



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-685
<b>Regulation title</b>	Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act
<b>Action title</b>	Transfers 2 VAC 20-51 from the Pesticide Control Board to the Board of Agriculture and Consumer Services
<b>Final agency action date</b>	August 7, 2012
<b>Document preparation date</b>	August 14, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

As part of Governor McDonnell's reform and restructuring of state government, the 2012 General Assembly Session abolished the Pesticide Control Board and transferred its duties to the Board of Agriculture and Consumer Services. As such, the regulations promulgated by the Pesticide Control Board must be transferred to the Board of Agriculture and Consumer Services.

This regulation establishes (i) certification requirements for commercial applicators, registered technicians, and private applicators; (ii) the conditions under which a certification may be suspended or revoked; (iii) requirements for reporting pesticide accidents or incidents; and (iv) recordkeeping requirements.

In addition to changing the chapter number of this regulation throughout the regulation, all references to the Pesticide Control Board were replaced with references to the Board of Agriculture and Consumer Services. Asterisks that appeared in 2VAC20-51-10 to note which definitions were taken from the Virginia Pesticide Control Act (Act), but which, in fact, do not appear in the Act were struck from 2VAC5-685-10. The 2008 General Assembly recodified Title 3.1 of the *Code of Virginia* as Title 3.2. References to Title 3.1 that appeared in 2VAC20-51-180 were replaced with references to Title 3.2 in 2VAC5-685-180.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On August 7, 2012, the Board of Agriculture and Consumer Services adopted actions to formally transfer 2VAC20-51 *et seq.*, *Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act* to 2VAC5-685 *et seq.*, *Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act*.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action will have no impact on the institution of the family and family stability.