

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF PESTICIDE SERVICES

P. O. Box 1163 • Richmond, VA 23218
Phone: (804) 786-3798 • Fax: (804) 786-9149 • www.vdacs.virginia.gov

Responsibilities of Commercial Pesticide Applicators and Registered Technicians in Virginia

I. Adherence to the Pesticide Label

The pesticide label is a legal agreement between the Environmental Protection Agency (EPA), the product manufacturer and the user. Pesticide product labels provide instructions for all stages/phases of use. Applicators must read, understand, and follow label directions carefully. Pesticides may not be applied to any site not listed on the product label. Materials may not be applied at rates higher than the label directs. Pesticide applicators are bound to follow label directions for transport, mixing, loading, application, storage and disposal of pesticide products and containers. The use of any pesticide inconsistent with its label is prohibited by law, and there are state and federal penalties for violations.

II. Supervision of Registered Technicians by Commercial Applicators

Certified Commercial Applicators must provide on-the-job training, instruction and supervision of Registered Technicians employed by them or assigned to them by their employer. Registered Technicians may use restricted-use pesticides only under the supervision of a Commercial Applicator. The supervising Commercial Applicator must either be physically present or be where the Registered Technician may contact the applicator by telephone or radio. Certified commercial applicators are responsible for the work of Registered Technicians under their supervision, and must provide the Registered Technicians with clear, specific instructions on all aspects of pesticide use. A Registered Technician may apply general use pesticides unsupervised.

Uncertified persons may apply pesticides commercially while in training status to become Registered Technicians only when under the *direct on-site* supervision of a certified Commercial Applicator.

III. Pesticide Business License

Certified Commercial Applicators working for hire must have a Virginia Pesticide Business License, or work for someone who does. *This license is separate from any locality business license requirements.* Certified Registered Technicians working for hire must work for a properly-licensed Pesticide Business.

The licensed Pesticide Business must provide VDACS with evidence of financial responsibility protecting persons who may suffer legal damages because of the use of any pesticide by the applicator. The coverage must provide for liability that may result from the operation of a pesticide business, and for liability relating to completed operations (for businesses that apply pesticides). Minimum insurance is \$100,000 property damage, \$100,000 personal injury to or death of one person, and \$300,000 per occurrence.

Virginia's state employees are insured by the Commonwealth for activities performed as official job duties.

IV. Record-Keeping for Commercial Applicators

Pesticide Businesses are required to keep records of **all** pesticide applications made by their applicators. These records must be maintained for a period of two years following the pesticide use. Pesticide businesses must include the following information in their records:

1. Name, address, and telephone number of customer and address or location, if different, of site of application;
2. Name and certification number (or certification number of the supervising certified applicator) of the person making the application;
3. Date of application (day, month, year);
4. Type of plants, crop, animals, or sites treated;
5. Principal pests to be controlled;
6. Acreage, area, or number of plants or animals treated;
7. Identification of pesticide used - Brand name or common name of pesticide used;
8. EPA product registration number;
9. Amount of pesticide concentrate and amount of diluents (water, etc.) used, by weight or volume, on the area/sites treated;
10. Type of application equipment used.

Commercial applicators not for hire and Registered Technicians not for hire, including certified Government applicators, must maintain similar records to those maintained by licensed businesses. Recordkeeping requirements for commercial applicators not for hire and registered technicians not for hire can be found in 2VAC5-685-200 and 2VAC5-685-210.

V. Reporting of Pesticide Accidents

Pesticide accidents or incidents that constitute a threat to any person, to public health or safety, and/or to the environment must be reported to the Office of Pesticide Services. Initial notification must be made by telephone within 48 hours of the occurrence; a written report describing the accident or incident must be filed within 10 days of the initial notification.

Initial telephone contact and written reports should be directed to:

**Virginia Department of Agriculture and Consumer Services
Office of Pesticide Services / Enforcement and Field Operations
P. O. Box 1163, Richmond, VA 23218 | (804) 371-6560**

If the accident or incident involves a spill, the applicator should contact VDACS/OPS for help in determining whether the release is governed under SARA Title III (the Community Right-to-Know Law). Reporting under SARA Title III is determined by the chemical hazard and the volume of the released chemical. If so, the applicator must also notify the:

National Response Center at 1-800-424-8802.

In the event of an emergency release which would impact other individuals or other property, notify the:

Virginia Department of Emergency Services (DES) at 1-800-468-8892.

VI. Maintenance of Certification

Applicators must inform VDACS/OPS if their address or employment status changes. It is also the applicator's responsibility to keep their mailing address current in our files.

A. Renewal of Certificates:

Applicator certificates are renewed biennially (every two years) and would expire June 30 of either an even or odd year. There is currently no fee for renewal. To qualify for renewal, applicators must complete a recertification training course as discussed below in **B.**

Recertification.

Applicators should check their applicator certificate for its specific expire date. If they hold multiple classes of certification (e.g., Registered Technician and Commercial) then the expire dates may be different.

Failure to earn recertification credit will result in certificate expiration. If you allow your certificate to expire for more than 60 days, for any reason, by law you must retest to reinstate your certificate.

B. Recertification:

To qualify for biennial renewal, commercial applicators and registered technicians must participate in an ongoing pesticide safety education program. At a minimum, commercial applicators and registered technicians must attend at least one fully-approved recertification session per category every two years. Applicators may accumulate up to four years of recertification credit. Persons who fail to recertify will not be able to renew their certificates. Recertification courses are offered by Virginia Cooperative Extension, pesticide-related trade and professional organizations, and others. A listing of all approved courses may be found at <https://www.vdacs.virginia.gov/pdf/recertcourses.pdf> or requested from one of the local Virginia Cooperative Extension offices, Virginia Tech Pesticide Programs, or the VDACS, Office of Pesticide Services.

Program availability varies by time of year and by category; applicators should keep in touch with Virginia Cooperative Extension and/or professional organizations to avoid missing

recertification opportunities. Commercial applicators and Registered Technicians may choose to recertify by taking their certification examinations again.

VII. Suspension or Revocation of Certificate:

Certificates may be suspended or revoked if the holder presents a substantial danger or threat of danger to public health and safety or to the environment. A suspension may be issued on an emergency basis, and a certificate may be revoked after a hearing has taken place. If an applicator's certificate is revoked, he may not re-apply for Virginia certification for two years.

Sources of Information:

Questions regarding federal and state pesticide regulations and the legal responsibilities of pesticide users:

Virginia Department of Agriculture and Consumer Services (VDACS)

Office of Pesticide Services (OPS)

P.O. Box 1163

102 Governor Street, Lower Level

Richmond, VA 23218

(804) 786-3798

WWW Home Page: <http://www.vdacs.virginia.gov/pesticides.shtml>

Questions regarding federal and state pesticide regulations, legal responsibilities of pesticide users, pesticide management techniques, sources of approved preparatory training sessions and recertification workshops:

Virginia Cooperative Extension (VCE)

County Extension Office

WWW Home Page: <http://www.ext.vt.edu>

(consult local listings for telephone number)

Virginia Tech Pesticide Programs (VTPP)

34 Agnew Hall Mail Code 0409

Virginia Tech

Blacksburg, VA 24061

(540) 231-6543

WWW Home Page: <https://vtpv.ento.vt.edu/>

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