerance established in this section is adulterated.

B. A manufacturer of an industrial hemp extract shall submit for laboratory analysis a sample from each batch of industrial hemp extract the manufacturer produces. Such laboratory analysis shall only be performed by a laboratory that meets the requirements prescribed in subsection E of this section.

C. A batch whose sample contains any contaminant in an amount that exceeds an acceptable criteria or tolerance established in this section is adulterated. A manufacturer of an industrial hemp extract may not offer for sale or sell any industrial hemp extract from a batch whose sample contains any contaminant in an amount that exceeds an acceptable criteria or tolerance established in this section.

D. A manufacturer of an industrial hemp extract may not offer for sale or sell any industrial hemp extract from a batch whose sample does not contain the cannabinoid or phytochemical concentration claimed on the label for the industrial hemp extract.

E. The laboratory analysis required in subsection B of this section shall be performed by a laboratory that:

1. Has no direct or indirect financial interest in a manufacturer of an industrial hemp extract or in any other entity that may benefit from the production, manufacture, sale, purchase, or use of an industrial hemp extract or product containing an industrial hemp extract. Additionally, no person with a direct or indirect financial interest in the laboratory shall have a direct or indirect financial interest in a manufacturer of an industrial hemp extract or in any other entity that may benefit from the production, manufacture, sale, purchase, or use of an industrial hemp extract or product containing an industrial hemp extract.

2. Employs at least one person to oversee and be responsible for the laboratory testing who has earned from a college or university accredited by a national or regional certifying authority at least (i) a master's degree in chemical or biological sciences and a minimum of two years of post-degree laboratory experience or (ii) a bachelor's degree in chemical or biological sciences and a minimum of four years of post-degree laboratory experience.

F. The microbiological content in a sample from a batch of industrial hemp extract shall not exceed the following acceptable criteria:

Microbiological	Acceptable criteria
Total Aerobic Microbial Count	< 1,000 cfu/g or cfu/ml
Total Combined Yeast and Mold Count	< 100 cfu/g or cfu/ml
Escherichia coli	Absent in 1 g or 1 ml

G. The mycotoxin content in a sample from a batch of industrial hemp extract shall not exceed the following acceptable criteria:

Mycotoxin	Acceptable criteria
Aflatoxin (total)	< 20 ppb (20 ug/kg)
Ochratoxin A	< 20 ppb (20 ug/kg)

H. The heavy metal content in a sample from a batch of industrial hemp extract shall not exceed the following acceptable criteria:

Heavy metal	Acceptable criteria
Arsenic	< 10 ppm
Cadmium	< 4.1 ppm
Lead	< 10 ppm
Mercury	< 2 ppm

I. The residual solvent content in a sample from a batch of industrial hemp extract shall not exceed the following acceptable criteria:

Residual solvent	Acceptable criteria
1,2-Dichloroethene	5 ppm
1,1-Dichloroethene	8 ppm
Acetone	5,000 ppm
Acetonitrile	410 ppm
Benzene	2 ppm
Butane	2,000 ppm
Chloroform	60 ppm
Ethanol	5,000 ppm
Ethyl Acetate	5,000 ppm
Ethyl Ether	5,000 ppm
Ethylene Oxide	5 ppm
Heptane	5,000 ppm
Hexane	290 ppm
Isopropyl Alcohol	500 ppm
Methanol	3,000 ppm
Methylene Chloride	600 ppm
Pentane	5,000 ppm
Propane	2,100 ppm
Toluene	890 ppm
Trichloroethylene (1,1,2-Trichloroethene)	80 ppm
Xylenes, Total (ortho-, meta-, para-)	2170 ppm

J. Any pesticide applied to industrial hemp or during the processing of industrial hemp must be done so in accordance with the label of that pesticide and in compliance with the Virginia Pesticide Control Act and regulations adopted thereunder. For at least three years, the manufacturer of an industrial hemp extract shall maintain pesticide application records for the industrial hemp from which it produces the industrial hemp extract.

K. The pesticide chemical residue content in a sample from a batch of industrial hemp extract shall not exceed the most stringent tolerance for a pesticide chemical residue in any food item as set forth by the U.S. Environmental Protection Agency's regulations for Tolerances and Exemptions for Pesticide Chemical Residues in Food in 40 CFR Part 180, Subpart C. Pesticide chemical residue testing shall include, but not be limited to, testing for carbamates, organochlorines, and organophophates.

L. The total delta-9 tetrahydrocannabinol concentration of a sample from a batch of industrial hemp extract shall not exceed 0.3 percent.

M. If a manufacturer labels an industrial hemp extract as having any amount of a cannabinoid, a sample from a batch of the industrial hemp extract shall be tested and shall have the claimed amount of the cannabinoid. If a manufacturer labels an industrial hemp extract as having any amount of phytochemical, including a terpene or flavonoid, a sample from a batch of the industrial hemp extract shall be tested and shall have the claimed amount of the phytochemical.

N. If batch testing of industrial hemp extracts from industrial hemp grown in a specific production field consistently shows that levels of contaminants do not exceed the limits established in this chapter, the frequency of batch testing by the manufacturer may be adjusted after consultation with the Department. The manufacturer shall retain documentation of the reasoning for adjustment of batch testing frequency and the recommendation of the Department and make such available to the Department on request.

O. The manufacturer shall maintain industrial hemp extract testing records for at least three years.

2VAC5-595-70. Labeling of industrial hemp extracts and foods containing an industrial hemp extract.

A. For the purpose of this chapter, label or labeling includes the label on the packaging of an industrial hemp extract or food containing an industrial hemp extract as well as any brochure, advertisement, information on social media or on any website, or any other form of product marketing.

B. An industrial hemp extract or food containing an industrial hemp extract shall be labeled in accordance with 21 CFR Part 101 and Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 of the Code of Virginia.

C. Notwithstanding subsection B of this section, a manufacturer shall label an industrial hemp extract or food containing an industrial hemp extract in compliance with the labeling provisions for dietary supplements in 21 CFR Part 101 and Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2 of the Code of Virginia, if the industrial hemp extract or food containing an industrial hemp extract is:

1. Produced in a tablet, capsule, powder, softgel, or gel cap form;

2. Labeled with a panel titled “Supplement Facts;” or

3. Labeled with a statement that describes the role of a nutrient or ingredient intended to affect the structure or function in humans or that characterizes the documented mechanism by which a nutrient or ingredient acts to maintain such structure or function.

D. If a manufacturer labels an industrial hemp extract or food containing an industrial hemp extract as containing a specific cannabinoid or concentration thereof, the number of milligrams of each cannabinoid must be declared on the product label. The manufacturer must make and

maintain records verifying the declared amount of cannabinoid. Such records may include a recipes, formulation, or batch record.

E. The label of an industrial hemp extract or food containing an industrial hemp extract shall not contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease, which shall render the product a drug, as that term is defined in 21 USC 321(g)(1). An industrial hemp extract or food containing an industrial hemp extract with a label that contains a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease is not a food and shall be considered misbranded.

F. A manufacturer shall identify each batch of an industrial hemp extract or a food containing an industrial hemp extract with a unique code for traceability. Julian date coding or any other system developed and documented by the manufacturer for assigning a unique code to a batch may be used. The batch identification shall appear and be legible on the industrial hemp extract label.

G. The label of an industrial hemp extract or a food containing an industrial hemp extract shall include a statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent or shall state the specific total delta-9-tetrahydrocannabinol concentration of the product.

FORMS (2VAC5-595)

Application for Manufacturer of an Industrial Hemp-Derived Extract Intended for Human Consumption, ODF-FSP-10595 (eff. 12/2020).

Application for Manufacturer of an Industrial Hemp-Derived Extract Intended for Human Consumption

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Date of Application: **Industrial Hemp Processor Registration Number:**		County (or city) in which the business is located:	
Business Name:			
Owner Name:			
Phone:			
Email Address:			
Processing Location Address:			
Business Mailing Address:			
Water Supply:	☐ Public	☐ Private	Type (drilled, bored, etc)
Sewage Disposal:	☐ Public	☐ Private	
Pets (if operating in the home):	☐ Yes	☐ No	
Number of employees, including owner:			
Hours of operation:			

Checklist of Required Information

☐	Documentation of zoning approval to operate a food processing business on the property
☐	Documentation that the hemp-derived extracts intended for human consumption are produced from industrial hemp grown in compliance with federal or state law.
☐	Documentation that the hemp-derived extracts intended for human consumption have a tetrahydrocannabinol (THC) concentration of no greater than 0.3 percent.
☐	Provide a certificate of analysis as documentation that the hemp-derived extract does not contain a level of any contaminant that exceeds the criteria established in 2VAC-595, and that confirms the amount of cannabinoid or phytochemicals claimed on the product label.
☐	Diagram of processing and storage areas.
☐	If private water supply is used, a copy of water test results showing Coliform bacteria are “absent”.
☐	Documentation that the private sewage disposal system is adequate for intended use.
☐	Documentation of employee training.
☐	If operating in the home, provide written explanation of how contamination with personal belongings will be prevented.
☐	Written procedures for preventing allergen cross-contact.
☐	If applicable, additional documentation required under Subparts C & G under 21 CFR 117.
☐	List of all products submitted for review with planned method and place of distribution.
☐	List of all ingredients used in your business, with the source of each.
☐	Product information sheet for each product.
☐	Copy of label for each product.

Application Instructions

1. Review the "How To" document for completing this application and preparing for your inspection.
2. Complete page 1, providing all of the requested basic business/owner information. Please do not submit your application without any of the required information as it will not be reviewed without it. Submit all of it together at the same time.
   - Note about pets in the home: If you marked "Yes", areas where food is prepared, or stored, where packaging material is stored and where equipment is cleaned and stored must be completely enclosed/separated from the rest of the home in order to be considered for home based food manufacturing. Pets must be excluded from these areas at all times by solid doors and walls.
   - Note on hours of operation: inspections are unannounced and unscheduled. Provide a list of the weekdays and times that operation would normally occur. The inspector will visit for inspection during these hours.
3. Provide written documentation that you have approval from the locality's zoning office to operate a food processing business on the property. Alternatively, if you are using a community kitchen, provide written documentation that you have the operator's permission. Any verifiable documentation is acceptable, such as email correspondence, official letter or other.
4. Provide a diagram of the food processing and storage areas.
5. If the property is using a private water supply (e.g. well), you must provide evidence that the water is potable. A recent copy (less than six months old) of lab results showing that Coliform bacteria were "absent" in a sample of your well water is required. The testing laboratory that you use must be certified by the Virginia Safe Drinking Water Program. A list of labs that are certified for water testing can be found at this link: Virginia Safe Drinking Water Certified Laboratories
6. If private sewage disposal is used, obtain documentation from an Alternative Onsite Soil Evaluator (AOSE), Professional Engineer (PE) or Virginia Department of Health that your system is adequate for the intended use of your business. Please see https://drive.google.com/open?id=1nIVtqik9hDqAfzsaJX8J35dnknIG3SvI&usp=sharing for additional information and to locate a service provider. NOTE: All service providers must be properly licensed through the Department of Professional and Occupational Regulation (DPOR).
7. As a food manufacturer, you and any employees of your business must be trained, and you must provide documentation of said training. Provide documentation that you and any employees have received training in the principles of food hygiene and food safety, including the importance of employee health and personal hygiene, as appropriate to your food products, your facility and the employee's assigned duties. A list of suggested courses is provided within this application, but you may obtain training elsewhere as long as it is adequate. Also provided is a template you may use to document employee training. Even if the owner is the only employee, a training record needs to be maintained.
8. Provide a list of all products you plan to make, as well as the planned location of distribution.
9. Provide a list of all of the ingredients you will be using, and the source of those ingredients.
10. Complete a Product Information Sheet for each product you plan to make. Mark "Trade Secret" if your formulation/process is confidential. We will not share your process, but you must provide it.
11. Provide a copy of the label for each product (mock labels are acceptable if actual labels have not yet been made). Labels must comply with the labeling regulations, 21 CFR 101.
12. Submit applications to the VDACS Food Safety Program. An incomplete application will cause delay in it being processed. Hand-written applications will not be accepted.
    - Submit by email (preferred): foodsafety@vdacs.virginia.gov
    - Submit by mail: ATTN: Food Safety, PO Box 1163, Richmond VA 23218
13. Once your application is submitted, it will be reviewed, and you will be contacted by the reviewer if there are any questions. When the application review is complete, a Food Safety Specialist will contact you to schedule the initial inspection.

Requirements for Manufacturers of Industrial Hemp Extracts

In order to produce a hemp-derived extract intended for human consumption a registered hemp processor:

- Must be able to provide documentation that the hemp-derived extracts intended for human consumption are produced from industrial hemp grown in compliance with federal or state law.

- Must be able to provide documentation that the hemp-derived extracts intended for human consumption have a total tetrahydrocannabinol (THC) concentration of no greater than 0.3 percent.

- Shall meet the standards stated below, which are standards that are included in the regulations promulgated by the Virginia Board of Pharmacy for the production of the cannabidiol oil product that it regulates.

Microbiologicals			
Microbiological		**Acceptable criteria**	
Total Aerobic Microbial Count		< 1,000 cfu/g or cfu/ml	
Total Combined Yeast and Mold Count		< 100 cfu/g or cfu/ml	
Escherichia coli		Absent in 1g or 1ml	
Mycotoxins		**Heavy Metals**	
Aflatoxin B1	<20 ug/kg of Substance	Arsenic	<10 parts per million (ppm)
Aflatoxin B2	<20 ug/kg of Substance	Cadmium	<4.1 ppm
Aflatoxin G1	<20 ug/kg of Substance	Lead	<10 ppm
Aflatoxin G2	<20 ug/kg of Substance	Mercury	<2 ppm
Ochratoxin A	<20 ug/kg of Substance		
Residual Solvents			
A hemp-derived extract intended for human consumption shall not contain more residual solvent than the amounts listed as acceptable for residual solvent content in 2VAC-595			

- Only residue from pesticides that meet the following requirements may be present in a hemp-derived extract intended for human consumption:
  1. The active ingredient is exempt from the requirements of a pesticide tolerance on all food crops (i.e., auxins, select biopesticides, copper, cytokinins, gibberellins, petroleum oil, phosphorous acid, pyrethrins, soap, sulfur, common consumer food commodities, edible fats, and oils). Information regarding food tolerances for pesticide ingredients may be found on the U.S. Environmental Protection Agency's (EPA) website; and
  2. The label has directions for use on unspecified food crops (e.g., bedding plants); and
  3. The pesticide is registered by EPA or exempted from registration; and
  4. The pesticide is registered by VDACS; and
  5. The label language is sufficiently broad to include hemp and does not specifically prohibit its use on hemp.

- Must be able to provide a certificate of analysis if the label states that any amount of cannabinoids are present in the finished product.

- Comply with the food laws and regulations pertaining to food manufacturing, including 21 CFR Part 117, Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food (GMP).

- Comply with Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements (21 CFR 111) *if the industrial hemp-derived extract product appears to be labeled or marketed as a Dietary Supplement*.

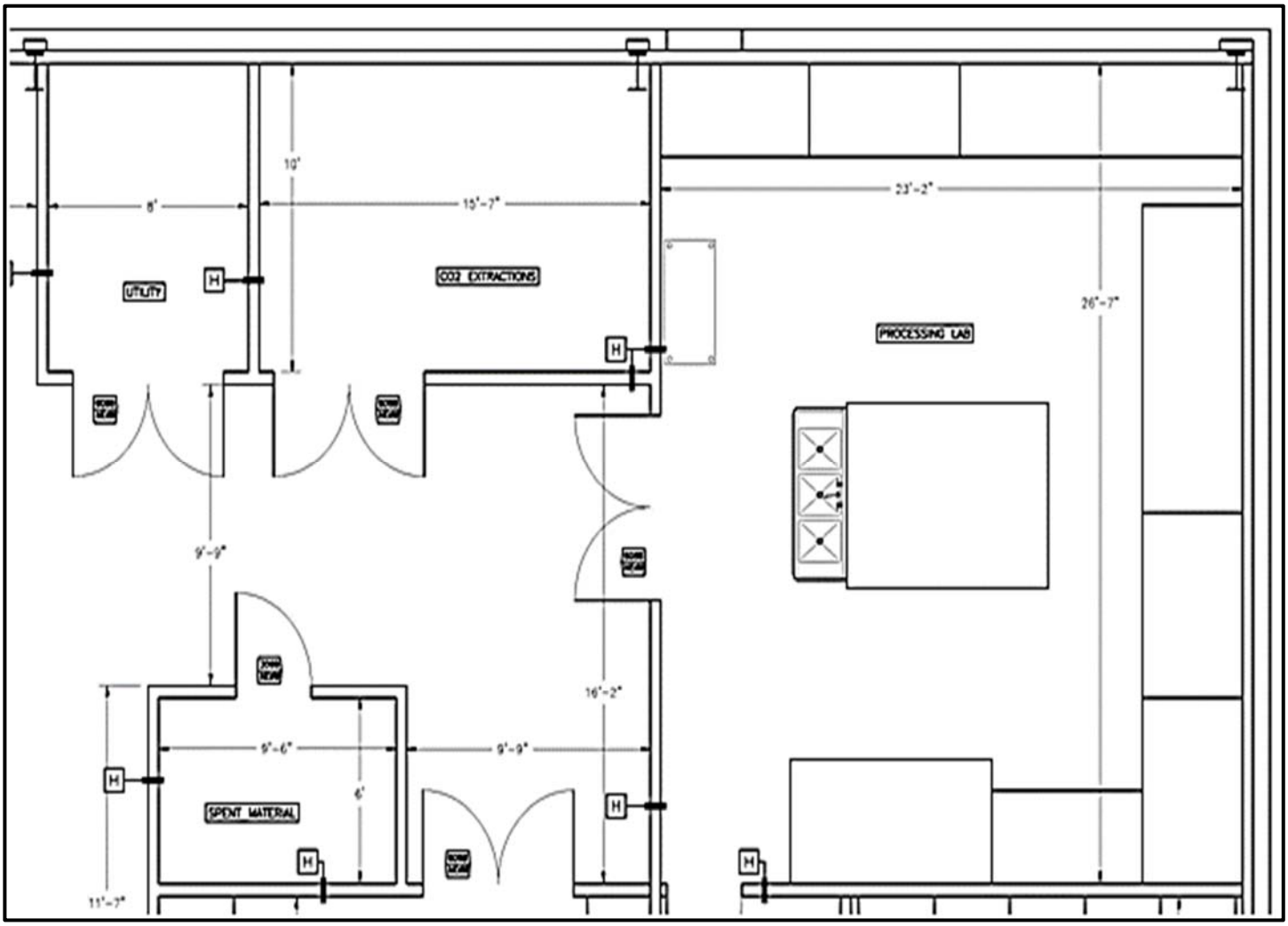
Zoning/Commercial Kitchen Approval

Include your zoning approval here or on a separate sheet.

Diagram of food processing and storage areas

The diagram may be drawn using computer software or drawn by hand. Clearly indicate or label each area used for storage of raw ingredients, packaging materials, finished products, processing area, warewashing facilities, handwashing sinks, restrooms, etc.

EXAMPLE



Food Processing and Storage Area Diagram

Include your diagram here or on a separate sheet.

Employee Training and Records

An adequate and complete training course would include topics on employee health and hygiene, proper food storage and cooking temperatures, cleaning food contact surfaces, allergen awareness/control and any other topics specifically applicable to your particular food processing operation. **Provide documentation that training was completed on a separate sheet.**

List of available trainings:

- **360training.com, Inc.**
  Learn2Serve Food Protection Manager Certification Program:
  - Website link: https://www.360training.com/course/ansi-food-safety-manager-principles-training-and-exam
  - (877) 881-2235
- **AboveTraining/StateFoodSafety.com**
  Certified Food Protection Manager (CFPM) Exam:
  - Website link: https://www.statefoodsafety.com/food-safety-manager-certification#/
  - (801) 494-1416
- **National Registry of Food Safety Professionals**
  Food Manager Certification
  - Website link: https://www.nrfsp.com/exam-center/training-options/
  - (800) 446-0257
- **National Restaurant Association**
  ServSafe Food Protection Manager Certification Program
  - https://www.servsafe.com/ServSafe-Manager
  - (800) 424-5156
- **The Always Food Safe Company, LLC**
  Food Protection Manager Certification
  - https://alwaysfoodsafe.com/food-protection-manager
  - 844-312-2011
- **Institute for Food Safety at Cornell University**
  Good Manufacturing Practices Part 117 Online Course
  - https://instituteforfoodsafety.cornell.edu/trainings/good-manufacturing-practices-registration/

Example template:

Employee Training Record				
Grannie's Cookies 111 Happy Ln Anytown, VA 22554				
Employee Name	Course Name	Location	Date Completed	Trainer Signature

Employee Training and Records

Include a copy of your training record and documentation here or on a separate sheet.

Preventing Contamination from Personal Belongings*

The regulation states that clothing or other personal belongings cannot be stored in areas where food is exposed or where equipment or utensils are washed. You need to ensure that you can meet this requirement in your home kitchen. Personal belongings are any items that are not used in the manufacturing of your foods that will be offered for sale to the public. In addition, the regulation also states that eating food, chewing gum, drinking beverages or using tobacco cannot occur in areas where food is exposed or where equipment or utensils are washed. This means that during the hours that your home is used as a food manufacturing facility, all areas must have first been cleaned and sanitized and that all personal belongings must be removed from the countertop, tables, etc. where food will be manufactured. Compliance with these requirements will be verified by the inspector.

**This section is only required if you are processing in your home.*

Provide your written explanation describing how you will comply here or on a separate sheet.

Preventing Allergen Cross-Contact

The eight major allergens in the U.S. are: milk, wheat, eggs, peanuts, tree nuts, soybeans, fish, and crustacean shellfish. Preventing accidental inclusion of allergens into products that should not contain them is critical to the safety of your food products. Cross contact occurs when an allergen from one food (walnuts, for example) is transferred to another food that does not contain the allergen (strawberry jam, for instance). You should conduct a food allergen ingredient analysis. If your analysis identifies food allergens that will (or may be) in your products, you must have controls in place that prevent allergen cross contact that includes all the products you manufacture for sale. When you operate in a space that is also used for other businesses, you must also consider foods that they store and prepare. Including a statement on your product label such as "may contain [peanuts], [tree nuts], [fish]…" is not an adequate control for preventing cross contact.

The following resources may help you in developing a plan:

- https://www.foodsafetymagazine.com/magazine-archive1/december-2003january-2004/writing-and-implementing-an-allergen-control-plan/
- https://farrp.unl.edu/3fcc9e7c-9430-4988-99a0-96248e5a28f7.pdf
- https://www.fda.gov/media/129670/download

Provide your written plan for preventing allergen cross contact here or on a separate sheet.

Requirements of Subparts C & G and Exemptions

Who is not subject to the requirements of Subparts C and G?

- Very small businesses that have attested to FDA. You may attest here using the Qualified Facility Attestation module: https://www.access.fda.gov/
- Facilities who exclusively handle or manufacture seafood, juice, dietary supplements, or alcoholic beverages. To clarify, if your facility handles any of the above products, plus other commodities, then you are subject to Subparts C and G.
- Home food processors

If you do not meet any of the above exemptions, you must comply with and submit the following:

Subpart C: Hazard Analysis and Risk-Based Preventive Controls
This subpart applies to all businesses not in the list above, which is the vast majority of food manufacturers. Facilities that are subject to this subpart must have a written and implemented Food Safety Plan (FSP). The FSP must be overseen by a Preventive Controls Qualified Individual (PCQI). The FSP must include the following:

• Hazard analysis	• Monitoring procedures
• Preventive controls	• Corrective action procedures
• Supply chain program	• Verification procedures
• Recall plan	

Preventive Controls Qualified Individuals (PCQI)
Preventive Controls Qualified Individual means a qualified individual who has successfully completed training in the development and application of risk-based preventive controls at least equivalent to that received under a standardized curriculum recognized as adequate by FDA or is otherwise qualified through job experience to develop and apply a food safety system.

For additional information visit: https://www.ifsh.iit.edu/fspca

Subpart G: Supply-Chain Program
This subpart outlines the requirements for a supply chain program. The safety of the product you manufacture not only depends on the controls you put in place, but the controls applied by your suppliers or your customers. If a known hazard exists in your product or ingredients, it needs to be controlled, whether that be at your supplier's facility, at your facility, or by the next facility in the supply chain. If you decide that the hazard will not be controlled at your facility, then you should identify a supply chain control in your hazard analysis. If you do so, you will need to implement supply-chain control which may include using approved suppliers and conducting verification of these suppliers.

Resources for Creating Your Food Safety Plan

Food Safety Preventive Controls Alliance: https://www.ifsh.iit.edu/fspca

FDA: https://www.fda.gov/food/food-safety-modernization-act-fsma/fsma-final-rule-preventive-controls-human-food

Virginia Tech Food Innovations Program: Joell Eifert, Director foodbiz@vt.edu or (540) 231-5770

Include a copy of your Food Safety Plan and Supply-Chain Program here or on a separate sheet. If you are a very small business, include documentation you have attested.

Basic Labeling Requirements

The following are labeling components required for all packaged foods. Failure to provide labels as described below will cause your application to be returned. Refer to the labeling regulation 21 CFR 101 for complete details.

Product Name:
Must be on the front panel
Must be an accurate description of the product
Must be in bold print
Must be the largest type on the panel

Net Weight:
Must be on the front panel
Must be stated in both standard and metric units
Must be in bold print
Must be located on the bottom of the panel

Ingredients Statement: Must appear on the same panel as the name and address of your business. It must be on the front panel or the panel directly to the right of the front panel. Ingredients must be listed in order of heaviest to least heavy. If any ingredient is made of two or more ingredients, these "sub-ingredients" must be listed in parentheses next to the main ingredient. When one of the eight major food allergens is an ingredient or sub-ingredient, it must be identified by name, either within the ingredient statement OR in a separate statement directly below the ingredient statement. This is called a "contains statement" and must follow the format shown below. The only words that may be used to identify the allergens are the following: Milk, Wheat, Eggs, Peanuts, Tree Nuts (name the specific type of nut), Soybeans, Fish (name the specific species of fish), and Crustacean Shellfish (name the specific species of crustacean).

Allergens* listed in ingredient statement:

Ingredients: Hemp Seed Oil, Coconut Oil, Full Spectrum Hemp Extract.

OR

Allergens* listed in contains statement:

Ingredients: Hemp Seed Oil, Coconut Oil, Full Spectrum Hemp Extract. Contains: Coconut

Name and Address of Manufacturer, Distributor, or Packer: Must appear on the same panel as the ingredient statement. It must be on the front panel or the panel directly to the right of the front panel. The address of the business must be listed in full—street name, city, state and zip. A PO Box, telephone number, email address, website address or other cannot substitute.

No claims can be made on the product label to the product's suggested use or potential health benefits unless you intend to comply with the dietary supplement regulation, 21 CFR 111 (in addition to 21 CFR 117). No claims can be made suggesting the product is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease, as statements indicating such use would cause the product to be classified as a drug rather than a food. Please be aware that labeling includes statements or images on the product packaging, business website or social media, flyers, newsletters or any other printed material not explicitly mentioned here.

EXAMPLE LABEL

Full Spectrum Hemp Extract

Ingredients: Hemp Seed Oil, Fractionated Coconut Oil, Full Spectrum Hemp Extract.

Grassy Fields Hemp Company LLC
14740 Country Road
Somewhere, VA 24019

1 fl oz (30 ml)

Note: If your product will be a dietary supplement, additional labeling requirements will be applicable. Please contact VDACS Food Safety for more information.

Product List and Planned Distribution

Products submitted for review	Planned distribution

Ingredient List and Source

Ingredient Name	Ingredient Source

Product Information Sheet

Business Name:		**Date:**	
Product Name:		**Trade Secret:**	
List of Ingredients:			
Processing Procedures from raw ingredients to finished product:			

Product Label

Include a copy of your label here or on a separate sheet.

Virginia Department of Agriculture and Consumer Services
Division of Consumer Protection
Office of Pesticide Services

Administrative Procedure for Processing Violations for Assessment of Civil Penalties and Action on Certificates, Licenses, and Registrations (Eff. July 21, 2016)[1]

Decision-Maker	Activity
Enforcement Supervisor or Pesticide Team Leader	Review reports, photographs, laboratory analysis reports, sample results, and other supporting documentation to ensure record of inspection, investigation, monitoring, or observation is complete, clearly written, and the findings are well-documented; contact investigator or inspector if additional information is needed; determine if a possible violation of assigned statutes or regulations occurred. For routine inspections, in which no possible violation was found, close case and update appropriate Enforcement Case Review & Actions database. For for-cause investigations in which no possible violation was found, forward to Compliance Manager. If possible violation occurred, update appropriate Enforcement Case Review & Actions database and forward record to Compliance Manager.
Compliance Manager	Review record received from the Enforcement Supervisor or Pesticide Team Leader to ensure it contains proper documentation to substantiate possible violation(s); contact the Enforcement Supervisor, or, if the Enforcement Supervisor is not available, the investigator or inspector if additional information is needed. If conditions do not warrant compliance action, close case and update appropriate Enforcement Case Review & Actions database. For a for-cause investigation in which no violation was found, send results of investigation to complainant. Close case and update appropriate Enforcement Case Review & Actions database. If conditions substantiate a possible violation(s), issue a Notice of Alleged Violation notifying the respondent of the conditions found and the opportunity to provide any additional relevant facts including facts that demonstrate good faith efforts to achieve compliance within 30 calendar days of receipt of the Notice of Alleged Violation. Upon consideration of any additional relevant facts submitted by the respondent, but no sooner than 30 calendar days after respondent's receipt of the Notice of Alleged Violation: If conditions found no longer substantiate a violation: For routine inspections, if no violation is found, close case and

[1]Replaces version dated May 14, 2015

Decision-Maker	Activity
	update appropriate Enforcement Case Review & Actions database. For for-cause investigations in which no violation is found, close case and update appropriate Enforcement Case Review & Actions database. Send results of the investigation to the complainant. If conditions continue to substantiate a violation: If violative conditions do not warrant a civil penalty, send a Letter of Caution or Notice of Violation to respondent. Include notification that the violation can be appealed in an informal fact-finding conference authorized by § 2.2-4019 of the Code of Virginia (the Code); inform respondent that request for an informal fact-finding conference must be made in writing to the Program Manager within 15 calendar days of receipt of Letter of Caution or Notice of Violation. If case resulted from a for-cause investigation, send results of investigation to complainant. Update appropriate Enforcement Case Review & Actions database. If violative conditions warrant a civil penalty, issue a Notice of Violation calculating the amount of penalty in accordance with civil penalty decision matrix. If case resulted from for-cause investigation, send results of investigation to complainant. Update appropriate Enforcement Case Review & Actions database. **If Civil Penalty is $2,500 or less,** mail Notice of Violation and civil penalty assessment to respondent along with payment statement and notification that the fact of the violation or the civil penalty can be appealed in an informal fact-finding conference authorized by § 2.2-4019 of the Code; inform respondent that request for an informal fact-finding conference must be made in writing to the Program Manager within 15 calendar days of receipt of Notice of Violation; update appropriate Enforcement Case Review & Actions database. **If Civil Penalty is greater than $2,500,** forward to Program Manager for review and approval. **If denial, suspension, revocation, or modification of a license, certificate, or registration is involved** alone or in conjunction with a civil penalty, forward to Program Manager for review and approval. At the discretion of the Compliance Manager, the civil penalty assessment may be prepared in the form of a Consent Agreement.
Program Manager	**If Civil Penalty greater than $2,500 is approved,** return to Compliance Manager for mailing to respondent. **If Civil Penalty greater than $2,500 is NOT approved,** return to Compliance Manager for reassessment of penalty.

Decision-Maker	Activity
	If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty and is approved, return to Compliance Manager for mailing to respondent. If denial, suspension, revocation, or modification of a license, certificate, or registration is involved alone or in conjunction with a civil penalty and is NOT approved, return to Compliance Manager for reassessment.
Compliance Manager	Mail Notice of Violation and civil penalty assessment with payment statement to respondent; include notification that the fact of the violation or the civil penalty can be appealed in an informal fact-finding conference authorized by § 2.2-4019 of the Code; inform respondent that request for informal fact-finding conference must be made in writing to the Program Manager within 15 calendar days of receipt of Notice of Violation; update appropriate Enforcement Case Review & Actions database. Issue Notice of Intent notifying respondent of intent to deny, suspend, revoke or modify license, certificate or registration and the opportunity for a formal hearing authorized by § 2.2-4020 of the Code; notify respondent that request for a formal hearing must be made in writing to the Program Manager within 15 calendar days after receipt of the Notice of Intent. If action is **NOT approved,** reassess and resubmit action for approval or close case; update appropriate Enforcement Case Review & Actions database.
Program Manager	Upon receipt of properly filed written request for **an informal fact-finding conference**, appoint a Conference Officer; instruct Compliance Manager to schedule the informal fact-finding conference.
Compliance Manager	Upon instruction from Program Manager, schedule an informal fact-finding conference with Conference Officer appointed by Program Manager; notify respondent and investigator or inspector of the location, date, and time of informal fact-finding conference; update appropriate Enforcement Case Review & Actions database.
Conference Officer	Hold informal fact-finding conference to consider all relevant information on case; Conference Officer may affirm, raise, lower, or abate a penalty, or may negotiate a settlement based on new information; notify the respondent of decision in writing. Notify respondent of right to appeal the decision of informal fact-finding conference in a **formal hearing** authorized by §2.2-4020 of the Code; notify respondent that request for a formal hearing must be made in writing to the Program Manager within 15 calendar days after receipt of Conference Officer decision.
Program Manager	Upon receipt of properly filed written request for a **formal hearing**, arrange for a Court-appointed attorney to act as Hearing Officer; arrange location of

Decision-Maker	Activity
	formal hearing; arrange for a Court Reporter; notify investigator or inspector; update the appropriate Enforcement Case Review & Actions database.
Hearing Officer	Hold **formal hearing** to hear relevant information about case; consider the facts of all violations identified in the case; evaluate the civil penalty and/or the denial, suspension, revocation, or modification of a license, certificate, or registration; Hearing Officer may recommend affirming, raising, lowering, or abating a penalty, or may recommend another outcome; transmit findings and recommendations to the Board and the respondent within 30 days of the **formal hearing**; inform respondent of their right under § 2.2-4021(A) to address the Board.
Program Manager	Notify respondent in writing of the date and time of the meeting during which the Board will consider the recommendations of the Hearing Officer; notify respondent of their right under § 2.2-4021(A) to address the Board.
Board	Consider recommendations from **formal hearing**; provide opportunity for final arguments from VDACS and respondent; render decision; inform respondent that decision can be appealed to Circuit Court for judicial review; instruct VDACS staff to notify respondent in writing of the Board's decision within 30 days of such decision, including notification of right to appeal to Circuit Court; instruct VDACS staff to send transcripts and all case materials to appropriate program for filing.
Compliance Manager	Update appropriate Enforcement Case Review & Actions database.

Approved by Board of Agriculture and Consumer Services 7/20/2016

3/9/2020

Code of Virginia
Title 2.2. Administration of Government
Chapter 40. Administrative Process Act

§ 2.2-4020. Formal hearings; litigated issues.

A. The agency shall afford opportunity for the formal taking of evidence upon relevant fact issues in any case in which the basic laws provide expressly for decisions upon or after hearing and may do so in any case to the extent that informal procedures under § 2.2-4019 have not been had or have failed to dispose of a case by consent.

B. Parties to formal proceedings shall be given reasonable notice of the (i) time, place, and nature thereof; (ii) basic law under which the agency contemplates its possible exercise of authority; (iii) matters of fact and law asserted or questioned by the agency; and (iv) contact information consisting of the name, telephone number, and government email address of the person designated by the agency to respond to questions or otherwise assist a named party. Applicants for licenses, rights, benefits, or renewals thereof have the burden of approaching the agency concerned without such prior notice but they shall be similarly informed thereafter in the further course of the proceedings whether pursuant to this section or to § 2.2-4019.

C. In all such formal proceedings the parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. The burden of proof shall be upon the proponent or applicant. The presiding officers at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing. Where a hearing officer presides, or where a subordinate designated for that purpose presides in hearings specified in subsection F of § 2.2-4024, he shall recommend findings and a decision unless the agency shall by its procedural regulations provide for the making of findings and an initial decision by the presiding officers subject to review and reconsideration by the agency on appeal to it as of right or on its own motion. The agency shall give deference to findings by the presiding officer explicitly based on the demeanor of witnesses.

D. Prior to the recommendations or decisions of subordinates, the parties concerned shall be given opportunity, on request, to submit in writing for the record (i) proposed findings and conclusions and (ii) statements of reasons therefor. In all cases, on request, opportunity shall be afforded for oral argument (a) to hearing officers or subordinate presiding officers, as the case may be, in all cases in which they make such recommendations or decisions or (b) to the agency in cases in which it makes the original decision without such prior recommendation and otherwise as it may permit in its discretion or provide by general rule. Where hearing officers or subordinate presiding officers, as the case may be, make recommendations, the agency shall receive and act on exceptions thereto.

E. All decisions or recommended decisions shall be served upon the parties, become a part of the record, and briefly state or recommend the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the agency is operating together with the appropriate order, license, grant of benefits, sanction, relief, or denial thereof.

1975, c. 503, § 9-6.14:12; 1986, c. 615; 1991, c. 584; 1993, c. 898; 1995, c. 398; 2001, c. 844; 2016, cc. 39, 694.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, OFFICE OF PESTICIDE SERVICES

IN RE: CHRISTOPHER W. BRADFORD, Owner, LAWN DOCTOR OF STAFFORD-CULPEPER

Before: Thomas A. Burcher, Hearing Officer

APPEARANCES MADE BY THE FOLLOWING:

Christopher W. Bradford
Owner, Lawn Doctor of Stafford-Culpeper
Grievant

Liza Fleeson Trossbach
Program Manager
Office of Pesticide Services
Virginia Department of Agriculture and Consumer Services
Commonwealth of Virginia

Kelci Block
Assistant Attorney General
Office of the Virginia Attorney General
Commonwealth of Virginia

Thomas Burke
Investigator
Office of Pesticide Services
Virginia Department of Agriculture and Consumer Services
Commonwealth of Virginia

Micah Raub
Supervisor of Certification
Licensing, Registration and Training
Office of Pesticide Services
Virginia Department of Agriculture and Consumer Services
Commonwealth of Virginia

Marvin West
Witness for the Grievant

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, OFFICE OF PESTICIDE SERVICES

IN RE: CHRISTOPHER W. BRADFORD, Owner, LAWN DOCTOR OF STAFFORD-CULPEPER

Grievant

Before: Thomas A. Burcher, Hearing Officer

A Pre-Hearing Conference Call was conducted on September 24, 2019, at 1:30 p.m., and in the above matter. Present on the phone call with the Hearing Officer were Christopher W. Bradford, Grievant, and Rohan M. Williams, Compliance Manager, Office of Pesticide Services. During the call Christopher W. Bradford requested copies of the Office of Pesticide Services Pesticide Registered Technician Request for Authorization to Take Pesticide Application Examination RT-A and RT-B. An Exchange of Exhibits and List of Witnesses were to be sent to all parties by October 18, 2019, see attached. On October 31, 2019, at 2:00 p.m., a conference call was held in an attempt of settlement between the parties. Present on the phone call with the Hearing Officer were Christopher W. Bradford, Grievant, Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, and Kelci A.M. Block, Assistant Attorney General, Office of the Attorney General.

This Matter was originally to be heard on November 12, 2019, at 10:00 a.m., but at the request of Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, the matter was rescheduled for February 11, 2020, at 10:00 a.m., at the Fairfield Area Library, 1401 N. Laburnum Avenue, FA Youth Conference Room, Henrico, Virginia, after proper notice, all parties were present for the hearing, a tape record was completed,

but unfortunately the machine failed, and all parties were advised; all Exhibits submitted by the Virginia Department of Agriculture and Consumer Services, Office of Pesticide Services, noted as Exhibits 1 and 2, and Exhibits submitted by the Grievant, noted as Exhibits A and B, are made apart hereof and were accepted into evidence and considered by the Officer.

I. STATEMENT OF FACTS.

The matter was called to order at 10:00 a.m., on February 11, 2020. Present were Christopher W. Bradford, Grievant, Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, and Kelci A.M. Block, Assistant Attorney General, Office of the Attorney General. Opening remarks were given by counsel.

First witness for Virginia Department of Agriculture and Consumer Services, Office of Pesticide Services (hereinafter referred to as the "VDACS"):

Micah Raub, Supervisor of Certification, Licensing, Registration and Training, who placed into evidence Exhibit 1.

Exhibit 1:

Title 3.2. Agriculture, Animal Care, and Food, Chapter 39. Pesticide Control.
Section 3.2-3930. Application and certification of commercial applicators.
2VAC5-685-20. General Requirements for Certification. Part II, Certification of Pesticide Applicators
2VAC5-685-50. Certification Procedures for Registered Technicians.
2VAC5-685-60. Persons Exempt from Certification.
2VAC5-685-65. Category for Registered Technician Certification., Part III
2VAC5-685-90. Determination of General Knowledge and Qualifications for Private and Commercial Applicators and Registered Technicians, Part IV, Knowledge Required for Certification of Pesticide Applicators
2VAC5-685-120. Specific Knowledge Required for Registered Technicians.

Mr. Raub testified to the statutes that were applicable, See Exhibit 1: The most important testimony of Mr. Burke is contained in the definition that:

"Under the direct on-site supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified commercial applicator who is responsible for the actions of that person and is physically present on the property upon which the pesticide is being applied, and is in constant visual contact with the person applying the pesticide.

Cross examination of Micah Raub by the Grievant, Christopher W. Bradford:

The Grievant challenged Mr. Raub over how he was to run his business and train people at the same time was burdensome.

Mr. Raub testified that rules and regulations for application of pesticides were applicable to all and had to be complied with.

Second witness for Virginia Department of Agriculture and Consumer Services, Office of Pesticide Services (hereinafter referred to as the "VDACS"):

Thomas Burke, Investigator, Office of Pesticide Services, who placed into evidence Exhibit 2.

Exhibit 2:

Virginia Department of Agriculture and Consumer Services
FOR CAUSE INVESTIGATION REPORT
And Field Notes

Mr. Burke further testified that the statutes of the 2 violations were established and supported by his field notes in Exhibit 2:

"07/13/2018 Pesticide Investigator Mr. Thomas Burke met with Mr. Christopher W. Braddock, owner, and Mr. Marvin J. West, Supervisor. During that visit, Burke received 3 pesticide application records for 3 employees who were working in VA pesticide applicator certification tasks without the required VA state certification, and the associated pesticide product labels. The visit also including photographs of pesticide application equipment which was required to have service container labeling that was not attached to the container."

Cross examination of Thomas Burke by the Grievant, Christopher W. Bradford:

The Grievant questioned Mr. Burke as to how an individual could comply with statutes given the time constraints of hiring and training.

Mr. Burke could not corroborate the challenges of the Grievant. Mr. Burke testified on cross examination that he could only testify to actual memory of events as they affect the Grievant. He stated very clearly that the regulation and statutes were applicable to all and had to be complied with.

The VDACS rested their case.

The Grievant called Marvin West, Witness for the Grievant:

Marvin West testified he attended a conference in 2018 and he was told that on-site supervision was only a quick phone call way to answer questions. He understood that an on-site supervision was not required. He also testified and corroborated the two violations charged. He confirmed that both of their workers, Brown and Scott, were <u>not certified</u> when they made the application of pesticides without a certified commercial applicator present.

The Grievant, Christopher W. Bradford, placed into evidence:

Exhibit A:

Duplicate Notice of Authorization to Take Registered Technician Examination, etc.

Exhibit B:

Standards for non-certified applicators working under the direct supervision

The Grievant testified to the information he obtained on the internet which he had received relating to the issue of supervision. The Grievant was upset that it was impossible to train and obtain certification in the time constraints as required by VDACS.

The Grievant also testified that the state and federal laws as he understood them are in conflict over the supervision requirements of pesticide application. The Grievant further testified that it was an economic burden to have a trainee and a certified technician in the field at the same time.

Closing remarks were given by both parties.

II. DECISION.

Grievant was issued a Notice of Violation which provided for a civil penalty of $320.00. After considering all the evidence and Exhibits introduced, it is the opinion of the Hearing Officer that by a preponderance of evidence, the Grievant violated Section 3.2-3930(A) of the Act on two occasions. This was affirmed and corroborated by the witness/employee called by the Grievant. Your Hearing Officer upholds the previous decision of the Office of Pesticide Services and affirms the civil penalty of $320.00.

This decision shall be effective immediately.

Thomas A. Burcher
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that the foregoing Report and Decision was emailed to the below parties (without Exhibits), and the Report and Decision along with the Exhibits were mailed to the below parties this 3rd day of March, 2020:

Mr. Christopher W. Bradford, Owner
Lawn Doctor of Stafford-Culpeper
101 Juliad Court, Suite 102
Fredericksburg, VA 22406
Via Email: group199@lawndoctor.com

Liza Fleeson Trossbach
Program Manager
Office of Pesticide Services
Virginia Department of Agriculture and Consumer Services
102 Governor Street, Room LL18
Richmond, VA 23219
Email: liza.fleeson@vdacs.virginia.gov

Kelci A.M. Block
Assistant Attorney General
Office of the Virginia Attorney General
202 North 9th Street
Richmond, VA 23219
Email: KBlock@oag.state.va.us

Thomas A. Burcher
Hearing Officer

EXHIBITS AND WITNESSES

Submitted by

VDACS

and

GRIEVANT

from Pre-Conference Call on September 24, 2019

COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services
Division of Consumer Protection
Office of Pesticide Services
PO Box 1163, Richmond, Virginia 23218
Phone: 804/786-3798 • Fax: 804/786-9149 • Hearing Impaired: 800/828-1120
www.vdacs.virginia.gov

October 2, 2019
CERTIFIED MAIL

Mr. CHRISTOPHER W BRADFORD
Owner of Lawn Doctor of Stafford-Culpeper
Case #66174

v.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

To: Mr. Christopher W Bradford, Owner
Lawn Doctor of Stafford-Culpeper
101 Juliad Court, Suite 102
Fredericksburg, VA 22406
Via Email: group199@lawndoctor.com

Thomas A Burcher
Hearing Officer
Commonwealth of Virginia
1 E. Queen's Way, Fl 2
Hampton, VA 23669
(757) 722-7474

Re: Appeal of violation and civil penalty assessment for certification violations by Mr. Christopher W Bradford and Office of Pesticide Services.

RESPONDENT DOCUMENT REQUEST FROM PRE-HEARING CONFERENCE CALL

PLEASE TAKE NOTICE that on the 24th day of September 2019 at 1:30 p.m., a pre-hearing conference (conference) call was held to address any pre-hearing issues. During the conference, Mr. Christopher W Bradford requested that the Virginia Department of Agriculture and Consumer Services provide copies of the **"Office of Pesticide Services Pesticide Registered Technician Request For Authorization To Take Pesticide Application Examination RT-A and RT-B"** forms.

Please find the enclosed certified copies of the requested documents.

Sincerely,

for... Liza Fleeson Trossbach

Program Manager

cc: Larry Nichols, Division Director
Rohan M. Williams, Compliance Manager

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES
PO Box 526 • Richmond, VA 23218
102 Governor Street, Lower Level, Richmond, VA 23219
Phone. (804) 786-3798 • Fax: (804) 786-9149 • www.vdacs.virginia.gov

PESTICIDE REGISTERED TECHNICIAN APPLICATION

RT-A

In accordance with of the Virginia Pesticide Control Act, and regulations adopted thereunder, application is hereby made for CERTIFICATION as a REGISTERED TECHNICIAN.

The two-year non-refundable certification fee is $30.00. Please make check payable to: **Treasurer of Virginia**. Mail application and check to the above address. Federal, State, and Local Government employees are exempt from fee. Certificates expire on June 30.

Please check the appropriate boxes: ☐ Government Employee ☐ Non-Government Employee

Please type or print the following information:

SOCIAL SECURITY NUMBER **(REQUIRED)**: _____ - _____ - _____ DATE OF BIRTH: _____

NAME OF APPLICANT: _____
(Last) (First) (M.I.)

MAILING ADDRESS: _____ COUNTY: _____
(Street or RFD)

CITY: _____ STATE: _____ ZIP CODE: _____

HOME PHONE: ( ) - _____ EMAIL: _____

EMPLOYED BY (Company or agency you work for): _____

DATE OF HIRE OR TRANSFER **(REQUIRED)**: _____

PESTICIDE BUSINESS LICENSE NO.: _____ BUSINESS PHONE NO.: ( ) - _____

BUSINESS ADDRESS: _____ COUNTY: _____
(Street or RFD)

CITY: _____ STATE: _____ ZIP CODE: _____

NAME OF SUPERVISING CERT. COMMERCIAL APPLICATOR TRAINER: _____ CERT. NUMBER: _____

I certify by signing below that I am the person applying for certification and that I have received at least 40 hours of training in the skills necessary to properly apply pesticides in the performance of my job, and I agree to abide by all the laws and regulations governing pesticide usage.

_____
(Signature of Applicant)

DATE : _____

I certify by signing below that this applicant has successfully completed a training course, as outlined on the reverse of this application, specific to the pesticide application requirements of his/her job.

_____
(Signature of Commercial Applicator Trainer)

DATE : _____

FOR DEPARTMENT USE ONLY
Reg Tech Certificate No. _____
Date Keyed: _____
Keyed to Database by: _____

AMOUNT TO REMIT: $30.00
VDACS ACCT. 756-09-02437
VDACS-07212-A 09/16

(SEE REVERSE SIDE FOR TRAINING REQUIREMENTS FOR REGISTERED TECHNICIANS AND INSTRUCTIONS)

GENERAL TRAINING REQUIREMENTS FOR REGISTERED TECHNICIANS

Prior to making application for Registered Technician certification, a prospective applicant must first receive ***at least 40 hours of training in the safe and proper application of pesticides***. The training must include the following:

1. 20 hours Board-approved training consisting of at the minimum, study and review of all the material contained in the most current edition used in Virginia of the basic pesticide applicator certification training Core manual. (These manuals may be obtained for a nominal fee from the Virginia Tech Pesticide Programs website at http://www.vtpp.org.)

2. 20 hours on-the-job (practical) instruction in the safe and proper handling, mixing, and application of the pesticides normally associated with the technician's job duties under the direct, on-site supervision of a certified commercial applicator.

INSTRUCTIONS FOR COMPLETING REGISTERED TECHNICIAN CERTIFICATION PROCESS

1. When the above training is completed, return the completed application with payment. (Government employees are fee- exempt). If you meet the above requirements, you will be sent a Notice of Authorization to take the certification exam.

2. Individuals must take the exam within 90 days of being hired or transferred into a position where duties and functions involve the commercial use of pesticides. *Individuals failing to take and pass the initial exam or subsequent exams within 90 days of the initial examination may not apply pesticides commercially, even under direct on site supervision, until they reapply, following the procedures outlined in 2VAC5-685-20 and pass the examination.*

3. After receiving a Notice of Authorization, report to an approved VDACS or DMV testing location to take the written examination, a 50 question multiple choice test. Computerized exams at the DMV Customer Service Centers are scored as you are taking them, and you will be notified of your score as you complete each exam. Written exams taken at VDACS testing centers will be sent to the Office of Pesticide Services in Richmond to be scored.

4. If you pass the Registered Technician examination, the Office of Pesticide Services (OPS) will notify you, and send you your certificate, generally within 10 work days. If you take and pass your exam at one of the DMV Customer Service Centers, you will be issued a temporary certificate which is good for seven days. Your permanent certificate will be mailed to you by OPS within seven days.

Upon certification, Registered Technicians may apply general-use pesticides unsupervised and restricted-use pesticides only under the direct supervision of a Certified Commercial Applicator.

FELICIA M. SHELTON
NOTARY PUBLIC
REG. #7089679
MY COMMISSION EXPIRES
9/30/2028
COMMONWEALTH OF VIRGINIA

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES
PO Box 526 • Richmond, VA 23218
102 Governor Street, Lower Level, Richmond, VA 23219
Phone: (804) 786-3798 • Fax: (804) 786-9149 • www.vdacs.virginia.gov

PESTICIDE REGISTERED TECHNICIAN REQUEST FOR AUTHORIZATION TO TAKE PESTICIDE APPLICATOR EXAMINATION

RT-B

(Do not use for initial certification or certificate renewal)

In accordance with of the Virginia Pesticide Control Act, and regulations adopted thereunder, application is hereby made to take the written examination for Registered Technician.

Please check the reason for requesting examination:

☐ Retesting (previous exams not passed or taken). Customer Number: _____ (On prior authorization letter).

☐ Reinstate an expired certificate. Certification Number: _____

☐ Recertify in lieu of attending a recertification course. All fees waived if the test is administered prior to August 29th and the non-refundable renewal fee has already been paid. Certification Number: _____

The two-year non-refundable certification fee is $30.00. Please make check payable to: **Treasurer of Virginia.** Mail application and check to the above address. Federal, State, and Local Government employees are exempt from fee. Certificates expire on June 30.

Please type or print the following information:

SOCIAL SECURITY NUMBER **(REQUIRED)**: _____ - _____ - _____ DATE OF BIRTH: _____

NAME OF APPLICANT: _____
(Last) (First) (M.I.)

MAILING ADDRESS: _____ COUNTY: _____
(Street or RFD)

CITY: _____ STATE: _____ ZIP CODE: _____

HOME PHONE: ( ) - _____ EMAIL: _____

EMPLOYED BY (Company or agency you work for): _____

DATE OF HIRE OR TRANSFER **(REQUIRED)**: _____

PESTICIDE BUSINESS LICENSE NO.: _____ BUSINESS PHONE NO.: ( ) -

BUSINESS ADDRESS: _____ COUNTY: _____
(Street or RFD)

CITY: _____ STATE: _____ ZIP CODE: _____

I certify by signing below that I am the person applying for certification and that I have received at least 40 hours of training in the skills necessary to properly apply pesticides in the performance of my job. I agree to abide by all the laws and regulations governing pesticide usage.

Signature of Applicant: _____ Date: _____

FOR DEPARTMENT USE ONLY
Certificate No.: _____
Date Keyed: _____
Keyed By: _____

APPLICATION FEE: $30.00
VDACS ACCT. 756-09-02437
VDACS-07212-B 09/16

(SEE REVERSE SIDE FOR TESTING INSTRUCTIONS)

INSTRUCTIONS FOR COMPLETING REGISTERED TECHNICIAN CERTIFICATION PROCESS

1. Return the completed application with payment. (Government employees are fee- exempt). Upon agency review and approval, you will be sent a Notice of Authorization to take the certification exam.

2. Individuals must take the exam within 90 days of being hired or transferred into a position where duties and functions involve the commercial use of pesticides. *Individuals failing to take and pass the exam within 90 days of the initial examination may not apply pesticides commercially, even under the direct on site supervision of a certified commercial applicator, until they reapply, following the procedures outlined in 2VAC5-685-20 and pass the examination.*

3. After receiving a Notice of Authorization, report to an approved VDACS or DMV testing location to take the written examination, a 50 question multiple choice test. Computerized exams at the DMV Customer Service Centers are scored as you are taking them, and you will be notified of your score as you complete each exam. Written exams taken at VDACS testing centers will be sent to the Office of Pesticide Services in Richmond to be scored.

4. If you pass the Registered Technician examination, the Office of Pesticide Services (OPS) will notify you, and send you your certificate, generally within 10 work days. If you take and pass your exam at one of the DMV Customer Service Centers, you will be issued a temporary certificate which is good for seven days. Your permanent certificate will be mailed to you by OPS within seven days.

Upon certification, Registered Technicians may apply general-use pesticides unsupervised and restricted-use pesticides only under the direct supervision of a Certified Commercial Applicator.

FELICIA M. SHELTON
NOTARY PUBLIC
REG #7089679
MY COMMISSION EXPIRES
2/1/2023
COMMONWEALTH OF VIRGINIA

COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services
Division of Consumer Protection
Office of Pesticide Services
PO Box 1163, Richmond, Virginia 23218
Phone: 804/786-3798 • Fax: 804/786-9149 • Hearing Impaired: 800/828-1120
www.vdacs.virginia.gov

October 2, 2019
CERTIFIED MAIL

Mr. CHRISTOPHER W BRADFORD
Owner of Lawn Doctor of Stafford-Culpeper
Case #66174

v.

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

To: Mr. Christopher W Bradford, Owner
Lawn Doctor of Stafford-Culpeper
101 Juliad Court, Suite 102
Fredericksburg, VA 22406
Via Email: group199@lawndoctor.com

Thomas A Burcher
Hearing Officer
Commonwealth of Virginia
1 E. Queen's Way, Fl 2
Hampton, VA 23669
(757) 722-7474

Re: Appeal of violation and civil penalty assessment for certification violations by Mr. Christopher W Bradford and Office of Pesticide Services.

LIST OF WITNESSES

PLEASE TAKE NOTICE that the Office of Pesticide Services intend to call the following witnesses during our scheduled November 12, 2019 Hearing:

1. Thomas Burke - Office of Pesticide Services Pesticide Investigator
2. Micah Raub- Office of Pesticide Services, Supervisor of Certification, Licensing, Registration and Training.

Sincerely,

Rohan M. Williams,
Compliance Manager

cc: Larry Nichols, Division Director
Liza Fleeson Trossbach, Program Manager

Tom Burcher

From: group199 [group199@lawndoctor.com]
Sent: Friday, October 04, 2019 10:23 AM
To: dhb@hbbpc.hrcoxmail.com
Subject: Bradford Hearing 11/12/2019

Please see attached.

Christopher Bradford

Stay Prepared When Severe Weather Hits
Storm heading towards Fredericksburg, Virginia tonight
Accurate Weather Today

Code of Virginia
Title 3.2. Agriculture, Animal Care, and Food
Chapter 39. Pesticide Control

§ 3.2-3930. Application and certification of commercial applicators.

A. No person shall use (except under supervised conditions of training for certification) or supervise the use of any pesticide in exchange for compensation of any kind other than the trading of personal services between producers of agricultural commodities without first obtaining certification as either a commercial applicator or registered technician in accordance with regulations adopted by the Board. Application for a commercial applicator's or registered technician's certificate shall be made in writing to the Commissioner. Each application for a certificate shall contain: (i) information regarding the applicant's qualifications and proposed operations; (ii) the classification or classifications the applicant is applying for; (iii) the full name of the applicant or, if the applicant is a member of a firm or partnership, the names of the principal officers of the association, corporation, or group; (iv) the principal business address of the applicant in the Commonwealth and elsewhere; and (v) any other information required by the Commissioner.

B. The Commissioner shall not issue a commercial applicator's or registered technician's certificate until the individual who uses or supervises the use of any pesticide is certified by: (i) presenting proof of completion of a training course approved by the Board and appropriate to the desired classification; and (ii) passing a written examination.

C. Each commercial applicator and registered technician shall be required to renew his certification biennially subject to payment of the required fee and presentation of proof of completion of a Board-approved recertification course. Reexamination or special examination may be required by the Board of any person: (i) whose certification has been suspended, revoked, or modified pursuant to subsection B of § 3.2-3940; (ii) if significant technological developments have occurred requiring additional knowledge; (iii) when required by additional standards established by the U.S. Environmental Protection Agency; (iv) when applying for a different classification of certification; or (v) when required by regulations of the Board. In the event that reexamination is required, the fee shall be no greater than that imposed for initial certification.

D. The Commissioner shall issue a certificate for classifications for which the applicant is qualified if he finds the applicant meets the requirements to apply pesticides in any of the classifications he has applied for; and, if the applicant is applying for a certificate to engage in aerial application, has met all of the requirements of the Federal Aviation Agency, the Department of Aviation of the Commonwealth, and any other applicable laws. The Commissioner may limit the certification of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a certificate is not issued as applied for, the Commissioner shall inform the applicant in writing of the reasons within 30 days. Copies of such action shall be reported to the Board.

1975, c. 377, § 3.1-249.4; 1989, c. 575, § 3.1-249.52; 1993, c. 773; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

9/24/2019

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VIRGINIA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICE
OFFICE OF PESTICIDE SERVICES

EXHIBIT 1

Ex 4

Code of Virginia
Title 3.2. Agriculture, Animal Care, and Food
Chapter 39. Pesticide Control

§ 3.2-3930. Application and certification of commercial applicators.

A. No person shall use (except under supervised conditions of training for certification) or supervise the use of any pesticide in exchange for compensation of any kind other than the trading of personal services between producers of agricultural commodities without first obtaining certification as either a commercial applicator or registered technician in accordance with regulations adopted by the Board. Application for a commercial applicator's or registered technician's certificate shall be made in writing to the Commissioner. Each application for a certificate shall contain: (i) information regarding the applicant's qualifications and proposed operations; (ii) the classification or classifications the applicant is applying for; (iii) the full name of the applicant or, if the applicant is a member of a firm or partnership, the names of the principal officers of the association, corporation, or group; (iv) the principal business address of the applicant in the Commonwealth and elsewhere; and (v) any other information required by the Commissioner.

B. The Commissioner shall not issue a commercial applicator's or registered technician's certificate until the individual who uses or supervises the use of any pesticide is certified by: (i) presenting proof of completion of a training course approved by the Board and appropriate to the desired classification; and (ii) passing a written examination.

C. Each commercial applicator and registered technician shall be required to renew his certification biennially subject to payment of the required fee and presentation of proof of completion of a Board-approved recertification course. Reexamination or special examination may be required by the Board of any person: (i) whose certification has been suspended, revoked, or modified pursuant to subsection B of § 3.2-3940; (ii) if significant technological developments have occurred requiring additional knowledge; (iii) when required by additional standards established by the U.S. Environmental Protection Agency; (iv) when applying for a different classification of certification; or (v) when required by regulations of the Board. In the event that reexamination is required, the fee shall be no greater than that imposed for initial certification.

D. The Commissioner shall issue a certificate for classifications for which the applicant is qualified if he finds the applicant meets the requirements to apply pesticides in any of the classifications he has applied for; and, if the applicant is applying for a certificate to engage in aerial application, has met all of the requirements of the Federal Aviation Agency, the Department of Aviation of the Commonwealth, and any other applicable laws. The Commissioner may limit the certification of the applicant to the use of certain pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a certificate is not issued as applied for, the Commissioner shall inform the applicant in writing of the reasons within 30 days. Copies of such action shall be reported to the Board.

1975, c. 377, § 3.1-249.4; 1989, c. 575, § 3.1-249.52; 1993, c. 773; 2008, c. 860.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

2/10/2020

Virginia Law Library
The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats.

Helpful Resources
Virginia Code Commission
Virginia Register of Regulations
U.S. Constitution

For Developers
The Virginia Law website data is available via a web service.

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Administrative Code
Title 2. Agriculture
Agency 5. Department of Agriculture and Consumer Services
Chapter 685. Chapter 685 Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act

2VAC5-685-10. Definitions.

Part I. Definitions

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

"Accident" means an unexpected, undesirable event, involving the use or presence of a pesticide, that adversely affects man or the environment.

"Act" means the Virginia Pesticide Control Act (§ 3.2-3900 et seq. of the Code of Virginia).

"Agricultural commodity" means any plant or part thereof, or animal, or animal product, produced by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, nurserymen, wood treaters not for hire, or other comparable persons, primarily for sale, consumption, propagation, or other use by man or animals.

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

"Board-approved training" means a course which includes, at a minimum, study and review of all the material contained in an edition used in Virginia of (i) a basic pesticide applicator certification training core manual and (ii) a certification training manual for each specific category pertaining to the type of pesticide application to be done.

"Certificate" means the document issued to a certified applicator or registered technician who has completed all the requirements of Article 3 (§ 3.2-3929 et seq.) of Chapter 39 of Title 3.2 of the Code of Virginia.

"Certification" or "certified" means the recognition granted by the Board of Agriculture and Consumer Services to an applicator upon satisfactory completion of board-approved requirements.

"Chemigation" means the application of any pesticide through an irrigation system.

"Commercial applicator" means any applicator who has completed the requirements as determined by the board, including appropriate training and time in service, to apply for a certification, and who uses or supervises the use of any pesticide for any purpose or on any property, other than as provided in the definition of private applicator.

"Commercial applicator not for hire" means any commercial applicator who uses or supervises the use of pesticides as part of his job duties only on property owned or leased by him or his employer. It also applies to governmental employees who use or supervise the use of pesticides, whether on property owned or leased by them or their employers or not, in the performance of their official duties.

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

"Competent person" means a person having the demonstrated ability to perform the task to which he is assigned.

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

"Drift" means the physical movement of pesticide through the air at the time of pesticide application or soon thereafter from the target site to any nontarget or off-target site. Pesticide drift will not include movement of pesticides to nontarget or off-target sites caused by erosion, migration, volatility, or windblown soil particles that occurs after application unless specifically addressed on the pesticide product label with respect to drift control requirements.

"EPA" means the United States Environmental Protection Agency.

"Fumigant" means any substance that by itself or in combination with any other substance emits or liberates a gas or gases, fumes, or vapors that will destroy vermin, rodents, insects, and other pests and is usually lethal, poisonous, noxious, or dangerous to human life.

"Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi or plant disease.

"Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"Incident" means a definite and separate occurrence or event, involving the use or presence of a pesticide, that adversely affects man or the environment.

"Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects that may be present in any environment whatsoever.

"Knowledge" means the possession and comprehension of pertinent facts, together with the ability to use them in dealing with specific problems and situations within the pesticide context.

"Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the pesticide or device.

"Labeling" means all labels and other written, printed, or graphic matter (i) upon the pesticide or device or any of its containers or wrappers, (ii) accompanying the pesticide or device at any time, or (iii) to which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the agricultural experiment station, the Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services, the State Board of Health, or similar federal institutions or other official agencies of the Commonwealth or other states when such states are authorized by law to conduct research in the field of pesticides.

"Licensed" or "licensee" means those businesses which, when meeting the requirements established by the Board of Agriculture and Consumer Services, are issued a license to engage in the sale, storage, distribution, recommend the use, or application of pesticides in Virginia in exchange for compensation.

"Marine antifoulant paint" means any compound, coating, paint or treatment applied or used for the purpose of controlling freshwater or marine fouling organisms on vessels.

"Pesticide" means (i) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest; (ii) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and (iii) any substance which is intended to become an active ingredient thereof.

"Pesticide business" means any person engaged in the business of distributing, applying or recommending the use of a product; or storing, selling, or offering for sale pesticides directly to the user. The term "pesticide business" does not include (i) wood treaters not for hire; (ii) seed treaters not for hire; (iii) operations that produce agricultural products unless the owners or operators of such operations described in clauses (i), (ii), and (iii) are engaged in the business of selling or offering for sale pesticides, or distributing pesticides to persons outside of that agricultural producing operation in connection with commercial transactions; or (iv) businesses exempted by regulations adopted by the board.

"Private applicator" means an applicator who uses or supervises the use of any pesticide that is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

"Registered technician" means an individual who renders services similar to those of a certified commercial applicator, but who has not completed all the training or time in service requirements to be eligible for examination for certification as a commercial applicator and is limited to application of general use pesticides. However, if he applies restricted use pesticides he shall do so only under the direct supervision of a certified commercial applicator. Every registered technician is certified in Category 60 regardless of the category or subcategory in which he is trained and applies pesticides.

"Registered technician not for hire" means any registered technician who uses or supervises the use of pesticides as part of his job duties only on property owned or leased by him or his employer. It also applies to governmental employees who use or supervise the use of pesticides, whether on property owned or leased by them or their employers or not, in the performance of their official duties.

"Repeat violation" means another violation following the first violation of the same provision of the Virginia Pesticide Control Act or the federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136 et seq.), or regulations adopted pursuant thereto, committed within a three-year period commencing with the date of official notification of the first violation of the provision.

"Restricted entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

"Restricted use pesticide" or "pesticide classified for restricted use" means any pesticide classified for restricted use by the administrator of the EPA under the provisions of 1947 (7 USC § 3(d)(1)(c)) of the federal Insecticide, Fungicide, and Rodenticide Act (as amended).

"Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest.

"Tributyltin compounds" means any compound having three normal butyl groups attached to a tin atom and with or without an anion such as chloride, fluoride, or oxide.

"Under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified commercial applicator who is responsible for the actions of that person.

"Under the direct on-site supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified commercial applicator who is responsible for the actions of that person and is physically present on the property upon which the pesticide is being applied, and is in constant visual contact with the person applying the pesticide.

"Use" means the employment of a pesticide for the purposes of (i) preventing, destroying, repelling, or mitigating any pest or (ii) regulating plant growth, causing defoliation or desiccation of plants. The term "use" shall include application or mixing and shall include handling or transfer of a pesticide after the manufacturer's original seal is broken. The term "use" shall also include any act with respect to a particular pesticide which is consistent with the label directions for that particular pesticide.

"Vessel" means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water, whether self-propelled or otherwise, and includes barges and tugs.

Statutory Authority

§ 3.2-3906 of the Code of Virginia.

Historical Notes

Former 2VAC20-51-10, derived from Volume 15, Issue 11, eff. March 17, 1999; amended, Virginia Register Volume 25, Issue 03, eff. December 1, 2008; amended and renumbered as 2VAC5-685-10, Virginia Register Volume 29, Issue 01, eff. October 10, 2012; Volume 32, Issue 26, eff. September 22, 2016.

2VAC5-685-20. General Requirements for Certification.

Part II. Certification of Pesticide Applicators

A. The following persons must be certified as pesticide applicators:

1. Commercial applicators;

2. Registered technicians; and

3. Private applicators.

B. Commercial applicators not for hire must be certified only when using any pesticide in the following areas except as noted in subsection C of this section:

1. Areas open to the general public at daycare facilities, educational institutions, health care facilities, and convalescent facilities;

2. Areas where open food is stored, processed, or sold; and

3. Recreational lands over five acres in size.

C. Employees of local, state, and federal governmental agencies who use or supervise the use of any pesticide on any area in the performance of their official duties must be certified as either commercial applicators not for hire or registered technicians, but they are exempt from any certification fees.

D. All persons desiring certification as pesticide applicators must:

1. Complete board-approved training appropriate for the desired classification;

2. Submit a completed application to the commissioner; and

3. Pass required examination or examinations. Applicants who do not pass the examination and who request reexamination must resubmit a completed application to the commissioner or his duly authorized agent and pay the nonrefundable applicator certification fee as determined by 2VAC5-675, Regulations Governing Pesticide Fees Charged by the Department of Agriculture and Consumer Services.

E. Persons with a history of repeat violations of federal or state pesticide laws or whose certification or pesticide business license has been revoked within the two-year period immediately prior to application are not eligible for certification. Such persons may appear before the board to show why they should be granted certification as outlined under provisions of § 3.2-3940 E of the Code of Virginia.

F. Applicants for certification cannot engage in the activity for which they are requesting certification, unless participating in supervised direct on-site training, until certification has been issued by the commissioner. Commercial applicators may not apply pesticides in any category or subcategory activity until they have passed the category-specific examination and obtained the appropriate certification.

G. A commercial or private applicator or registered technician may request a duplicate of the certification card if the applicator's or technician's card has been lost, stolen, mutilated or destroyed.

Statutory Authority

§ 3.2-3906 of the Code of Virginia.

Historical Notes

Former 2VAC20-51-20, derived from Volume 15, Issue 11, eff. March 17, 1999; amended, Virginia Register Volume 25, Issue 03, eff. December 1, 2008; amended and renumbered as 2VAC5-685-20, Virginia Register Volume 29, Issue 01, eff. October 10, 2012; Volume 32, Issue 26, eff. September 22, 2016.

2VAC5-685-50. Certification Procedures for Registered Technicians.

A. In addition to the general requirements listed in 2VAC5-685-20, individuals seeking certification as registered technicians must:

1. Receive on-the-job training in the proper application of pesticides under the direct on-site supervision of a certified commercial applicator for at least 20 hours;

2. Complete at least 20 hours of board-approved training;

3. Submit an application form with the fee established by regulations of the Board of Agriculture and Consumer Services; and

4. Take the examination within 90 days after an individual is hired or transferred into a position where duties and functions involve the commercial use of pesticides. Individuals not passing the examination on the first attempt must reapply, following the procedures outlined in 2VAC5-685-20. Individuals failing to take and pass the exam within 90 days of the initial examination may not apply pesticides commercially, even under direct on-site supervision, until they pass the examination.

Individuals who have previously submitted an application form and either did not take the examination within 90 days after being hired or transferred into a position where duties and functions involve the commercial use of pesticides or did not pass a subsequent examination within 90 days of the initial examination may not apply pesticides commercially, even under direct on-site supervision, until they reapply, following the procedures outlined in 2VAC5-685-20 and pass the examination.

Applicants who do not complete the certification process within two years of the date of passing the examination must be reexamined.

Former 2VAC20-51-60, derived from Volume 15, Issue 11, eff. March 17, 1999; amended, Virginia Register Volume 26, Issue 21, eff. July 21, 2010; Volume 28, Issue 12, eff. February 17, 2012; amended and renumbered as 2VAC5-685-60, Virginia Register Volume 29, Issue 01, eff. October 10, 2012; Volume 32, Issue 26, eff. September 22, 2016.

2VAC5-685-65. Category for Registered Technician Certification.

Part III. Categories of Pesticide Applicator Certification

An individual who successfully completes the requirements prescribed in 2VAC5-685-50 for registered technician certification will receive certification in Category 60, the category designation assigned to all registered technicians regardless of the category or subcategory in which he is trained and applies pesticides.

Statutory Authority

§ 3.2-3906 of the Code of Virginia.

Historical Notes

Derived from Volume 32, Issue 26, eff. September 22, 2016.

2VAC5-685-90. Determination of General Knowledge and Qualifications for Private and Commercial Applicators and Registered Technicians.

Part IV. Knowledge Required for Certification of Pesticide Applicators

A. Applicants shall be tested on their knowledge and qualifications concerning the use and handling of pesticides. The examination will test the applicants' general knowledge required for all categories, and the additional knowledge specifically required for each category or subcategory in which an applicator desires to be certified.

B. All applicants for certification as private or commercial applicators or registered technicians shall demonstrate practical knowledge of the principles and practices of pest control and the safe use of pesticides, as contained in a basic pesticide applicator certification training core manual. Testing will be based on problems and situations in the following areas:

1. Federal and Commonwealth of Virginia pesticide laws and regulations;

2. Understanding and interpreting pesticide labels;

3. Handling of accidents and incidents;

4. Proper methods of storing, mixing, loading, transporting, handling, applying, and disposing of pesticides;

5. Safety and health, including proper use of personal protective equipment;

6. Potential adverse effects caused by the application of pesticides under various climatic or environmental conditions, such as drift from the target area, pesticide run-off, groundwater and drinking water contamination, and hazard to endangered species; and

7. Recognizing common pests and general pest biology.

Statutory Authority

§ 3.2-3906 of the Code of Virginia.

Historical Notes

Former 2VAC20-51-90, derived from Volume 15, Issue 11, eff. March 17, 1999; amended, Virginia Register Volume 25, Issue 03, eff. December 1, 2008; renumbered as 2VAC5-685-90, Virginia Register Volume 29, Issue 01, eff. October 10, 2012; Volume 32, Issue 26, eff. September 22, 2016.

2VAC5-685-120. Specific Knowledge Required for Registered Technicians.

In addition to the skills and knowledge required in 2VAC5-685-90 B 1 through 6, the applicant shall obtain the required amount of on-the-job training as discussed in 2VAC5-685-50.

Statutory Authority

§ 3.2-3906 of the Code of Virginia.

Historical Notes

Former 2VAC20-51-120, derived from Volume 15, Issue 11, eff. March 17, 1999; amended and renumbered as 2VAC5-685-120, Virginia Register Volume 29, Issue 01, eff. October 10, 2012.

2/10/2020

VIRGINIA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICE
OFFICE OF PESTICIDE SERVICES

EXHIBIT 2

Ex 2

Virginia Departement of Agriculture and Consumer Services

Office of Pesticide Services
102 Governor Street
Richmond, Virginia 23219

FOR CAUSE INVESTIGATION REPORT

Investigation Type: Complaint

Case Reference Number: _____

DATE OF FIRST CONTACT: 07/09/2018

DATE(S) OF INVESTIGATION: 07/09/2018 - 11/30/2018

Session Descriptor: Inv4231@LAWN DOCTOR OF STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK 11/30/18

Investigator Name: THOMAS BURKE

Investigator Signature: TBDr

COMPLAINANT: [redacted]

ADDRESS: [redacted]

PHONE: [redacted]

NATURE OF REPORT: [redacted]

INSPECTION TYPE: NFC

PESTICIDE(S) USED: TICK KILLZ 25(B) EXEMPT

EPA REG NO: -

TARGET PEST(S): TICKS MOSQUITOES

WHEN APPLIED: 05/24/18

See attached page for additional Pesticides Used

WHERE APPLIED: MS BARBARA CIMRAL
11782 GENERAL COOKE DR, BRISTOW, VA 20136

LOCALITY: PRINCE WILLIAM COUNT

FIPS: 153

APPLICATOR FIRM: LAWN DOCTOR OF STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK

ADDRESS: 101 JULIAD CT
FREDERICKSBURG, VA 22406

PHONE: (540)286-3074 BLN: 6107 EXP: 03/31/2019

APPLICATOR(S) INVOLVED: MARVIN J WEST

CERT. NO:	TYPE:	CAT:	EXP:	
124466	C	99,3-B,3-A,8,60	2020	See attached page for additional Applicators

SAMPLES TAKEN: ☐ Yes ☒ No

PHOTOS TAKEN: ☒ Yes ☐ No

SAMPLE NO:

SAMPLE TYPE:

SAMPLE DESCRIPTION:

Virginia Departement of Agriculture and Consumer Services

Office of Pesticide Services
102 Governor Street
Richmond, Virginia 23219

FOR CAUSE INVESTIGATION REPORT

Additional Pesticides Used

PESTICIDE(S) USED: GREENYARD CRABGRASS PREVENTER W/ .42% CAVALCADE 25% XCU 13-0-5 EPA REG NO: 60063-43-534

TARGET PEST(S): BROADLEAF

WHEN APPLIED: 06/29/18

WHERE APPLIED: MR CLARK MELILLO
15446 CROSS KEYS, HAYMARKET, VA 20169

LOCALITY: PRINCE WILLIAM COUNT FIPS: 153

PESTICIDE(S) USED: SIGNATURE ALLECTUS 0.225 G PLUS TURF FERTILIZER 0-0-7 EPA REG NO: 432-1417-34704

TARGET PEST(S): BROADLEAF GRUB

WHEN APPLIED: 07/12/18

WHERE APPLIED: MR AND MRS JOSEPH SISCO
1309 OAKLAND DR, KING GEORGE, VA 22485

LOCALITY: KING GEORGE COUNTY FIPS: 099

PESTICIDE(S) USED: EPA REG NO:

TARGET PEST(S):

WHEN APPLIED:

WHERE APPLIED:

LOCALITY: FIPS:

PESTICIDE(S) USED: EPA REG NO:

TARGET PEST(S):

WHEN APPLIED:

WHERE APPLIED:

LOCALITY: FIPS:

PESTICIDE(S) USED: EPA REG NO:

TARGET PEST(S):

WHEN APPLIED:

WHERE APPLIED:

LOCALITY: FIPS:

Virginia Departement of Agriculture and Consumer Services

Office of Pesticide Services
102 Governor Street
Richmond, Virginia 23219

FOR CAUSE INVESTIGATION REPORT

Additional Applicators

APPLICATOR(S) INVOLVED: MR ANTWAN BROWN

CERT. NO:	TYPE:	CAT:	EXP:
	X	NA	

APPLICATOR(S) INVOLVED: CODY SCOTT

CERT. NO:	TYPE:	CAT:	EXP:
	X	NA	

APPLICATOR(S) INVOLVED:

CERT. NO:	TYPE:	CAT:	EXP:

APPLICATOR(S) INVOLVED:

CERT. NO:	TYPE:	CAT:	EXP:

APPLICATOR(S) INVOLVED:

CERT. NO:	TYPE:	CAT:	EXP:

SUMMARY OF INVESTIGATION

[redacted]V. LAWN DOCTOR OF STAFFORD

- 07/11/2018 Complaint investigation visit with complainant
- 07/13/2018 Complaint investigation visit with respondent
- [redacted]

DETAILS OF INVESTIGATION

[redacted] V. LAWN DOCTOR OF STAFFORD

- 07/11/18 Pesticide Investigator Mr. Thomas Burke met with [redacted] The purpose of the visit was for Burke to receive specific information regarding [redacted] Lawn Doctor of Stafford-Culpeper-Gainesville-Bristow-Haymarket. Those details included but were not limited to names, known certifications, pesticide products applied and location of equipment that allegedly lacked the required service container label information.

- 07/13/2018 Pesticide Investigator Mr. Thomas Burke met with Mr. Christopher W. Braddock, owner, and Mr. Marvin J. West, Supervisor. During that visit, Burke received 3 pesticide application records for 3 employees who were working in VA pesticide applicator certification tasks without the required VA state certification, and the associated pesticide product labels. The visit also including photographs of pesticide application equipment which was required to have service container labeling that was not attached to the container.

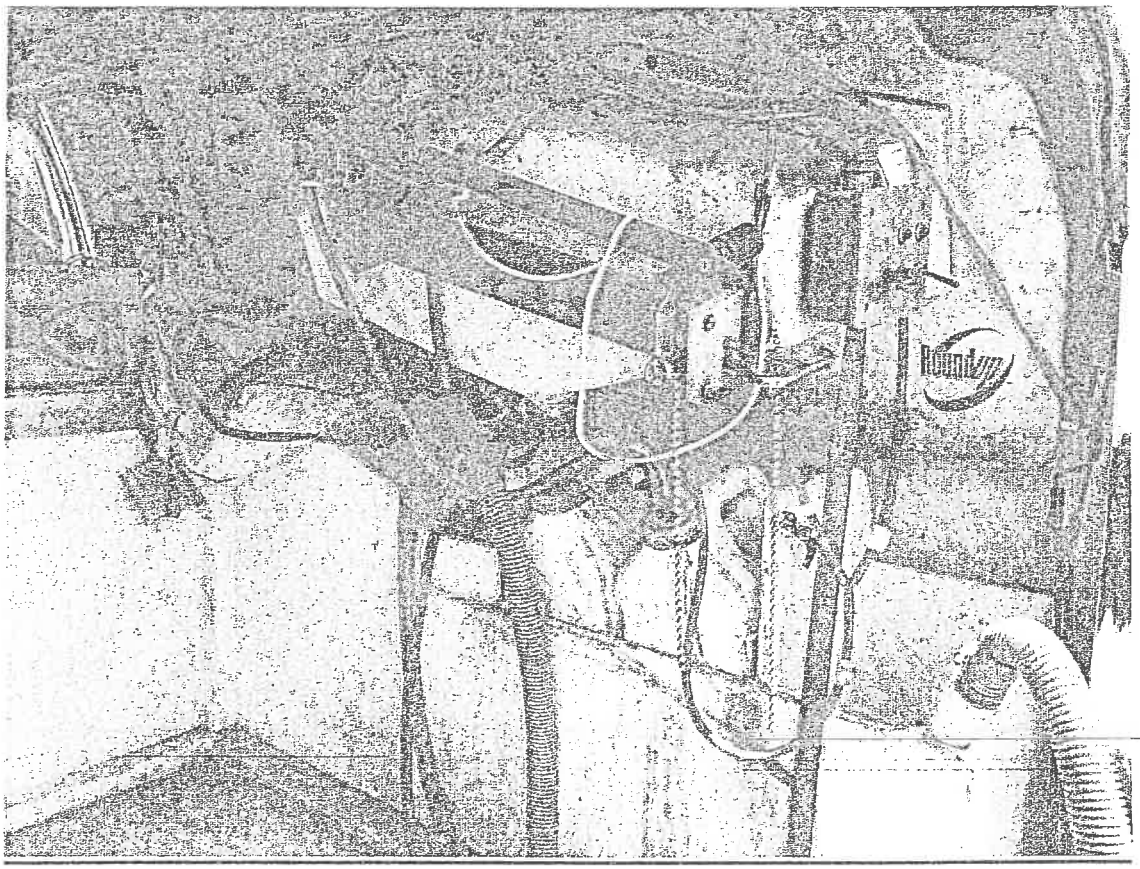
- Mr. Marvin Lawson: 124466-C in 3A & 3B. Record documented a commercial pesticide application for target pests ticks and mosquitoes (Exhibit A) Pesticide product(s) (25B) All Natural Tick Killz. (also labeled for mosquitoes).

- Mr. Antwan Brown: No VA certification at all. Record documented a commercial pesticide application for target pest broadleaf weed control (Exhibit E) Pesticide product(s) EPA Reg. No. 60063-43-534 Greenyard Crabgrass Preventer With 0.42% Cavlcade

- Mr. Cody Scott: No VA certification at all. Record documented a commercial pesticide application for target pest broadleaf and grub (Exhibit D) Pesticide product EPA Reg. No. 432-1417-34704 Allectus 0.225 G Plus Turf Fertilizer Insecticide.

PHOTOGRAPH PAGE

[redacted]/. LAWN DOCTOR OF STAFFORD



Photograph 1: Mr. Braddock stated that equipment above was operational and used to either transport of temporarily store pesticide product for commercial pesticide applications. Concentrate container can be seen below, with hoses connected to the service container. However, the vehicle was parked at the respondent parking lot at time of photograph.

Attachments

[redacted] V. LAWN DOCTOR OF STAFFORD

Exhibit A: Application record – 05/24/18, Cimral address
Exhibit B: Application record – 06/29/18, Melillo address
Exhibit C: Application record – 07/12/18, Sisco address
Exhibit D: Product label -- Allectus 0.225 G Plus Turf Fertilizer 0-0-7
Exhibit E: Product label -- Greenyard Crabgrass Preventer With 0.42% Cavalcade 13-0-5
Exhibit F: Product label -- All Natural Tick Killz
Exhibit G: Burke Field Notes
Exhibit H: Investigation referral
Exhibit I: Mr. Marvin J. Lawson Applicator certification printout (Oracle)

Submitted by: E. B. Burke
Pesticide Investigator

Report Date: 11/29/18

Revised 5-2-13

Exhibit A TBB 7-13-18.

CW 7/13/18

Service Address:
Ms. Barbara Cimral
11782 General Cooke Dr
Bristow VA 20136

11782

Lawn Doctor
156742

CUST #: 42626 ***DO ASAP*** RTE/DAY CD: 100 1 SEQ #: 1
CELL PH: (703)593-6503 SCHEDULED: 05/24/18 - 08:20
OTHER (703)330-3741 Tim SIZE: 4.00 MHRS: 0:15
SINCE DATE: 03/29/13
PRINTED: 05/23/18 EKB APPOINTMENT: 05/24/18
Marvin W. Lic.#124466-C

Directions	Scheduled Programs	Today's Services	Sold By	Price
	YG ->*YYYYY LDP->SSYYYYYYY	YG1 Yardarmour Gold	EKB	89.00

Map	Scheduled Specials	Total $	After Ad	Tax	Net $
	CU	89.00	84.55	0.00	84.55

Flag Cds: Inground Sprinkler, Dog, Call Ahead, Upgrade-LDP 2018

Customer And Service Notes

Call Ahead:
CALL FIRST TO CELL
Entire
DRIVER INITIALS: MW
Spray weeds at time of YG svc!
(leave WCS bulletin)
DRIVER INITIALS: MW

YA - Tick Kill 4oz/3gal
Time 11:00 pm 11/14

DATE		CD	ID	AMOUNT	PRODUCTS	CONDITIONS		NOTES
08/01/17	T	L 04	RAY	41.69	36-0-5 TRI 1.25			
08/01/17	S	CU	RAY	0.00				
09/27/17	T	L 05	RAY	41.69	TRI 1.5 36-0-2			
11/17/17	T	L 06	RAY	41.69	46-0-0			
11/17/17	A	KK		-0.02				
12/14/17	A	SAC		-0.02				Automatic adjust because
01/08/18	P			-359.80				Customer Balance Clean-up
03/05/18	I			59.97				
03/13/18	T	L 01	ANT	0.00	19-0-5			
04/05/18	I			59.97				
04/17/18	T	L 02	RAY	0.00	TRI 1.1 19-0-5			
05/05/18	I			59.97				

YARDARMOUR = Mosquito

YARDARMOUR GOLD = Mosquito Flea Tick

Exhibit B TBR 2-13-18

cancel 7/13/18

13446

Service Address:
Mr. Clark Melillo
15446 Cross Keys Rd
Haymarket VA 20169-2016

Lawn Doctor
158128

CUST #: 82447 ***DO ASAP*** RTE/DAY CD: 120 1 SEQ #: 10
CELL PH: (703)898-6242 SCHEDULED: 06/29/18 - 11:07
HOME (703)754-9590 SIZE: 7.00 MHRS: 0:15
SINCE DATE: 06/27/18
PRINTED: 06/28/18 EKB APPOINTMENT: 06/29/18
Antwan B

Directions	Scheduled Programs	Today's Services	Sold By	Price
	LDM=>KK*YYY	M3 Early Summer Lawn	EKB	49.25

Map	Scheduled Specials	Total $	After Ad	Tax	Net $
		49.25	49.25	0.00	49.25

Flag Cds: RG List 01/2018, Dog, Invisible Fence

14.00 19-0-5, 7.00 TRI 0.9

Customer And Service Notes

w/ Call Ahead: 11 03
EMAIL PRIOR TO SVC
To tree line in backyard
DRIVER INITIALS: AB
ENTIRE
DRIVER INITIALS: AB
13-0-5 Yd concrete
20th per thousand square ft
Trimmer 1.4 per thousand square ft

DATE		CD	ID	AMOUNT	PRODUCTS	CONDITIONS		NOTES

Exhibit C TB37-13-18

CW 7/13

Service Address:
Mr. and Mrs. Joseph Sisco
1309 Okland Dr
King George VA 22485 1309

Lawn Doctor
158801

CUST #: 78798
HOME (540)775-9145
CELL PH: (540)220-8769

PRINTED: 07/10/18 EKB
Cody S.

RTE/DAY CD: 300 1 **SEQ #:** 2
SCHEDULED: 07/12/18 - 07:57
SIZE: 4.74/4.74 **MHRS:** 0:15
SINCE DATE: 03/02/17
APPOINTMENT: 07/12/18

Directions	Scheduled Programs	Today's Services	Sold By	Price
	LDP->SSYYYYYYY	M3 Early Summer Lawn	MARVIN W	51.60
		GRB Grub Control	MARVIN W	51.60

Map	Scheduled Specials	Total $	After Ad	Tax	Net $
Call Ahead PF PSR 2017	CU	103.20	0.00	0.00	Installment
Flag Cds	9.48 19-0-5, 4.74 TRI 0.9, 18.96 AL				

Customer And Service Notes

Call Ahead:
CUSTOMER REQUEST
Front Only
DRIVER INITIALS: CS

0-0-7 .225% allectus
4lb per 1000ft2

Tri 1.1 oz per 1000ft2

DATE		CD	ID	AMOUNT	PRODUCTS	CONDITIONS		NOTES
09/06/17	P			-50.00				
09/16/17	S	PSR	MAR	0.00	58			
09/16/17	T	L 05	MAR	0.00	TRI 1.5 36-0-2			
12/11/17	T	L 06	MAR	0.00	46-0-0			
01/04/18	P			-464.40				
03/10/18	I			77.40				
04/10/18	I			77.40				
04/12/18	T	L 01	MAR	0.00	19-0-5			
05/10/18	I			77.40				
06/10/18	I			77.40				
06/12/18	T	L 02	COD	0.00	TRI 1.1 19-0-5			
07/10/18	I			77.40				

Exhibit D TBB 7-13-18

CWR 7/13/18

Group	4A	INSECTICIDE

Signature brand fertilizer

ALLECTUS™ 0.225 G PLUS TURF FERTILIZER

Insecticide

For fertilization and general insect control in turfgrass areas including athletic fields and parks and residential, commercial, industrial, institutional, and recreational lawns.
Not for use on golf courses or sod farms.

ACTIVE INGREDIENT:
Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine 0.125%
Bifenthrin* 0.100%
OTHER INGREDIENTS: 99.775%
TOTAL: 100.000%
*Cis isomers 97% minimum, trans isomers 3% maximum.

STOP - READ THE LABEL BEFORE USE.

KEEP OUT OF REACH OF CHILDREN

CAUTION

For MEDICAL and TRANSPORTATION Emergencies ONLY Call 24 Hours a Day 1-800-334-7577
For PRODUCT USE Information Call 1-800-331-2867
EPA Reg. No. 432-1417-34704

EPA EST. NO. 41124-OH-1 (Lot begins O) EPA EST. NO. 82757-MA-2 (Lot begins H)
EPA EST. NO. 41124-WI-1 (Lot begins W) EPA EST. NO. 82757-OH-1 (Lot begins MF)
EPA EST. NO. 57131-WI-1 (Lot begins EC) EPA EST. NO. 35512-FL-2 (Lot ends GF)
EPA EST. NO. 75527-PA-12 (Lot begins FS) EPA EST. NO. 82757-FL-1 (Lot begins S)

NET WEIGHT 50 LBS. (22.68 Kg)
For control of grubs, treats up to 13,613 sq. ft.
For control of surface feeders, treats up to 27,225 sq. ft.
50 lbs. treats 27,800 sq. ft. (0.64 acre) at the 78 lbs. product/acre – LOW RATE (1.8 lbs/1,000 sq. ft.)
50 lbs. treats 17,800 sq. ft. (0.41 acre) at the 121 lbs. product/acre – MEDIUM RATE (2.8 lbs/1,000 sq. ft.)
50 lbs. treats 13,500 sq. ft. (0.31 acre) at the 161 lbs. product/acre – (3.7 lbs/1,000 sq. ft.)
50 lbs. treats 10,800 sq. ft. (0.25 acre) at the 200 lbs. product/acre – HIGH RATE (4.6 lbs/1,000 sq. ft.)
50 lbs. treats 6,800 sq. ft. (0.16 acre) at the 317 lbs. product/acre – HEAVY RATE (7.3 lbs/1,000 sq. ft.)
50 lbs. treats 5,200 sq. ft. (0.12 acre) at the 400 lbs. product/acre (9.2 lbs/1,000 sq. ft.)

B1915

FIRST AID

If on skin	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
If in eyes	• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor or going for treatment.
In case of emergency call toll free 1-800-334-7577.

Note To Physician: No specific antidote is available. Treat the patient symptomatically.
This product contains a pyrethroid. If large amounts have been ingested, milk, cream and other digestible fats and oils may increase absorption and so should be avoided.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic invertebrates. Run-off may be hazardous to aquatic organisms in water adjacent to treated areas. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.
This product contains a chemical with properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirement specific to your State or Tribe, consult the agency responsible for pesticide regulation.
Do not formulate this product into other end-use products.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.
Pesticide Storage: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.
Handle and open container in a manner as to prevent spillage. If material is spilled for any reason or cause, carefully contain any spilled material to prevent non-target contamination. Do not walk through spilled material and dispose of as directed for pesticides below. Refer to Precautionary Statements on label for hazards associated with the handling of this material. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 1-800-424-9300.
Pesticide Disposal: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.
Container Disposal: Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. Completely empty bag into application equipment. Dispose of empty bag in a sanitary landfill, by incineration, or if allowed by the state and local authorities, by burning. If burned, stay out of smoke.

APPLICATION TO TURFGRASS

The use of this product will provide plant nutrients as well as providing control of selected insect pests. This product can be used for the control of soil inhabiting pests of turfgrass; for example northern and southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic garden beetle, *Maladera castanea*; black vine weevil, *Otiorhyncus sulcatus*, European chafer, *Rhizotrogus majalis*; green June beetle, *Cotinis nitida*; May or June beetles, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; oriental beetle, *Anomala orientalis*; *Euetheola humulis rugiceps*; billbugs, *Sphenophorus* spp.; annual bluegrass weevil, *Listronotus maculicollis*; black turfgrass ataenius, *Ataenius spretulus*; *Aphodius* spp; Crane flies, *Tipula* spp.; frit fly, *Oscinella frit*; chinch bugs, *Blissus* spp.; fire ants, *Solenopsis* spp.; cutworms, *Agrotis ipsilon*, *Peridroma saucia*, *Nephalodes menians*; armyworms, *Spodoptera* spp., *Pseudaletia* spp.; sod webworm, *Crambus* spp.; and mole crickets, *Scapteriscus* spp. This product can be used as directed on turfgrass; for example, in home lawns, business and office complexes, shopping complexes, multi-family residential complexes, airports, cemeteries, parks, playgrounds, and athletic fields.

The active ingredients in this product have sufficient residual activity so that applications for control of subsurface feeders can be made preceding the egg laying activity. The need for an application for control of subsurface feeders can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Optimum control of subsurface feeders will be achieved when applications are made prior to egg hatch of the target pest, followed by sufficient irrigation or rainfall to move the active ingredient through the thatch.

The active ingredients in this product have sufficient knockdown and residual activity to provide remedial and residual control of surface feeding pests. Applications for control of surface feeding pests can be made when infestations are anticipated based on historical monitoring of the site, previous records or experience, current season adult trapping or

GU

Soluble Potash (K

DERIVED FROM:

Chlorine (Cl) .....

Information regarding the c
on the Intern

For Florida:
FLORIDA APPLICATIONS: For use on
"Recommendations for N, P, K & Mg for
Extractant", available on the internet at
http://edis.ifas.ufl.edu/SS404 or "Best Ma
on Florida Golf Courses" at http://www.fl
FLORIDA APPLICATIONS: For commercial ap
Management Practices for Protection of Wa
the internet at http://www.flaes.org/pdf/BM

Product No. 1000000815

GENERAL APP

Rate	lbs. Product per 1,000 sq ft	lbs
Low	3.70	
Medium	4.60	
High	9.20	

Loveland PRODUCTS

Exhibit D TBD 7-13-18

7/13/18

S TURF FERTILIZER

areas including athletic fields and parks
utional, and recreational lawns.
s or sod farms.

midazolidinimine 0.125%
..... 0.100%
..... 99.775%
100.000%

BEFORE USE.
OF CHILDREN
IN

NLY Call 24 Hours a Day 1-800-334-7577
all 1-800-331-2867
7-34704

NO. 82757-MA-2 (Lot begins H)

NO. 82757-OH-1 (Lot begins MF)

NO. 35512-FL-2 (Lot ends GF)

NO. 82757-FL-1 (Lot begins S)
.68 Kg)
13,613 sq. ft.
up to 27,225 sq. ft.
e – LOW RATE (1.8 lbs/1,000 sq. ft.)
re – MEDIUM RATE (2.8 lbs/1,000 sq. ft.)
re – (3.7 lbs/1,000 sq. ft.)
re – HIGH RATE (4.6 lbs/1,000 sq. ft.)
e – HEAVY RATE (7.3 lbs/1,000 sq. ft.)
e (9.2 lbs/1,000 sq. ft.)

B1915

20 minutes.
vice.
for 15 to 20 minutes.
nutes, then continue rinsing eye.
vice.
rol center or doctor or going for treatment.

symptomatically.
l, milk, cream and other digestible fats and

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
CAUTION

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DIRECTIONS FOR USE

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Do not formulate this product into other end-use products.

STORAGE AND DISPOSAL

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APPLICATION TO TURFGRASS

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The active ingredients in this product have sufficient knockdown and residual activity to provide remedial and residual control of surface feeding pests. Applications for control of surface feeding pests can be made when infestations are anticipated based on historical monitoring of the site, previous records or experience, current season adult trapping or

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GUARANTEED ANALYSIS

Soluble Potash (K_2O) 7.00%

DERIVED FROM: Muriate of Potash

Chlorine (Cl) 5.25%

Information regarding the contents and level of metals in this product is available on the Internet at http://www.regulatory-info-lpi.com

For Florida:
FLORIDA APPLICATIONS: For use on athletic turf in FL, we recommend you follow SL191, "Recommendations for N, P, K & Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant", available on the Internet at http://edis.ifas.ufl.edu/SS404 or "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses" at http://www.flaes.org/pdf/glfbmp07.pdf
FLORIDA APPLICATIONS: For commercial application to urban turf or lawns in FL, we recommend you follow the Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries, available on the Internet at http://www.flaes.org/pdf/BMP_Book_final.pdf.

Product No. 1000000815 | **F1548**

GENERAL APPLICATION GUIDELINES

Rate	lbs. Product per 1,000 sq ft	lbs. Nitrogen per 1,000 sq ft	lbs. Imidacloprid A.I. per acre	lbs. bifenthrin A.I. per acre
Low	3.70	0.67	0.00	0.36
Medium	4.60	0.83	0.00	0.45
High	9.20	1.66	0.00	0.90

Loveland PRODUCTS

DISTRIBUTED BY
LOVELAND PRODUCTS, INC.
P.O. BOX 1286, GREELEY, CO 80632-1286

Exhibit D TDB 7-13-18

SIGNATURE BRAND FERTILIZER ALLECTUS™ 0.225 G PLUS TURF FERTILIZER INSECTICIDE
FPA Reg. No. 432-1417-34704

presence of insects at economic thresholds as determined by scouting and/or recommendations of local State extension personnel or other qualified specialists.

Do not apply more than 200 lb. of this product (0.25 lb of imidacloprid, 0.2 lb bifenthrin) per acre per application on residential use sites (i.e., around private homes, apartment buildings, condominiums, non-agricultural outbuildings, non-commercial greenhouses, pre-schools or day care facilities). May be applied at up to 400 lb. of this product (0.5 lb of imidacloprid, 0.4 lb bifenthrin) per application on non-residential use sites (i.e., around institutional, public, commercial or industrial buildings; parks; recreational areas or athletic fields).

Do not apply when turfgrass areas are waterlogged or the soil is saturated with water. Adequate distribution of the active Ingredient cannot be achieved when these conditions exist. The treated turf must be in such a condition that the rainfall or Irrigation will penetrate vertically in the soil profile. Total amount applied cannot exceed 400 lb (0.5 lb of imidacloprid, 0.4 lb of bifenthrin) per acre per year.

NOTE: Not for use in commercial greenhouses or on grass grown for seed or on golf courses and sod farms. For use on plants intended for aesthetic purposes or climatic modification and being grown in interior plantscapes, ornamental gardens or parks, or on lawns and grounds.

APPLICATION EQUIPMENT

Apply this product uniformly over the area being treated with normally used granular application equipment. Both drop-type and rotary-type spreaders may be used to apply this product. Avoid the use of spreaders that apply the material in narrow, concentrated bands. Calibrate application equipment prior to use according to the manufacturer's directions. Check frequently to be sure equipment is working properly and distributing granules uniformly and accurately.

RESISTANCE MANAGEMENT

Some insects are known to develop resistance to insecticides after repeated use. As with any insecticide, the use of this product should conform to resistance management strategies established for the use area. This product contains Group 3 and 4A insecticides. Insect biotypes with acquired or inherent resistance to Group 3 and 4A insecticides may eventually dominate the insect population if Group 3 and 4A insecticides are used repeatedly as the predominant method of control for targeted species.

APPLICATION DOSAGE INFORMATION
(Be sure to read "APPLICATION EQUIPMENT" Section of this Label)

CROP	PEST		DOSAGE SIGNATURE BRAND FERTILIZER ALLECTUS 0.225 G PLUS TURF FERTILIZER INSECTICIDE
Turfgrasses	Larvae of subsurface feeders:		160 to 200 lb per acre (3.7 to 4.6 lb per 1000 sq ft)
	Asiatic garden beetle	Japanese beetle	
	Black turfgrass ataenius	Northern masked chafer	
	Black vine weevil	Oriental beetle	
	European chafer	*Phyllophaga* spp.	
	European crane fly	Southern masked chafer	
	Green June beetle		
	Adults and/or larvae of subsurface and surface feeding pests:		120 to 200 lb per acre (2.8 to 4.6 lb per 1000 sq ft) or for heavy infestations, a single annual application of 320 to 400 lb per acre (7.3 to 9.2 lb per 1000 sq ft) to non-residential turf
	Centipedes	Imported fire ants	
	Fleas	Mole crickets	
	Millipedes	Pillbugs	
	Ticks	Sowbugs	
	Adults and/or larvae of surface feeders:		120 to 200 lb per acre (2.8 to 4.6 lb per 1000 sq ft)
	Annual bluegrass weevil	Leafhoppers	
	Billbugs	Mealybugs	
	Chinch bugs	Nuisance ants	
	Frit fly		
	Larvae of surface feeders:		80 to 200 lb per acre (1.8 to 4.6 lb per 1000 sq ft)
	Armyworm	Sod webworms	
	Cutworm		

Consult your local State Agricultural Experiment Station or State Extension Turf Specialists for more specific information regarding timing of application.

NOTE: For optimum control, Irrigate if rainfall does not occur within 24 hours after application to move the active ingredient through the thatch. Do not apply more than 400 lb product (0.5 lb of Imidacloprid active ingredient, 0.4 lb bifenthrin) per acre per year. Do not apply more than 200 lb product (0.25 lb Imidacloprid, 0.2 lb bifenthrin) per acre per application to residential turf. Avoid mowing turf or lawn area until after irrigation or rainfall has occurred so that uniformity of application will not be affected.

In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

In New York State, make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

Annual Bluegrass Weevil *(Listronotus maculicollis)* **adults:** Time applications to control adult weevils as they leave their overwintering sites and move into grass areas. This movement generally begins when Forsythia is in full bloom and concludes when flowering dogwood *(Cornus florida)* is in full bloom. Consult your State Cooperative Extension Service for more specific information regarding application timing.

Annual Bluegrass Weevil *(Listronotus maculicollis)* **larvae:** For best results, apply at the first sign of wilting of bluegrass. For the first generation, this wilting often occurs after full bloom of flowering dogwood *(Cornus florida)*.

Armyworms, Cutworms and Sod Webworms: If the grass area is being maintained at a mowing height of greater than 1 inch, then higher application rates (up to 4.6 lb per 1000 sq ft) may be required during periods of high pest pressure.

Billbug adults: For best results, apply when adult billbugs are first observed during April and May. Degree day models have been developed to optimize application timing. Consult your State Cooperative Extension Service for information specific to your region. In temperate regions, spring applications targeting billbug adults will also provide control of over-wintered chinch bugs.

Chinch Bugs: Chinch bugs infest the base of grass plants and are often found in the thatch layer. Irrigation of the grass area before treatment will optimize the penetration of the insecticide to the area where the chinch bugs are located. Chinch bugs can be one of the most difficult pests to control in grasses and the higher application rates (Up to 4.6 lb per 1000 sq ft) may be required to control populations that contain both nymphs and adults during the middle of the summer.

Imported Fire Ants: Apply as a broadcast treatment in non-residential turf areas up to 9.2 lb per 1000 sq ft. For mound treatment, apply ¾ cup of this product per mound and then drench the mound with 1 to 2 gallons of water. Treat mounds with sufficient force to break their apex and allow the insecticide to flow into the ant tunnels.

Mole Cricket adults: Achieving acceptable control of adult mole crickets is difficult because grass areas are subject to continuous invasion during the early spring by this large active stage. For application when both adults and/or large nymphs are present and actively tunneling, irrigate prior to application if soil is dry and apply 4.6 lbs per 1000 sq ft. For best results, water-in applications with up to 0.5 inches of water immediately after treatment. Treat grass areas that receive pressure from adult mole crickets within one month of peak egg hatch to ensure optimum control of subsequent nymph populations (see below). For heavily infested mole cricket areas, or in areas with a history of mole cricket infestation, use a single seasonal application rate of 320 to 400 lb per acre (7.3-9.2 lb per 1000 sq ft) to non-residential turf.

Mole Cricket nymphs: For best results, treat grass areas that received adult mole cricket pressure in the spring within one month of peak egg hatch. Optimal control is achieved at this time because young nymphs are more susceptible to insecticides. Control of larger, more damaging, nymphs later in the year will require higher application rates to maintain acceptable control. For maximum effectiveness, irrigate prior to application if soil is dry, apply as a broadcast treatment at 4.6 lb per 1000 sq ft. For best results, water-in applications with up to 0.5 inches of water after treatment. For heavily infested mole cricket areas, or in areas with a history of mole cricket infestation, use a single seasonal application rate of 320 to 400 lb per acre (7.3-9.2 lb per 1000 sq ft) to non-residential turf.

Pillbugs and sowbugs: For heavy infestations apply 400 lbs per acre (9.2 lbs per 1000 sq ft) of this product to non-residential turf.

Ticks (Including ticks that may transmit Lyme disease and Rocky Mountain spotted fever): Treat the entire area where exposure to ticks may occur. Ticks may be reintroduced from surrounding areas on host animals. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed activity. Limit repeat application to no more than once per seven days. Deer ticks *(Ixodes* spp.) have a complicated life cycle that ranges over a two year period and involves four life stages. Make applications in the late fall and/or early spring to control adult ticks that are usually located on brush or grass above the soil surface and in mid to late spring to control larvae and nymphs that reside in the soil and leaf litter. American dog ticks *(Dermacentor variabilis)* may be a considerable nuisance in suburban settings, particularly where homes are built on land that was previously field or forest. These ticks commonly congregate along paths or roadways where humans are likely to be encountered. Make applications as necessary from mid-spring to early fall to control American dog tick larvae, nymphs and adults.

Spreader settings for SIGNATURE BRA INSECTICIDE
The following chart can be used as a guid ALLECTUS 0.225 G PLUS TURF FERTIL equipment wear and condition of spreader product.
SPREADER
Lb. active Ingredient/Acre (Imidacloprid, Bi
Andersons AccuPro 2000
Scotts R-8A (cone 4)
Lesco 020093 (pattern 0.5)
Lesco 705698 (pattern 0.5
Lely Models- WTR, WFR, HR 1250 (PTO a A
Vicon (03 Series)

RESTRICTIONS

- Avoid runoff or puddling of irrigation water waterlogged or saturated, which will not all lb (0.5 lb of imidacloprid and 0.4 lb of bifent
- Treated areas may be replanted with any c which a tolerance exists for the two active ir
- For crops not listed on any imidacloprid a ingredients have been established, a 12-mo
- Do not apply by air.
- Not for use in nurseries or commercial greer
- Apply this product directly to the lawn or gar
- Do not water to the point of run-off. Do not n
- Application is prohibited directly into sewer drains, water bodies or aquatic habitat ca application.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Condition product.
If terms are not acceptable, return the unopen the following Conditions, Disclaimer of Warran

CONDITIONS: The directions for use of this However, it is impossible to eliminate all risks property damage, or other unintended conse Products, Inc. such as weather conditions, pre shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO TH PRODUCTS, INC. MAKES NO OTHER WAF FITNESS FOR A PARTICULAR PURPOSE C ON THIS LABEL. No agent of Loveland Prod herein or to modify the warranties contained LOVELAND PRODUCTS, INC. DISCLAIMS A resulting from the use or handling of this produc

LIMITATIONS OF LIABILITY: TO THE EXTEN OF THE USER OR BUYER FOR ANY AND A OR HANDLING OF THIS PRODUCT, WHE LIABILITY OR OTHERWISE, SHALL NOT EX INC.'S ELECTION, THE REPLACEMENT OF P

Allectus is a registered trademark of Bayer

Exhibit D TBB 7-13-18

7/13/18

PLUS TURF FERTILIZER INSECTICIDE
34704

) and/or recommendations of local State extension

orid, 0.2 lb bifenthrin) per acre per application on condominiums, non-agricultural outbuildings, non- applied at up to 400 lb. of this product (0.5 lb of ites (i.e., around institutional, public, commercial or

aturated with water. Adequate distribution of the e treated turf must be in such a condition that the amount applied cannot exceed 400 lb (0.5 lb of

r seed or on golf courses and sod farms. For use d being grown in interior plantscapes, ornamental

/ used granular application equipment. Both drop- void the use of spreaders that apply the material in to use according to the manufacturer's directions. uting granules uniformly and accurately.

:MENT
repeated use. As with any insecticide, the use es established for the use area. This product ired or inherent resistance to Group 3 and 4A o 3 and 4A insecticides are used repeatedly as

f this Label)

DOSAGE SIGNATURE BRAND FERTILIZER ALLECTUS .225 G PLUS TURF FERTILIZER INSECTICIDE
160 to 200 lb per acre (3.7 to 4.6 lb per 1000 sq ft)
120 to 200 lb per acre (2.8 to 4.6 lb per 1000 sq ft) or for heavy infestations, a single annual application of 320 to 400 lb per acre (7.3 to 9.2 lb per 1000 sq ft) to non-residential turf
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ension Turf Specialists for more specific information

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In New York State, this product may NOT be applied to any grass or turf area within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

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Imported Fire Ants: Apply as a broadcast treatment in non-residential turf areas up to 9.2 lb per 1000 sq ft. For mound treatment, apply ¾ cup of this product per mound and then drench the mound with 1 to 2 gallons of water. Treat mounds with sufficient force to break their apex and allow the insecticide to flow into the ant tunnels.

Mole Cricket adults: Achieving acceptable control of adult mole crickets is difficult because grass areas are subject to continuous invasion during the early spring by this large active stage. For application when both adults and/or large nymphs are present and actively tunneling, irrigate prior to application if soil is dry and apply 4.6 lbs per 1000 sq ft. For best results, water-in applications with up to 0.5 inches of water immediately after treatment. Treat grass areas that receive pressure from adult mole crickets within one month of peak egg hatch to ensure optimum control of subsequent nymph populations (see below). For heavily infested mole cricket areas, or in areas with a history of mole cricket infestation, use a single seasonal application rate of 320 to 400 lb per acre (7.3-9.2 lb per 1000 sq ft) to non-residential turf.

Mole Cricket nymphs: For best results, treat grass areas that received adult mole cricket pressure in the spring within one month of peak egg hatch. Optimal control is achieved at this time because young nymphs are more susceptible to insecticides. Control of larger, more damaging, nymphs later in the year will require higher application rates to maintain acceptable control. For maximum effectiveness, irrigate prior to application if soil is dry, apply as a broadcast treatment at 4.6 lb per 1000 sq ft. For best results, water-in applications with up to 0.5 inches of water after treatment. For heavily infested mole cricket areas, or in areas with a history of mole cricket infestation, use a single seasonal application rate of 320 to 400 lb per acre (7.3-9.2 lb per 1000 sq ft) to non-residential turf.

Pillbugs and sowbugs: For heavy infestations apply 400 lbs per acre (9.2 lbs per 1000 sq ft) of this product to non-residential turf.

Ticks (Including ticks that may transmit Lyme disease and Rocky Mountain spotted fever): Treat the entire area where exposure to ticks may occur. Ticks may be reintroduced from surrounding areas on host animals. Retreatment may be necessary to achieve and/or maintain control during periods of high pest pressure. Repeat application is necessary only if there are signs of renewed activity. Limit repeat application to no more than once per seven days. Deer ticks *(Ixodes* spp.) have a complicated life cycle that ranges over a two year period and involves four life stages. Make applications in the late fall and/or early spring to control adult ticks that are usually located on brush or grass above the soil surface and in mid to late spring to control larvae and nymphs that reside in the soil and leaf litter. American dog ticks *(Dermacentor variabilis)* may be a considerable nuisance in suburban settings, particularly where homes are built on land that was previously field or forest. These ticks commonly congregate along paths or roadways where humans are likely to be encountered. Make applications as necessary from mid-spring to early fall to control American dog tick larvae, nymphs and adults.

Spreader settings for SIGNATURE BRAND FERTILIZER ALLECTUS 0.225 G PLUS TURF FERTILIZER INSECTICIDE

The following chart can be used as a guide in establishing an accurate rate of SIGNATURE BRAND FERTILIZER ALLECTUS 0.225 G PLUS TURF FERTILIZER INSECTICIDE. Application rates will vary depending upon speed, equipment wear and condition of sprayer. Carefully calibrate application equipment prior to commercial use of this product.

SPREADER	SPEED (mph)	SETTINGS	
		80 lb/A (1.8 lb/1000 ft²)	200 lb/A (4.6 lb/1000 ft²)
Lb. active ingredient/Acre (Imidacloprid, Bifenthrin)		0.10, 0.08	0.25, 0.20
Andersons AccuPro 2000	3	J	L 3/4
Scotts R-8A (cone 4)	3	H 1/2	L
Lesco 020093 (pattern 0.5)	3	D 1/2	G 1/2
Lesco 705698 (pattern 0.5)	3	11	17
Lely Models- WTR, WFR, HR 1250 (PTO at 450 rpm) Pattern III-A	4.5	4	5 1/4
Vicon (03 Series)	4.5	20	30

RESTRICTIONS

- Avoid runoff or puddling of irrigation water following application. Avoid application of this product to areas which are waterlogged or saturated, which will not allow penetration into the root zone of the plant. Do not apply more than 400 lb (0.5 lb of imidacloprid and 0.4 lb of bifenthrin) per acre per year.
- Treated areas may be replanted with any crop specified on an imidacloprid and a bifenthrin label, or with any crop for which a tolerance exists for the two active ingredients.
- For crops not listed on any imidacloprid and a bifenthrin label, or for crops for which no tolerances for the active ingredients have been established, a 12-month plant-back interval must be observed.
- Do not apply by air.
- Not for use in nurseries or commercial greenhouses.
- Apply this product directly to the lawn or garden area. Water treated area as directed on this label.
- Do not water to the point of run-off. Do not make applications during rain.
- Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of product. Ineffectiveness, plant injury or other property damage, or other unintended consequences may result because of factors beyond the control of Loveland Products, Inc. such as weather conditions, presence of other materials or the manner of use or application. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LOVELAND PRODUCTS, INC. MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Loveland Products, Inc. is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, LOVELAND PRODUCTS, INC. DISCLAIMS ANY liability whatsoever for special, incidental or consequential damages, resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT LOVELAND PRODUCT, INC.'S ELECTION, THE REPLACEMENT OF PRODUCT.

Allectus is a registered trademark of Bayer

Exhibit E TBB 2-13-18

Greenyard Crabgrass Preventer
With 0.42% Cavalcade®

TITAN XCS

13-0-5

Guaranteed Fertilizer Analysis:

Total Nitrogen (N) 13%
13.00% WATER SOLUBLE NITROGEN *
0.00% WATER INSOLUBLE NITROGEN
Available Phosphate (P_2O_5) 0%
Soluble Potash (K_2O) 5%
Derived from: Urea, Muriate of Potash

Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn, and sweep any product that lands on the driveway, sidewalk, or street back onto your lawn

IN MD APPLY AT A MAXIMUM OF .9# OF NITROGEN PER 1,000 SQ. FT

For selective preemergence control of grass and broadleaf weeds in:
- Established Turf Grasses (excluding golf course putting greens) and lawns
- Landscape Ornamentals (including established perennials and wildflower plantings)

Active Ingredient:
Prodiamine, [N^3,N^3-Di-n-propyl-2,4-dinitro-6-(trifluoromethyl)-m-phenylenediamine 0.42%
Inert Ingredients: 99.58%
Total 100.00%

EPA Reg. No. 60063-43-534 EPA Est. No. 75527-PA-12

KEEP OUT OF REACH OF CHILDREN

CAUTION

See the following section, Precautionary Statements, Hazards To Humans and Domestic Animals, for additional information.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

FIRST AID

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after 5 minutes, then continue rinsing. Call a poison control center or doctor for treatment advice.
IF SWALLOWED: Call a Poison Control Center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice.
IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth to mouth if possible. Call a poison control center, or doctor for further treatment advice. Have this product container or label with you when calling a poison control center, or doctor, or when going for treatment. You may also call 1-800-858-7378 for emergency medical treatment advice.

ENVIRONMENTAL HAZARDS

This product has low solubility in water. At the limits of solubility, this product is not toxic to fish. However, at concentrations above the level of water solubility, it may be toxic to fish. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent sites. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.
This product is a selective preemergence herbicide that provides residual control of many grass and broadleaf weeds in:
- Established turf grasses (excluding golf course putting greens) and lawns
- Landscape ornamentals
- Established perennials and wildflower plantings

This product controls susceptible weeds by inhibiting weed seeds germination and root development. Most effective weed control will be obtained when it is activated by at least 1/2 inch of rainfall, irrigation, or shallow (1 to 2 inches) incorporation, prior to weed seed germination and within 14 days following application.
Not for use on plants being grown for; (1) Sale or other commercial use, (2) for commercial seed production, or (3) for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns and grounds.
Do not graze or feed livestock forage cut from areas treated with this product. Do not apply directly. Do not apply to golf course putting greens. Do not apply this product through any type of irrigation system.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR WEED CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.

WEEDS CONTROLLED

When used in accordance with this label this product will provide control of the following weeds:

Barnyardgrass	Henbit	Purslane, common
Bluegrass, Annual (Poa annua)	Itchgrass	Pusley, Florida
Carpetweed	Johnsongrass (from seed)	Rescuegrass[3]
Chickweed, common	Junglerice	Shepherd's Purse[2]
Chickweed, mouse ear (from seed)	Knotweed	Signalgrass, Broadleaf
Crabgrass (large, smooth)	Kochia	Speedwell, Persian
Crowfootgrass	Lambsquarter, common	Sprangletop
Cupgrass, Woolly	Lovegrass	Spurge, Prostrate
Foxtails, Annual	Panicum (Texas, Fall, Browntop)	Witchgrass
Goosegrass[1]	Pigweed	Woodsorrel, Yellow (from seed)

[1] In many areas a single application of 0.65 lb. to 1.5 lb. active ingredient per acre (equal to 155 lbs. to 357 lbs./A of this product [or] equal to 3.6 to 8.2 lbs./1000 sq.ft. of this product) will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, most effective weed control may be obtained by making an initial application of 0.65 lb. to 1.0 lb. a.i. per acre (equal to 155 lbs. to 238 lbs./A of this product [or] equal to 3.6 to 5.5 lbs./1000 sq.ft. of this product) followed after 60 to 90 days by a second application at doses that would not exceed those given in the Maximum Annual Rate Table. Do not exceed the maximum rate for turf grass species listed in the Maximum Annual Rate Table above.
[2] Applications for this weed should be made in late summer, fall, or winter prior to germination.
[3] Suppression only. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rates recommended for each turf species. All applications must be made prior to germination of the weed seeds.

APPLICATION DIRECTIONS

Apply uniformly with suitable, calibrated application equipment.

ESTABLISHED TURF:

This product is a selective preemergence herbicide that, when properly applied, will control certain grass and broadleaf weeds in established turf grasses and lawns. The maximum amount of this product that may be applied per year is given for each turf grass species in the Maximum Annual Rates section of this label. Most effective weed control in turf grasses will be obtained when this product is activated by at least 0.5 inches of rainfall or irrigation prior to weed seed germination and within 14 days following application. See the map below for approximate crabgrass seed germination dates.

CRABGRASS SEED GERMINATION DATES

USE PRECAUTIONS: The following precautions apply to the use of this product in turf grasses and lawns: (1) Application of this product may thin emerged annual bluegrass and newly overseeded grasses. (2) Do not apply to overseeded turf within 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil. (3) Do not cut (harvest) treated sod before 120 days after application. Do not apply to newly set sod until the following year. (4) Application of this product to turf stressed by drought, low fertility, or pest damage may result in turf injury. (5) Disturbing the herbicide barrier with cultural practices such as disking may result in reduced weed control. (6) Do not apply this product to putting greens or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (Poa annua) are desirable species.

RATES OF APPLICATION

This product may be applied as a single application or in sequential applications to control weeds germinating throughout the year. All applications must be made prior to germination of the target weeds. This product will not control established weeds. Maximum use rate selection should be based on turf species. The length of time of residual weed control provided by this product is related to the rate applied

This product is recommended for use on th
as given in the following table:

	Maximum Application Rate/Cal
Seed Species:	1
Creeping Bentgrass	
Creeping Red Fescue	
Buffalograss Kentucky Bluegrass Perennial Ryegrass	
Bermudagrass[4] Bahiagrass Centipedegrass Seashore Paspalum St. Augustinegrass Tall Fescue (including turf type) Zoysia	

[1] These are the maximum rates per calenda
[2] May be used on newly sprigged or plugge
[or] equal to 2.7 lbs./1000 sq.ft. of this proc
retarded. Suppression only of Foxtail, Goo
- Do not apply more than 1.5 lbs. a.i. per cal
of this product)
- Use higher rates of this product to achieve
exceed the maximum application rates spe

WHEN TO APPLY AFTER OVERSE

Do not apply to overseeded turf within 60 da
seedlings is likely if this product is applied b

WHEN TO OVERSEED AFTER AP

This product will inhibit the germination of tu
following table below for best overseeding/re

LBs Product/Acre	LBs Product/1
119	2.7
155	3.6
179	4.1
190	4.4
238	5.5
271	6.2
310	7.1
357	8.2

SPREADER SETTINGS

Spreader settings vary by make and model
product that is to be applied. A walking spre

LANDSCAPE ORNAMENTALS INCLUDING ESTABLISHED PERE

This product may be applied for residual pre
common name of tested varieties of landsc

STORAGE AND DISPOSAL

STORAGE: Store this product in its origi
seed by storage or disposal.
PRODUCT DISPOSAL: As a respons
of the bag be used, carefully following label
CONTAINER DISPOSAL: Non-refilla
equipment. Then offer for recycling, if availa
and local authorities, by burning. If burned

CONDITIONS OF SALE AND WAR

The Directions for Use of this product refle
reliable and should be followed carefully. Ho
Crop Injury, Ineffectiveness, or other uninten
of other materials, or the manner of use or a
risks shall be assumed by the Buyer. To the
to the chemical description on the label and
inherent risks referred to above. To the exte
Warranty of Fitness or Merchantability or
law, in no case shall Growmark Inc. or th
the use or handling of this Product. Grow
to the foregoing Conditions of Sale and War
representative of Growmark Inc.

Distributed by: Growmark Inc., 1701 Towa

Exhibit E TBB 2-13-18.

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1,000 SQ. FT

is in:
) and lawns
wildflower plantings)

. . . . . 0.42%

. . . . . 99.58%

. . . . . 100.00%

PA Est. No. 75527-PA-12

EN

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nbulance, then give artificial
or for further treatment advice,
doctor, or when going for
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er when rain is not predicted for
off the treatment area. Sweeping
the lawn or garden will help to

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.
This product is a selective preemergence herbicide that provides residual control of many grass and broadleaf weeds in:

- Established turf grasses (excluding golf course putting greens) and lawns
- Landscape ornamentals
- Established perennials and wildflower plantings

This product controls susceptible weeds by inhibiting weed seeds germination and root development. Most effective weed control will be obtained when it is activated by at least 1/2 inch of rainfall, irrigation, or shallow (1 to 2 inches) incorporation, prior to weed seed germination and within 14 days following application.
Not for use on plants being grown for: (1) Sale or other commercial use, (2) for commercial seed production, or (3) for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns and grounds.
Do not graze or feed livestock forage cut from areas treated with this product. Do not apply directly. Do not apply to golf course putting greens. Do not apply this product through any type of irrigation system.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR WEED CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.

WEEDS CONTROLLED

When used in accordance with this label this product will provide control of the following weeds:

Barnyardgrass	Henbit	Purslane, common
Bluegrass, Annual (Poa annua)	Itchgrass	Pusley, Florida
Carpetweed	Johnsongrass (from seed)	Rescuegrass[2]
Chickweed, common	Junglerice	Shepherd's Purse[2]
Chickweed, mouse ear (from seed)	Knotweed	Signalgrass, Broadleaf
Crabgrass (large, smooth)	Kochia	Speedwell, Persian
Crowfootgrass	Lambsquarter, common	Sprangletop
Cupgrass, Woolly	Lovegrass	Spurge, Prostrate
Foxtails, Annual	Panicum (Texas, Fall, Browntop)	Witchgrass
Goosegrass[1]	Pigweed	Woodsorrel, Yellow (from seed)

[1] In many areas a single application of 0.65 lb. to 1.5 lb. active ingredient per acre (equal to 155 lbs. to 357 lbs./A of this product [or] equal to 3.6 to 8.2 lbs./1000 sq.ft. of this product) will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, most effective weed control may be obtained by making an initial application of 0.65 lb. to 1.0 lb. a.i. per acre (equal to 155 lbs. to 238 lbs./A of this product [or] equal to 3.6 to 5.5 lbs./1000 sq.ft. of this product) followed after 60 to 90 days by a second application at doses that would not exceed those given in the Maximum Annual Rate Table. Do not exceed the maximum rate for turf grass species listed in the Maximum Annual Rate Table above.
[2] Applications for this weed should be made in late summer, fall, or winter prior to germination.
[3] Suppression only. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rates recommended for each turf species. All applications must be made prior to germination of the weed seeds.

APPLICATION DIRECTIONS

Apply uniformly with suitable, calibrated application equipment.

ESTABLISHED TURF:

This product is a selective preemergence herbicide that, when properly applied, will control certain grass and broadleaf weeds in established turf grasses and lawns. The maximum amount of this product that may be applied per year is given for each turf grass species in the Maximum Annual Rates section of this label. Most effective weed control in turf grasses will be obtained when this product is activated by at least 0.5 inches of rainfall or irrigation prior to weed seed germination and within 14 days following application. See the map below for approximate crabgrass seed germination dates.

CRABGRASS SEED GERMINATION DATES

USE PRECAUTIONS: The following precautions apply to the use of this product in turf grasses and lawns: (1) Application of this product may thin emerged annual bluegrass and newly overseeded grasses. (2) Do not apply to overseeded turf within 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil. (3) Do not cut (harvest) treated sod before 120 days after application. Do not apply to newly set sod until the following year. (4) Application of this product to turf stressed by drought, low fertility, or pest damage may result in turf injury. (5) Disturbing the herbicide barrier with cultural practices such as disking may result in reduced weed control. (6) Do not apply this product to putting greens or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (Poa annua) are desirable species.

RATES OF APPLICATION

This product may be applied as a single application or in sequential applications to control weeds germinating throughout the year. All

MAXIMUM ANNUAL RATES

This product is recommended for use on the turf grass species listed in the following table. Do not exceed the maximum yearly rate as given in the following table:

Maximum Application Rate/Calendar Year of turf fertilizer by turf grass species[1]			
Turf Species	Lbs. Product/A Incl	Lbs. Product/1000 sq.ft.	Lbs. a.i./A
Creeping Bentgrass	155	3.6	0.65
Creeping Red Fescue	179	4.1	0.75
Buffalograss Kentucky Bluegrass Perennial Ryegrass	238	5.5	1.0
Bermudagrass[2] Bahiagrass			
Centipedegrass Seashore Paspalum St. Augustinegrass Tall Fescue (including turf-type) Zoysia	357	8.2	1.5

[1] These are the maximum rates per calendar year by species limitations.
[2] May be used on newly sprigged or plugged Bermudagrass at rates not to exceed 0.5 lb. a.i./acre (equal to 119 lbs./A of this product [or] equal to 2.7 lbs./1000 sq.ft. of this product). Newly sprigged or plugged Bermudagrass stolon rooting may be temporarily retarded. Suppression only of Foxtail, Goosegrass, and Rescuegrass due to reduced product rates used in sprigging situations.

- Do not apply more than 1.5 lbs. a.i. per calendar year per acre (equal to 357 lbs./A of this product [or] equal to 8.2 lbs./1000 sq.ft. of this product).
- Use higher rates of this product to achieve higher levels of fertility and longer periods of weed control for each turf type, but do not exceed the maximum application rates specified in the Maximum Annual Rates Table.

WHEN TO APPLY AFTER OVERSEEDING TURF

Do not apply to overseeded turf within 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil.

WHEN TO OVERSEED AFTER APPLICATION

This product will inhibit the germination of turf species if overseeded too soon after application. Follow rates and intervals in the following table below for best overseeding/reseeding results.

LBs Product/Acre	LBs Product/1000 sq.ft.	LBs ai/A	Months Before Overseeding		
			North	Transition	South
119	2.7	0.50	4	4	4
155	3.6	0.65	5	4	4
179	4.1	0.75	6	5	5
190	4.4	0.80	-	6	6
238	5.5	1.00	-	7	7
271	6.2	1.14	-	-	9
310	7.1	1.30	-	-	10
357	8.2	1.50	-	-	12

SPREADER SETTINGS

Spreader settings vary by make and model of spreader. It is recommended that individual spreaders are calibrated for the specific product that is to be applied. A walking speed of 3 miles per hour is recommended.

LANDSCAPE ORNAMENTALS INCLUDING ESTABLISHED PERENNIALS AND WILDFLOWER PLANTINGS

This product may be applied for residual preemergence weed control in ornamentals. Refer to the supplemental label for the common name of tested varieties of landscape ornamentals on which this product may be used.

STORAGE AND DISPOSAL

STORAGE: Store this product in its original container in a dry, cool, secured area. Do not contaminate water, foodstuffs, feed, or seed by storage or disposal
PRODUCT DISPOSAL: As a responsible environmental practice, where possible, it is recommended that all of the contents of the bag be used, carefully following label directions and precautions.
CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Completely empty bag into application equipment. Then offer for recycling, if available, or dispose of empty bag in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned stay out of smoke.

CONDITIONS OF SALE AND WARRANTY

The Directions for Use of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and should be followed carefully. However, it is impossible to eliminate all risks inherently associated with use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application all of which are beyond the control of Growmark Inc. or the Seller. All such risks shall be assumed by the Buyer. To the extent consistent with applicable law, Growmark Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use subject to the inherent risks referred to above. To the extent consistent with applicable law, **Growmark Inc. makes no other express or implied Warranty of Fitness or Merchantability or any other express or implied warranty. To the extent consistent with applicable law, in no case shall Growmark Inc. or the Seller be liable for consequential, special, or indirect damages resulting from the use or handling of this Product.** Growmark Inc. and the Seller offer this product, and the Buyer and user accept it, subject to the foregoing Conditions of Sale and Warranty, which may be varied only by agreement in writing signed by a duly authorized representative of Growmark Inc.

Cavalcade® is a trademark of Sipcam Agro USA, Inc.

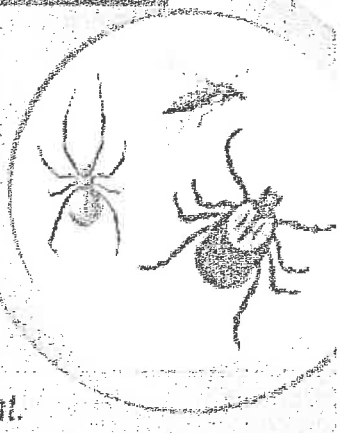
Exhibit F
TBB
07-13-18

7/13/18

All Natural TICK KILLZ™

EFFECTIVE PEST CONTROL

Apply to Shrubs, Mulch Beds, Lawn or Entire Property — wherever insects dwell



Controls Ticks, Mosquitoes, Fleas, and other Nuisance Insects **ON CONTACT!**

All Natural Tick Killz™ is safe for use around children, pets and the environment.

- *Made from 100% organic ingredients*
- *Provides 30 Days residual repellent benefit after each application*
- *Won't harm beneficial insects such as bees, butterflies and earthworms*

~~Exhibit E~~ ~~TBB~~
TD ~~07-13-18~~

Exhibit F TB2

All Natural TICK KILLZ™ EFFECTIVE PEST CONTROL

All Natural Tick Killz™ can be used to control ticks and other nuisance insects all year round!

MIXING DIRECTIONS: Shake contents, add 1 oz. of Tick Killz™ Concentrate for every 5 gallons of water. Mist Blower: add 4 ozs. of concentrate for every 3 gallons of water.

NOTE: Recommended rate of application for best results, minimum 1 gallon (RTU) product per 1,000 sq. ft. If using a Mist Blower, suggested rate is 1/4 gallon (RTU) per 1,000 sq. ft.

KILLS AND REPELS: Ticks, Fleas, Mosquitoes, Gnats, Ants, Aphids, Centipedes, Chinch Bugs, Earwigs, Millipedes, Mites, Spiders, Whiteflies and Other Insects.

SPRAYING DIRECTIONS: Spray thoroughly the following: lawns, shrubs, perimeter wood lines, stone walls, and damp, shady areas where insects tend to dwell and breed. Tick Killz™ will not stain pavers, patios or foundations. Apply every 30-60 days for ticks, every 3-4 weeks for mosquitoes. Product can be re-applied as often as desired. Allow product to dry before re-entering areas where Tick Killz™ has been applied. Natural Repellents, LLC asserts that Tick Killz™ complies with EPA Regulations for 25(b) exempt pesticide ingredients.

CAUTION: Keep out of reach of children and pets. Not recommended for fruit trees or edible crops. Do not spray into bodies of water. Protective eyewear and gloves are recommended when spraying. Avoid skin or eye contact as product may prove to be an irritant. In case of prolonged exposure to skin or eye contact, flush area with water for at least 15 minutes and consult a physician. If swallowed, seek medical attention immediately. FOR OUTDOOR USE ONLY.

Active Ingredients:

Cedar Oil	39.7%
2-Phenethyl Propionate	14.7%
Peppermint Oil	1.0%
Inert Ingredient: Ethyl Lactate	44.6%
	100%

Made in USA

Natural Repellents, L.L.C.
P.O. Box 251
Denville, NJ 07834
www.tickkillz.com
Mark Wilson / 973-277-3904
mwilson1123@optonline.net

TICK KILLZ

ONLINE RETAILERS

Exhibit ~~E~~ TBB 11-29-18
G TBB

T. Burke Field Notes

COMPLAINT: X CITIZEN ASSISTANCE: ___ OTHER: ___

DATE INITIATED: July 9, 2018

DATE OF FIRST CONTACT: 7-09-2018

DATE(S) OF INVESTIGATION: 7-09-2018 – 7-13-18

INVESTIGATOR(S): Thomas B. Burke

COMPLAINANT:

[redacted]

[redacted]

INSPECTION TYPE: Non-Ag For Cause

PESTICIDE, EPA REG. NO. :

Yard Armor Gold 25-b

APPLICATOR FIRM: Lawn Doctor of Stafford-Culpeper-Gainesville-Bristow-Haymarket

CONTACT: Erink Bradford

ADDRESS: 101 Juliad Ct #102 Fredericksburg, VA 22406

PHONE: 540-286-3074

BLN: 6107 ~~210~~ EXP: 3/19

38.361470 -77.512840

APPLICATOR(S) INVOLVED: CERT. NO: TYPE: CAT: EXPIRE:

Revised 08/06/13

G TBB
Exhibit TBB
11-29-18

07-09-18
12:44PM

T. Burke Field Notes

No cat. 8 of ___

- ft on records flea tick program
- Yard Armor Gold 25-b for Mosquito no mosquito
- was told that Lawn Doctor VA Beach applicator was good enough, but is different
  Chris Broadfoot

[redacted]

Marvin West 3A 3B (Commercial applicator
Cody Scott, Atwan Brown (applications so b united) not ?
86 North Hampton Blvd Stafford, VA
139 North perimeter
West mosquito? Brown + West flea, tick mosquitos
Cody Scott fertilizer (?) broadleaf weed Trimec
> check perimeter applications, flea tick cat 8 ? (1)
7A? (2)

Yard Armor Gold mos flea tick
Yard Armor mosquito

Cody Scott left + returned after car accident.

(3) 90 day period since hiring (hire date)
(4) 6 gallon tanks under stairwell
Service Container Label (truck tanks)

no statement other referral
> (?) PPE location

Moving ~~Company~~ Masters Exhibit ~~F~~ GTBB 11-29-18 TBB

T. Burke Field Notes ___ of ___

2 weeks Marvin

(1) (2) Cody Scott June 4, 2018 service (lawns)

Jermaine Davis - hire 2 weeks 2 days

(1) Antwan April 30, 2018 ser (lawns)

Brown

Marvin mosquitos + ticks (took not pass)

Drew Lawless - Northern VA Lisa Donovan - Richmond

30 days from hire for paperwork

Beck II LLC DBA Moving Masters (Cody)

2 records for Marvin (Ticks, Mosquitos)

2 Tickets for Marvin > mosquitos ticks

1 Cody Scott Lawn treatment prior to certification

1 Antwan Brown

Label for tick kills

Service contains label

(1) Can a franchise CA be the category for a different business (says Richmond approval process) Steve Maddox.

> 90 days to take

Revised 08/06/13

H TBD
Exhibit G 11-29-15 TBD

INVESTIGATION REFERRAL

VIRGINIA DEPARTMENT of AGRICULTURE
and CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES

Received By
BARBARA ELLIOTTE

Date
07/09/18 03:30 PM

Assigned To
THOMAS BURKE

Date
07/10/18 03:40 PM

Reporting Party
[redacted]

Alleged Respondent
LAWN DOCTOR OF
STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAY
101
JULIAD CT
FREDERICKSBURG, VA 22406
(540)286-3074

Nature of Report
REC'D PHONE CALL THAT LAWN DR OF STAFFORD, ETC IS MAKING APPLICATIONS FOR MOSQUITOS, FLEES AND TICKS [redacted] SUGGEST WE CHECK RECORDS AFTER JUNE 20 FOR THESE APPLICATIONS. THEY USE YARD ARMOR
AND YARD ARMOR GOLD. THEY HAVE BOTH PAPER AND ELECTRONIC RECORDS. THEY HAVE EMPLOYEES PAST THE 90-DAY TIME PERIOD WHO ARE IN TRAINING AND HAVE NOT BECOME REG TECHS. CODY SCOTT AND ANTWAN BROWN ARE NOT REG TECHS AND ARE BEING SENT OUT ALONE TO MAKE APPLICATIONS

Case No.# TBD

Case Descriptor: TBD

Exhibit I 11-29-18
TBB

PESTICIDE SERVICES (OWNER ONLY) Admin

APPLICATOR QUERY ONLY

PESTICIDE APPLICATOR CERTIFICATION

Cert. No. 124466 CCA Auth.Rep. Recertification

Enforcement WEST MARVIN J Letters

Comments Last First Middle Prefix Suffix Violations

2 Address H P O BOX 416

City, State , ZIP HAGUE VA Zip 22469

Country

FIPS 193 - WESTMORELAND

Phone H (540) 466 9100 ext.

1 Bus. No. 6107 L LAWN DOCTOR OF STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMA

Govt. Exempt Mail (Bus/Class/All)

Hire Date Days From Hire

C.C.A. Trainer 67600 NEWPORT ERIC S

Last First Middle Prefix Suffix Title

Cat. No.	Category	Effective	Expire Date	Recert Date	Recip.	R.
3-A	ORNAMENTAL CONTROL	30-AUG-2017	30-JUN-2020	30-JUN-2020		R
3-5	TURF PEST CONTROL	19-MAY-2016	30-JUN-2020	30-JUN-2020		R

Test Scores

Histories

Archive Category History

Class	Bus. No.	Type	Status Date	Status	Print Date	Expire Date	Exempt	Fee Paid	Penalty	Refund Amt
C	6107	D	06-JUN-2018	H	07-JUN-2018	30-JUN-2020				
C	6107	R	14-MAY-2018	C	15-MAY-2018	30-JUN-2020		70.00		
C	6107	A	30-MAR-2018	A		30-JUN-2018		35.00		
C	6107	A	30-AUG-2017	H	30-AUG-2017	30-JUN-2018		35.00		35.00
C	6107	D	15-MAR-2017	H	15-MAR-2017	30-JUN-2018				
C	6107	I	15-MAY-2016	H	24-MAY-2016	30-JUN-2018		70.00		
T	6107	R	06-MAY-2015	C	07-MAY-2015	30-JUN-2017		30.00		

Screen Help

Virginia Department of Agriculture & Consumer Services

OFFICE OF PESTICIDE SERVICES

P.O. Box 1163 * Richmond, Virginia 23218 * (804) 371-6560

NOTICE OF INSPECTION

DATE 07/11/18	TIME 01:17PM
NAME OF FACILITY OFFICIAL [redacted]	TITLE COMPLAINANT / BLN None
FACILITY NAME [redacted]	FACILITY ADDRESS [redacted]
PHONE NO. [redacted]	
INVESTIGATOR'S NAME 4231 - THOMAS BURKE	INVESTIGATOR'S SIGNATURE TBB 07/11/2018

REASON FOR INSPECTION: TO DETERMINE COMPLIANCE WITH THE VIRGINIA PESTICIDE CONTROL ACT.

- [ ] For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled, and released for shipment; and samples of any containers or labeling for such pesticides or devices in places where pesticides are held for distribution or sale. (§3.2-3942)
- [ ] For the purpose of inspecting and obtaining copies of records. (§ 3.2-3939F)
- [ ] For the purpose of inspecting sites where pesticides are being used or have been used, to collect data on the use. (§ 3.2-3910, §3.2-3911, §3.2-3942)
- [x] For the purpose of interviewing individuals to collect data for a pesticide inspection. (§ 3.2-3910, §3.2-3911, §3.2-3942)

INSPECTION CLASSIFICATION [ ] Ag [x] Non-Ag

TYPE OF INSPECTION:

- [ ] Citizen Assistance
- [ ] Certification
- [ ] Dealer Records
- [x] Other Complaint
- [ ] Marketplace - Product Registration
- [ ] Marketplace - Formulation
- [ ] Pesticide Business
- [ ] Pesticide Business License
- [ ] Termite Pretreat
- [ ] Use Investigation
- [ ] Worker Protection - Tier I
- [ ] Worker Protection - Tier II

VIOLATION(S) ALLEGED: [x] No [ ] Yes:

List any additional violations and comments below.

Email [redacted]

Permission to conduct this investigation is hereby granted.

Signature [redacted] 07/11/2018

No Samples collected

SAMPLES WERE: [ ] Received - No Charge [ ] Borrowed [ ] Purchased ()

INVESTIGATOR'S SIGNATURE

FACILITY OFFICIAL'S SIGNATURE

VDACS 07236 (REV 08/13)

Virginia Department of Agriculture & Consumer Services

OFFICE OF PESTICIDE SERVICES

P.O. Box 1163 * Richmond, Virginia 23218 * (804) 371-6560

NOTICE OF INSPECTION

DATE 07/13/18	TIME 09:07AM
NAME OF FACILITY OFFICIAL CHRISTOPHER W BRADDOCK	TITLE OWNER / BLN 6107
FACILITY NAME LAWN DOCTOR OF STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK	FACILITY ADDRESS 101 JULIAD CT STE 102 FREDERICKSBURG, VA 22406
PHONE NO. (540)286-3074	
INVESTIGATOR'S NAME 4231 - THOMAS BURKE	INVESTIGATOR'S SIGNATURE TBB 07/13/2018

REASON FOR INSPECTION: TO DETERMINE COMPLIANCE WITH THE VIRGINIA PESTICIDE CONTROL ACT.

- [ ] For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled, and released for shipment; and samples of any containers or labeling for such pesticides or devices in places where pesticides are held for distribution or sale. (§3.2-3942)
- [x] For the purpose of inspecting and obtaining copies of records. (§ 3.2-3939F)
- [x] For the purpose of inspecting sites where pesticides are being used or have been used, to collect data on the use. (§ 3.2-3910, §3.2-3911, §3.2-3942)
- [x] For the purpose of interviewing individuals to collect data for a pesticide inspection. (§ 3.2-3910, §3.2-3911, §3.2-3942)

INSPECTION CLASSIFICATION [ ] Ag [x] Non-Ag

TYPE OF INSPECTION:

- [ ] Citizen Assistance
- [ ] Certification
- [ ] Dealer Records
- [x] Other Complaint
- [ ] Marketplace - Product Registration
- [ ] Marketplace - Formulation
- [ ] Pesticide Business
- [ ] Pesticide Business License
- [ ] Termite Pretreat
- [x] Use Investigation
- [ ] Worker Protection - Tier I
- [ ] Worker Protection - Tier II

VIOLATION(S) ALLEGED: [ ] No [x] Yes: Possible Violation of The Virginia Pesticide Control Act

List any additional violations and comments below.

1. ERIN K BRADFORD, Cert # 77345, C, Exp 2019

ALL FOR CAUSE INVESTIGATIONS REQUIRE VIOLATIONS SUSPECTED TO BE MARKED.

NON-AG USE FOR CAUSE
Email: GROUP199@LAWNDOCTOR.COM
Number of Applicator Certifications Checked: 1

Permission to conduct this investigation is hereby granted.

Signature: _____ 07/13/2018
Facility Official, Owner, Operator or Agent

Additional Persons Present/Interviewed

MARVIN J WEST, SUPERVISOR
Name Title

Signature Marvin West 07/13/2018

No Samples collected

SAMPLES WERE: [ ] Received - No Charge [ ] Borrowed [ ] Purchased ()

INVESTIGATOR'S SIGNATURE

FACILITY OFFICIAL'S SIGNATURE

VDACS 07236 (REV 08/13)

Virginia Department of Agriculture & Consumer Services

OFFICE OF PESTICIDE SERVICES

P.O. Box 1163 * Richmond, Virginia 23218 * (804) 371-6560

USE INVESTIGATION REPORT

☒ Non-agricultural ☐ Agricultural

INVESTIGATOR NAME
4231 - THOMAS BURKE

DATE
07/13/18

TIME
11:00AM

FACILITY NAME
LAWN DOCTOR OF
STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK

PESTICIDE APPLICATION OBSERVED
No

DATA COLLECTION METHOD
Interview and Record

FACILITY ADDRESS
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406

PHONE NO.
(540)286-3074

BLN
6107

PERSON INTERVIEWED
CHRISTOPHER W BRADDOCK
OWNER

NAME OF APPLICATOR
MARVIN J WEST

☒ C (☒ FH ☐ NFH) ☐ RT ☐ P ☐ G ☐ NC ☐ I

CERTIFICATE NO. 124466

EXP YEAR 2020

ADDRESS OF PERSON INTERVIEWED
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406
(540)286-3074

APPLICATOR BUSINESS ADDRESS
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406
(540)286-3074

SITE OF APPLICATION
MS BARBARA CIMRAL

SITE DESCRIPTION
ENTIRE: WOODLINE, TURF, FRONT AND BACK

ADDRESS OF SITE OF APPLICATION
11782 GENERAL COOKE DR
BRISTOW, VA 20136
(703)593-6503

Date of Application
05/24/18

Time of Application
08:20AM - ☐ Time not Recorded

Method of Application
Ground

Weather at Time of Application ☒ Weather Not Recorded

☐ N/A Temperature F Sky Conditions Wind Direction Wind Speed

User Observations and Remarks
Drift Reduction Technology not Required or Used

PESTICIDE APPLICATION REPORTS

Target Pest
TICKS MOSQUITOES

Label Instructions Followed: ☐ Yes ☐ No ☒ Pending Review ☒ Records Available

Brand Name
TICK KILLZ 25(B) EXEMPT

EPA Registration Number
--

☒ 25B

Type of Formulation
☐ Dust ☐ Granular ☐ Fog
☒ Spray ☐ Mist ☐ Other (Specify)

Batch No.
NA

Classification
GUP

Dilution Rate
4 OZ / 3 GALLON

Application Rate (Gallons/Acre)
NA

Crop, Area, or Object Treated
TREELINE PLANTS TURF

Total Units Treated
4000 SQ FT

Application Equipment Used
Backpack/Handheld

Target Pest

Label Instructions Followed: ☐ Yes ☐ No ☐ Pending Review ☐ Records Available

Brand Name

EPA Registration Number

☐ 25B

Type of Formulation
☐ Dust ☐ Granular ☐ Fog
☐ Spray ☐ Mist ☐ Other (Specify)

Batch No.

Classification

Dilution Rate

Application Rate (Gallons/Acre)

Crop, Area, or Object Treated

Total Units Treated

Application Equipment Used

Investigator Signature

TBB

07/13/2018

VDACS 07112 (REV 08/13)

Virginia Department of Agriculture & Consumer Services

OFFICE OF PESTICIDE SERVICES

P.O. Box 1163 * Richmond, Virginia 23218 * (804) 371-6560

USE INVESTIGATION REPORT

☒ Non-agricultural ☐ Agricultural

INVESTIGATOR NAME
4231 - THOMAS BURKE

DATE
07/13/18

TIME
11:00AM

FACILITY NAME
LAWN DOCTOR OF
STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK

PESTICIDE APPLICATION OBSERVED
No

DATA COLLECTION METHOD
Interview and Record

FACILITY ADDRESS
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406

PHONE NO.
(540)286-3074

BLN
6107

PERSON INTERVIEWED
CHRISTOPHER W BRADDOCK
OWNER

NAME OF APPLICATOR
CODY SCOTT

☐ C (☒ FH ○ NFH) ☐ RT ☐ P ☐ G ☐ NC ☐ I

CERTIFICATE NO.

EXP YEAR

ADDRESS OF PERSON INTERVIEWED
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406
(540)286-3074

APPLICATOR BUSINESS ADDRESS
101 JULIAD CT
FREDERICKSBURG, VA 22406
(540)286-3074

SITE OF APPLICATION
MR AND MRS JOSEPH SISCO

SITE DESCRIPTION
FRONT ONLY TURF 4740 SQ FT

ADDRESS OF SITE OF APPLICATION
1309 OAKLAND DR
KING GEORGE, VA 22485
(540)775-9145

Date of Application
07/12/18

Time of Application
07:57AM - ☐ Time not Recorded

Method of Application
Ground

Weather at Time of Application ☒ Weather Not Recorded
☐ N/A Temperature F Sky Conditions Wind Direction Wind Speed

User Observations and Remarks
Drift Reduction Technology not Required or Used

PESTICIDE APPLICATION REPORTS

Target Pest
BROADLEAF GRUB

Label Instructions Followed: ☐ Yes ☐ No ☒ Pending Review ☒ Records Available

Brand Name
SIGNATURE ALLECTUS 0.225 G PLUS TURF FERTILIZER 0-0-7

EPA Registration Number
432-1417-34704

☐ 25B Classification

Batch No.
NA

Type of Formulation
☐ Dust ☒ Granular ☐ Fog
☐ Spray ☐ Mist ☐ Other (Specify)

Dilution Rate
.225%

Application Rate (Gallons/Acre)
4/1000SQ FT

Crop, Area, or Object Treated
TURF

Total Units Treated
4740 SQ FT

Application Equipment Used
Broadcast Spreader

Target Pest

Label Instructions Followed: ☐ Yes ☐ No ☐ Pending Review ☐ Records Available

Brand Name

EPA Registration Number

☐ 25B Classification

Batch No.

Type of Formulation
☐ Dust ☐ Granular ☐ Fog
☐ Spray ☐ Mist ☐ Other (Specify)

Dilution Rate

Application Rate (Gallons/Acre)

Crop, Area, or Object Treated

Total Units Treated

Application Equipment Used

Investigator Signature

T D Burke

07/13/2018

VDACS 07112 (REV 08/13)

Virginia Department of Agriculture & Consumer Services

OFFICE OF PESTICIDE SERVICES

P.O. Box 1163 * Richmond, Virginia 23218 * (804) 371-6560

USE INVESTIGATION REPORT

☒ Non-agricultural ☐ Agricultural

INVESTIGATOR NAME
4231 - THOMAS BURKE

DATE
07/13/18

TIME
11:00AM

FACILITY NAME
LAWN DOCTOR OF
STAFFORD-CULPEPER-GAINESVILLE-BRISTOW-HAYMARK

PESTICIDE APPLICATION OBSERVED
No

DATA COLLECTION METHOD
Interview and Record

FACILITY ADDRESS
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406

PHONE NO.
(540)286-3074

BLN
6107

PERSON INTERVIEWED
CHRISTOPHER W BRADDOCK
OWNER

NAME OF APPLICATOR
ANTWAN BROWN

☐ C (☒ FH ○ NFH) ☐ RT ☐ P ☐ G ☐ NC ☐ I

CERTIFICATE NO.

EXP YEAR

ADDRESS OF PERSON INTERVIEWED
101 JULIAD CT STE 102
FREDERICKSBURG, VA 22406
(540)286-3074

APPLICATOR BUSINESS ADDRESS
101 JULIAD CT
FREDERICKSBURG, VA 22406
(540)286-3074

SITE OF APPLICATION
MR CLARK MELILLO

SITE DESCRIPTION
ENTIRE LAWN 7000 SQ FT

ADDRESS OF SITE OF APPLICATION
15446 CROSS KEYS
HAYMARKET, VA 20169
(703)754-9590

Method of Application
Ground

Date of Application
06/29/18

Time of Application
11:07AM

☐ Time not Recorded

Weather at Time of Application ☒ Weather Not Recorded

☐ N/A Temperature F Sky Conditions Wind Direction Wind Speed

User Observations and Remarks
Drift Reduction Technology not Required or Used

PESTICIDE APPLICATION REPORTS

Target Pest
BROADLEAF

Label Instructions Followed: ☐ Yes ☐ No ☒ Pending Review ☒ Records Available

Brand Name
GREENYARD CRABGRASS PREVENTER W/ .42%
CAVALCADE 25% XCU 13-0-5

EPA Registration Number
60063-43-534

Batch No.

☐ 25B Classification

Type of Formulation
☐ Dust ☒ Granular ☐ Fog
☐ Spray ☐ Mist ☐ Other (Specify)

Dilution Rate
.42%

Application Rate (Gallons/Acre)
2 LB /1000 SQ FT

Total Units Treated
7000 SQ FT

Crop, Area, or Object Treated
TRUF FRONT AND BACK

Application Equipment Used
Broadcast Spreader

Target Pest

Label Instructions Followed: ☐ Yes ☐ No ☐ Pending Review ☐ Records Available

Brand Name

EPA Registration Number

Batch No.

☐ 25B Classification

Type of Formulation
☐ Dust ☐ Granular ☐ Fog
☐ Spray ☐ Mist ☐ Other (Specify)

Dilution Rate

Application Rate (Gallons/Acre)

Total Units Treated

Crop, Area, or Object Treated

Application Equipment Used

Investigator Signature

T B Burke

07/13/2018

VDACS 07112 (REV 08/13)

Commonwealth of Virginia

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

102 Governor Street, Richmond, VA 23219

Photo Log

Office of Pesticide Services

1. Case Number		2. Inspector THOMAS BURKE	
3. Date/Time Image Taken 07/13/18 06:41AM		4. Applicator/Company Name LAWN DOCTOR OF	
5. Street Address of Image 101 JULIAD CT	6. City FREDERICKSBURG	7. State VA	8. Zip Code 22406
9. GPS of Location			
11. Image Numbers IMG_2052-2053		12. File Name (if any)	

Note: Photos are to follow sequence and no photo may be omitted from numbering even if not used.

Image Number	Sample Number (if any)	Description of Image	Location of Image (including GPS)	Scale Used
IMG_2052-2053		8 GALLON TRUCK MIX TNK W/ NO SERVICE CONTAINER LABEL	38.361470 -77.512840	☐
				☐
				☐
				☐

I certify that the images appearing in this inspection report were taken and archived according to VDACS/OPS standard operating procedures and protocols. The images have not been altered and are a fair and accurate representation of observations made during this inspection.

Signature of Inspector T B Burke Date 11/29/2018

Print Name THOMAS BURKE

CHRISTOPHER W. BRADFORD
OWNER, LAWN DOCTOR OF STAFFORD-CULPEPER,
GRIEVANT

EXHIBIT A

(Res A)

****** NOTE: THIS LETTER IS VALID FOR ONE TESTING SESSION ONLY ******

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Office of Pesticide Services
P O Box 1163, Richmond VA 23218-1163

February 18, 2019

JERMAINE O DAVIS
LAWN DOCTOR OF STAFFORD-CULPEPER-GAINESVILL
13456 JAMES MADISON PARKWAY
KING GEORGE VA 22485

ATTENTION DMV:
USE CUSTOMER # 000150857
PESTICIDE EXAM
TAKE EXAM ON OR BEFORE
May 16, 2019

DUPLICATE NOTICE OF AUTHORIZATION TO TAKE REGISTERED TECHNICIAN EXAMINATION

You are authorized to use this notice one time to take the following pesticide applicator certification examination:

60 REGISTERED TECHNICIAN

Enclosed is a list of the state testing locations. You may take the exam at any DMV Customer Service Center, or an authorized state testing location. DMV also has five mobile offices called DMV2Go. To find out when and where the mobile office will be in your area, visit the calendar at www.dmvNow.com/DMV2GOCalendar.
(If authorized by this office, your employer may administer the exam to you.)

In order to take the exam, you must bring the following to the testing location:

1. **This letter, which serves as proof of our receipt of your application and fee.**
2. **A picture identification (e.g., driver's license).**

You have 90 days from the date of this letter to take the required examination one time, at one sitting. If you do not take or do not pass the exam during this 90 day period, you must submit a new application.

If you have any questions, please call the Office of Pesticide Services, Certification, Licensing and Registration Section at (804) 371-0873/ fax (804) 786-9149, e-mail janita.royal@vdacs.virginia.gov

************************** FOR DMV TESTING CENTER ONLY **************************

Exams Passed	Exams Failed
_____	_____
_____	_____
_____	_____

You are authorized to work in the passed category for a period of seven days following the exam date.

DMV Representative _____ **Date** _____
DMV CSC Source Code _____ **NOT VALID WITHOUT VDACS STAMP**

******* NOTE: THIS LETTER IS VALID FOR ONE TESTING SESSION ONLY *******

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES
PO Box 526 • Richmond, VA 23218
102 Governor Street, Lower Level, Richmond, VA 23219
Phone: (804) 786-3798 • Fax: (804) 786-9149 • [illegible]

PESTICIDE REGISTERED TECHNICIAN REQUEST FOR AUTHORIZATION TO TAKE PESTICIDE APPLICATOR EXAMINATION

RT-B

(Do not use for initial certification or certificate renewal)

In accordance with of the Virginia Pesticide Control Act, and regulations adopted thereunder, application is hereby made to take the written examination for Registered Technician.

Please check the reason for requesting examination:

☒ Retesting (previous exams not passed or taken). Customer Number: _____ (On prior authorization letter).

☐ Reinstate an expired certificate. Certification Number: _____

☐ Recertify in lieu of attending a recertification course. All fees waived if the test is administered prior to August 29th and the non-refundable renewal fee has already been paid. Certification Number: _____

The two-year non-refundable certification fee is $30.00. Please make check payable to: **Treasurer of Virginia**. Mail application and check to the above address. Federal, State, and Local Government employees are exempt from fee. Certificates expire on June 30.

Please type or print the following information:

SOCIAL SECURITY NUMBER (REQUIRED): [redacted] - [redacted] - 7251 DATE OF BIRTH: 3/19/2000

NAME OF APPLICANT: Davis (Last) Tremaine (First) O (M.I.)

MAILING ADDRESS: 13456 James Madison Parkway (Street or RFD) COUNTY: Chesterfield

CITY: Chesterfield STATE: VA ZIP CODE: 23838

HOME PHONE: (804) 772-[illegible] EMAIL: [illegible]

EMPLOYED BY (Company or agency you work for): [illegible]

DATE OF HIRE OR TRANSFER (REQUIRED): _____

PESTICIDE BUSINESS LICENSE NO.: [illegible] BUSINESS PHONE NO.: (540) 282-3074

BUSINESS ADDRESS: [illegible] (Street or RFD) COUNTY: [illegible]

CITY: Blacksburg STATE: VA ZIP CODE: 24060

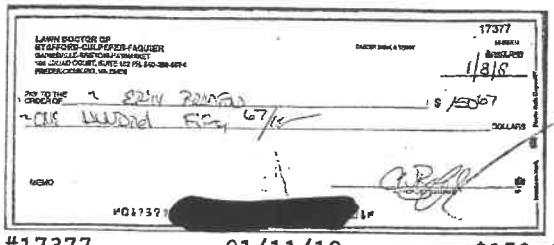
I certify by signing below that I am the person applying for certification and that I have received at least 40 hours of training in the skills necessary to properly apply pesticides in the performance of my job. I agree to abide by all the laws and regulations governing pesticide usage.

Signature of Applicant: [signature] Date: 1/16/13

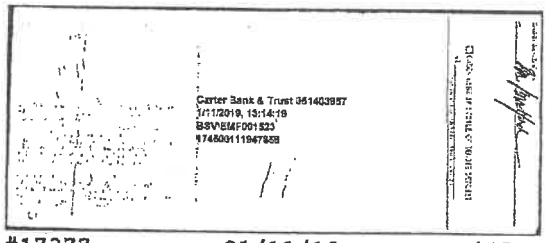
FOR DEPARTMENT USE ONLY
Certificate No.: _____
Date Keyed: _____
Keyed By: _____

APPLICATION FEE: $30.00
VDACS ACCT. 756-09-02437
VDACS-07212-B 09/16

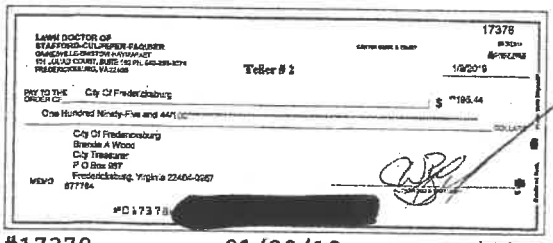
(SEE REVERSE SIDE FOR TESTING INSTRUCTIONS)



#17377 01/11/19 $150.67



#17377 01/11/19 $150.67



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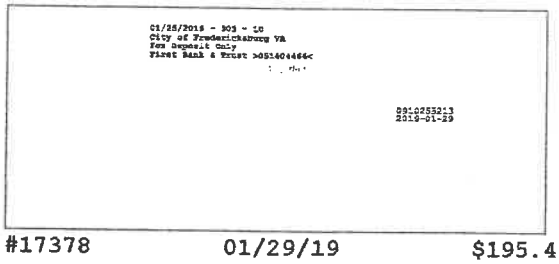

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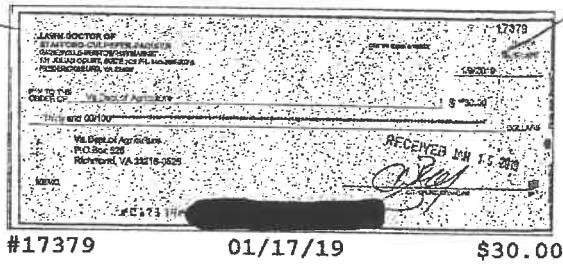

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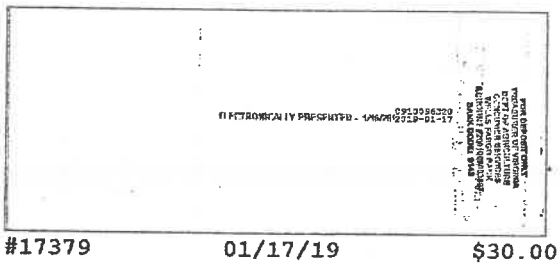

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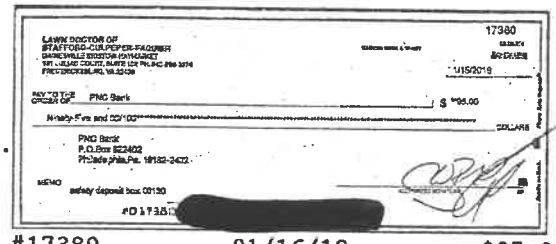

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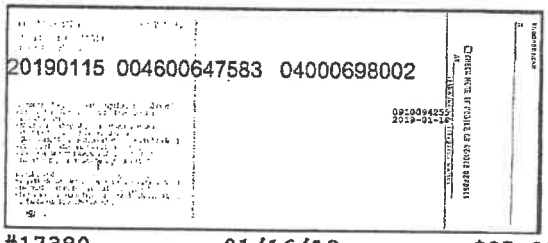

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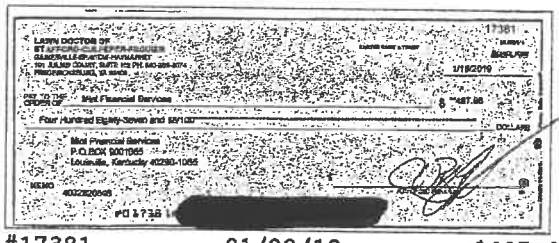
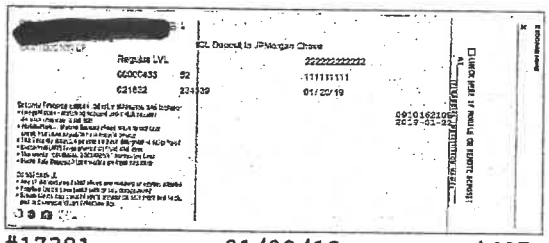


#17381 01/22/19 $487.98



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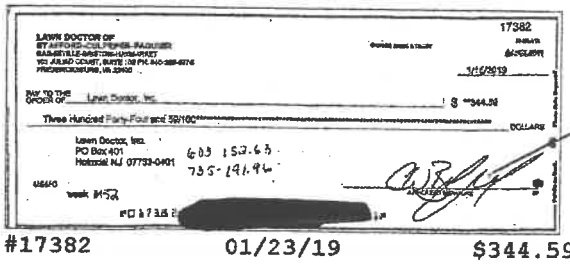
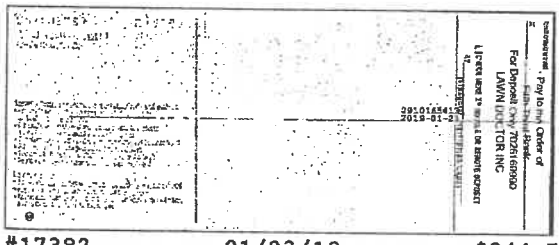


#17382 01/23/19 $344.59



#17382 01/23/19 $344.59

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES
PO Box 526 • Richmond, VA 23218
102 Governor Street, Lower Level, Richmond VA 23219
Phone: (804) 786-3798 • Fax: (804) 786-9149 • [illegible]

PESTICIDE REGISTERED TECHNICIAN REQUEST FOR AUTHORIZATION TO TAKE PESTICIDE APPLICATOR EXAMINATION

RT-B

(Do not use for initial certification or certificate renewal)

In accordance with of the Virginia Pesticide Control Act, and regulations adopted thereunder, application is hereby made to take the written examination for Registered Technician.

Please check the reason for requesting examination:

☒ Retesting (previous exams not passed or taken). Customer Number: _____ (On prior authorization letter).

☐ Reinstate an expired certificate. Certification Number: _____

☐ Recertify in lieu of attending a recertification course. All fees waived if the test is administered prior to August 29th and the non-refundable renewal fee has already been paid. Certification Number: _____

The two-year non-refundable certification fee is $30.00. Please make check payable to: **Treasurer of Virginia**. Mail application and check to the above address. Federal, State, and Local Government employees are exempt from fee. Certificates expire on June 30.

Please type or print the following information:

SOCIAL SECURITY NUMBER (REQUIRED): [redacted] - 7251 DATE OF BIRTH: 3/14/2000

NAME OF APPLICANT: [illegible] (Last) [illegible] (First) O (M.I.)

MAILING ADDRESS: [illegible] (Street or RFD) COUNTY: [illegible]

CITY: [illegible] STATE: VA ZIP CODE: [illegible]

HOME PHONE: (540) [illegible] EMAIL: [illegible]

EMPLOYED BY (Company or agency you work for): [illegible]

DATE OF HIRE OR TRANSFER (REQUIRED): _____

PESTICIDE BUSINESS LICENSE NO.: [illegible] BUSINESS PHONE NO.: (540) 286-3074

BUSINESS ADDRESS: [illegible] (Street or RFD) COUNTY: [illegible]

CITY: [illegible] STATE: VA ZIP CODE: [illegible]

I certify by signing below that I am the person applying for certification and that I have received at least 40 hours of training in the skills necessary to properly apply pesticides in the performance of my job. I agree to abide by all the laws and regulations governing pesticide usage.

Signature of Applicant: [illegible] Date: 1/16/18

FOR DEPARTMENT USE ONLY
Certificate No.: _____
Date Keyed: _____
Keyed By: _____

APPLICATION FEE: $30.00
VDACS ACCT. 756-09-02437
VDACS-07212-B 09/16

(SEE REVERSE SIDE FOR TESTING INSTRUCTIONS)

1711

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES
PO Box 526 • Richmond, VA 23218
102 Governor Street, Lower Level, Richmond, VA 23219
Phone: (804) 786-3798 • Fax: (804) 786-9149 • www.vdacs.virginia.gov

PESTICIDE REGISTERED TECHNICIAN REQUEST FOR AUTHORIZATION TO TAKE PESTICIDE APPLICATOR EXAMINATION

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Please type or print the following information:

SOCIAL SECURITY NUMBER **(REQUIRED)**: [redacted] - [redacted] - 7251 DATE OF BIRTH: 3/14/2000

NAME OF APPLICANT: Davis (Last) Jermaine (First) O (M.I.)

MAILING ADDRESS: 13456 James madison parkway (Street or RFD) COUNTY: King George

CITY: King George V STATE: VA ZIP CODE: 22485

HOME PHONE: (540) 425-9443 EMAIL: Hazelwashington1935@gmail.com

EMPLOYED BY (Company or agency you work for): Lawn Doctor

DATE OF HIRE OR TRANSFER **(REQUIRED)**: _____

PESTICIDE BUSINESS LICENSE NO.: 10107 BUSINESS PHONE NO.: (540) 282-3074

BUSINESS ADDRESS: 101 Julian Ct (Street or RFD) COUNTY: ~~Fredericksburg~~ Stafford

CITY: Fredericksburg STATE: VA ZIP CODE: 22406

I certify by signing below that I am the person applying for certification and that I have received at least 40 hours of training in the skills necessary to properly apply pesticides in the performance of my job. I agree to abide by all the laws and regulations governing pesticide usage.

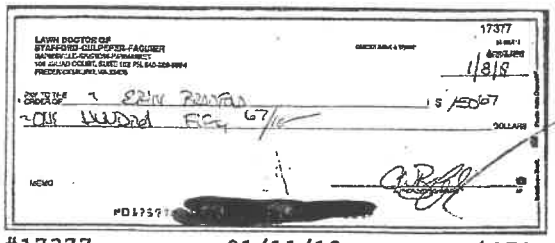
Signature of Applicant: Jermaine Davis Date: 1/31/18

FOR DEPARTMENT USE ONLY
Certificate No.: _____
Date Keyed: _____
Keyed By: _____

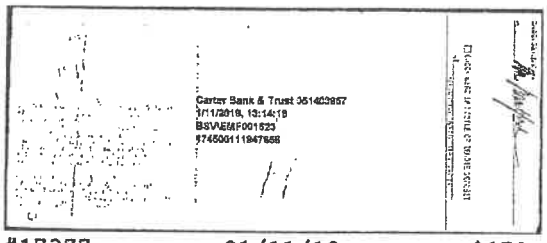
APPLICATION FEE: $30.00
VDACS ACCT. 756-09-02437
VDACS-07212-B 09/16

(SEE REVERSE SIDE FOR TESTING INSTRUCTIONS)

Felicia



#17377 01/11/19 $150.67



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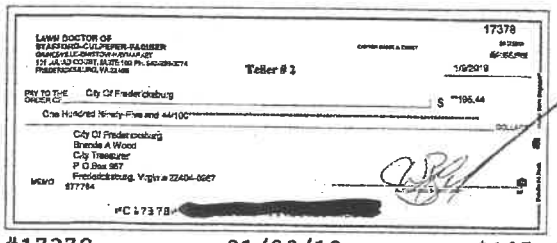

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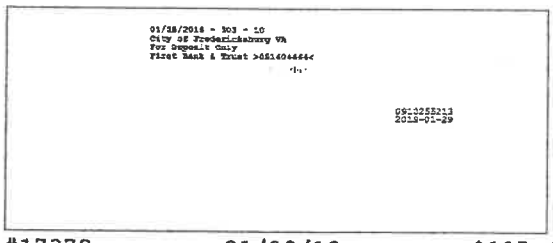

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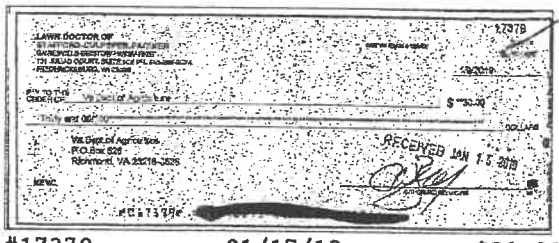

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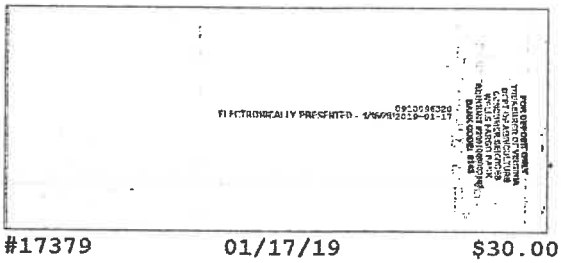

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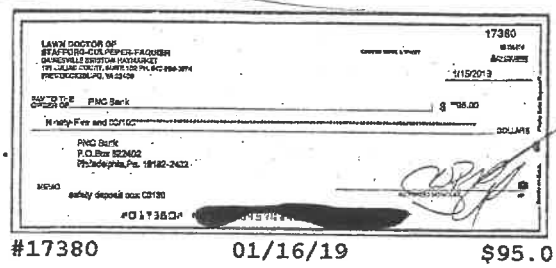

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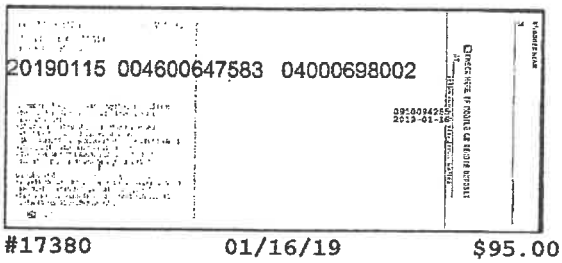

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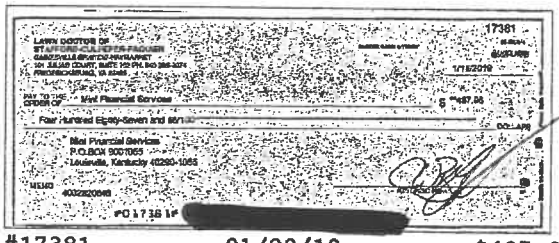

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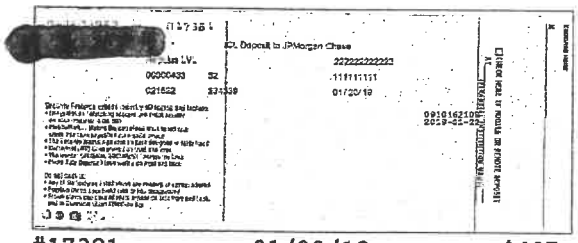

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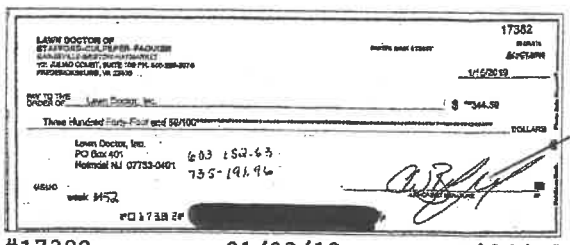
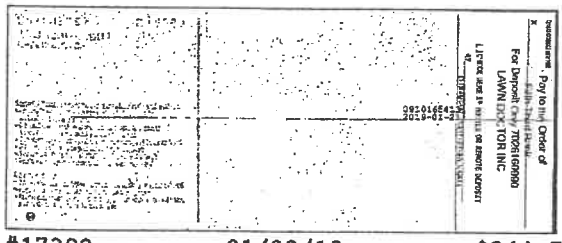


#17382 01/23/19 $344.59



#17382 01/23/19 $344.59

CHRISTOPHER W. BRADFORD
OWNER, LAWN DOCTOR OF STAFFORD-CULPEPER,
GRIEVANT

EXHIBIT B

Res B

Standards for noncertified applicators working under the direct supervision

Chris Sherrington <chrissherrington@lawndoctor.com>

Tue 11/26/2019 11:14 AM

To: Lawn Doctor <group199@lawndoctor.com>; Chris Bradford <Chris.Bradford@lawndoctor.com>
Cc: Don Lund <donlund@lawndoctor.com>

1 attachments (1,012 KB)

signed_prepub_pesticidecertapp_nprm_15p-0215_2015-08-05.pdf;

Hi Chris,

I apologize for the late response, this was one of the challenging requests for information and i wanted to dig into this subject some before sending you a response.

The EPA issued the new Proposed Rule; Pesticides; Certification of Pesticide Applicators on August 5th, 2015. I have attached this document for your review but also wanted to highlight the federal requirements for direct supervision.

4. *Standards for noncertified applicators working under the direct supervision.*

- In order for noncertified applicators to work under the direct supervision of a certified applicator they would have to complete specific training as outlined in the proposed rule, Page 6 of 279 complete training required for handlers under the WPS, or pass the exam covering general standards of competency for commercial pesticide applicators ("core exam").
- Noncertified applicators who qualify by satisfying the training requirement under the proposed rule or the training required for handlers under the WPS would be required to renew their qualification after a year; noncertified applicators who qualify by passing the core exam would need to renew their qualification after 3 years.
- Noncertified applicators can renew their qualifications using any of these same options. All applicators would be required to ensure noncertified applicators have met these qualifications and commercial applicators would be required to maintain records of the noncertified applicators' qualifications.
- The proposal would require a certified applicator supervising noncertified applicators to be certified in each category in which he or she supervises applications, to provide to the noncertified applicators a copy of the labeling for the RUPs used, and to ensure that a means for immediate communication between the supervising applicator and noncertified applicators under his or her direct supervision is available.

I hope this information helps,

Happy Thanksgiving,

Chris Sherrington
Technical Director | Lawn Doctor Inc.
Office: 732-946-4300 ext.276 | Cell: 732-310-6096
www.lawndoctor.com

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

ELECTRONIC MEETINGS
PUBLIC COMMENT FORM

WE NEED YOUR HELP--Please give us your feedback regarding how meetings using electronic communications technology compare to traditional meetings where everyone is present in the same room at the same time.

1. Name of the public body holding the meeting: _____

2. Date of the meeting: _____

3. What are your overall thoughts or comments about this meeting? _____

_____

4. Where did you attend this meeting -- main meeting location OR from a remote location? (circle one)

5. Technology used for the meeting (audio only or audio/visual, devices and/or software used--please be as specific as possible--for example, speakerphone, iPad, Skype, WebEx, Telepresence, etc.):
_____

6. Were you able to hear everyone who spoke at the meeting (members of the body and members of the public)?

Poor Excellent
1 2 3 4 5

COMMENT_____

7. How easy was it for you to obtain agenda materials for this meeting?

Easy Difficult
1 2 3 4 5

COMMENT_____

8. Could you hear/understand what the speakers said or did static, interruption, or any other technological problems interfere?

Easy Difficult
1 2 3 4 5

COMMENT_____

9. If the meeting used audio/visual technology, were you able to see all of the people who spoke?

Poorly Clearly
1 2 3 4 5

COMMENT_____

10. If there were any presentations (PowerPoint, etc.), were you able to hear and see them?

Poorly Clearly
1 2 3 4 5

COMMENT_____

11. Were the members as attentive and did they participate as much as you would have expected?

Less More
1 2 3 4 5

COMMENT_____

12. Were there differences you noticed in how the members interacted?

With the other members present:

Very Different No Difference
1 2 3 4 5

With members participating from other locations:

Very Different No Difference
1 2 3 4 5

With the public:

Very Different No Difference
1 2 3 4 5

COMMENT_____

13. Did you feel the technology was a help or a hindrance?

Hindered Helped
1 2 3 4 5

COMMENT_____

14. How would you rate the overall quality of this meeting?

Poor Excellent
1 2 3 4 5

COMMENT_____

THANK YOU. Please send your completed form by mail, facsimile or electronic mail to the FOIA Council using the following contact information:

Virginia Freedom of Information Advisory Council
General Assembly Building, Second Floor
201 North 9th Street, Richmond, Virginia 23219
foiacouncil@dls.virginia.gov/Fax: 804-371-8705/Tele: 866-448-4100