

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #3

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Aug 8 1 07 PM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY 19-16A-4

AMENDMENT TO AN EXISTING RULE: YES X NO     


IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Fee Structure for the Pesticide Control Act of 1990

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:   

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
\_\_\_\_\_

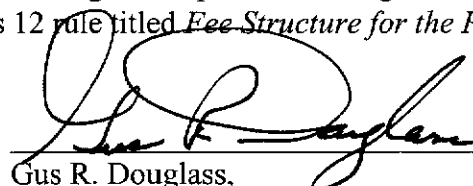
State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
Gus R. Douglass, Commissioner

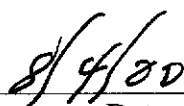
David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

AGENCY APPROVAL OF FILING

The West Virginia Department of Agriculture approves the filing of an amendment to Title 61 Series 12 rule titled *Fee Structure for the Pesticide Control Act of 1990*.

  
\_\_\_\_\_  
Gus R. Douglass,  
Commissioner of Agriculture

  
\_\_\_\_\_  
Date

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 4, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Department of Agriculture  
1900 Kanawha Blvd., East, Charleston, WV 25305 304-558-2201

LEGISLATIVE RULE TITLE: Fee Structure for the Pesticide Control Act of 1990

1. Authorizing statute(s) citation State Code 19-16A-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 16, 2000

b. What other notice, including advertising, did you give of the hearing?  
1.) Class I advertisement in Charleston Daily Mail  
2.) General News Release  
3.) Letters were sent to interested parties.

c. Date of Public Hearing(s) or Public Comment Period ended:  
July 20, 2000

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received  X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:  
(be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

David E. Miller, Deputy Commissioner 304 558-2201 fax 304 558-2203

West Virginia Department of Agriculture

1900 Kanawha Blvd., East

Charleston, WV 25305-0170

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Robert E. Frame, Assistant Director 304 558-2209 fax 304 558-2228

West Virginia Department of Agriculture

1900 Kanawha Blvd., East

Charleston, WV 25305-0190

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a

hearing for the taking of evidence and a general description of the issues to be decided.

NOT APPLICABLE

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
**Gus R. Douglass, Commissioner**

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

**SUMMARY OF PROPOSED RULE**

The West Virginia Department of Agriculture proposes to amend the Title 61 Series 12 rule titled *Fee Structure for the Pesticide Control Act of 1990* by increasing the fee for pesticide product registration and correcting an error created the last time the rule was amended. The amount of the increase is from the current fee of \$50.00 per product to \$100.00 per product. The fee for a pesticide dealer license was erroneously increased during the last rule making legislation. That fee is being returned to the original amount of \$10.00 per dealer establishment. All other fees associated with the rule remain the same with no change.

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
**Gus R. Douglass, Commissioner**

**David E. Miller**  
Deputy Commissioner

**Janet L. Fisher**  
Assistant Commissioner

STATEMENT OF CIRCUMSTANCE

Title 61 Series 12 rule titled *Fee Structure for the Pesticide Control Act* is being amended to increase the revenue to the Department of Agriculture in order to maintain services to the citizens of the State. The basic general revenue funding for the Pesticide Regulatory Programs has not increased since 1990. The Federal pesticide grant dollars available to the program have not increased since 1994. Due to increased responsibilities and demands upon the regulatory programs operated by the Department, an increase in the funding level is warranted to maintain the present level of services and to cover the rising inflationary costs to the program. Without the fee increase, further deterioration of the program funding will result in a loss of personnel and services that can affect the immediate preservation of the public health, safety and welfare.

APPENDIX B  
FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fee Structure for the Pesticide Control Act of 1990

Type of Rule:  Legislative     Interpretive     Procedural

Agency        Department of Agriculture

Address        1900 Kanawha Boulevard East

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 350,000	\$	\$ 350,000	\$ 350,000	\$ 350,000
PERSONAL SERVICES	185,000		185,000	185,000	185,000
CURRENT EXPENSES	95,000		95,000	95,000	95,000
REPAIRS & ALTERATIONS	20,000		20,000	20,000	20,000
EQUIPMENT	50,000		50,000	50,000	50,000
OTHER					

2. Explanation of above estimates:

The estimates include actual costs of personnel, laboratory expenses, travel and other operational costs for the enforcement of the Pesticide Control Act of 1990.

3. Objectives of these rules:

This rule is being amended to provide needed funding to continue offering regulatory oversight and services to the citizens of the state. The primary funding of costs to this point have been paid from federal dollars received from the EPA through grants. The grant dollars have not increased since 1994 and reserve resources have been exhausted. Additional funding needs to be obtained in order to maintain the current program services.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Approval of the fee increase will have no adverse impact on the State. The fees paid by pesticide registrants are paid to all states and West Virginia's fees are below the average fee paid in the nation. The fee increase will raise the West Virginia fee to the average paid by registrants. If the rule is not approved, then the State will not be in a position to continue the operation of the Pesticide Regulatory Programs Unit at the current level. The resulting loss of positions and current expense dollars will impact the EPA grants and possibly result in the loss of federal dollars to the State. If that occurs, the State will not be in a position to meet the mandate of the Pesticide Control Act of 1990.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Approval of the rule amendment will have no adverse impact on Political Subdivisions. The fee is paid to all states by the pesticide registrants and our fee is well below the average fee paid. Increasing the fee will bring our state near the average fee paid and is not expected to cause any increase in the cost of pesticide products to any political unit in the state.

C. Economic Impact on Citizens/Public at Large

No group of citizens is expected to be impacted by the approval of the fee increase. The amount people pay for pesticides is dependent on marketing factors and not registration fees. For instance, the state of Virginia charges \$150.00 per product, but in a survey of homeowner products, it was found that they were cheaper in Winchester, Virginia than in Martinsburg, West Virginia. These two cities are comparable in size and are approximately 30 miles apart. At that time the West Virginia registration fee was \$25.00, six times less than the Virginia registration fee. If the money to support pesticide programs cannot be gotten from the fee increase, then general revenue dollars would need to be appropriated, thereby causing a larger demand on state tax dollars.

The only industry this fee increase will impact is the pesticide manufacturers. The fee should not adversely impact West Virginia businesses. Eleven pesticide manufacturers operate 15 manufacturing sites in the state. Those manufacturers have to pay registration fees to all states, regardless of state in which their manufacturing plant is located. Only one of these manufacturers is a West Virginia based company. That company would see a total increased cost of \$100.00 to register their 2 products.

Date: 6/9/00

Signature of Agency Head or Authorized Representative

Dampier Miller

FILED

AUG 8 1 07 PM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE 61

WEST VIRGINIA LEGISLATIVE RULE  
WEST VIRGINIA DEPARTMENT OF AGRICULTURE  
CHAPTER 19-16A  
SERIES XII

Title: Fee Structure for the Pesticide Control Act of 1990

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**§61-12-1 General**

1.1. Scope - This legislative rule establishes the fee structure to be used under the Pesticide Control Act of 1990.

1.2. Authority - West Virginia Code 19-16A-4

1.3. Filing Date -

1.4. Effective Date -

1.5. Repeal of Former rule - This legislative rule repeals and replaces WV61CRS12 "Fee Structure For The Pesticide Control Act of 1990" effective ~~December 20, 1990~~ June 1, 1999.

**§61-12-2 Definitions**

2.1. Each person taking an examination for a license, certification or certificate shall be assessed a fee of \$10.00 per examination session. This fee is for one or more examinations taken at the same time. This examination fee is to be used to help defray the costs of training materials, postage and processing of licenses, certification and certificates.

**§61-12-3 Classification and Fees of Pesticide Business Licenses**

3.1. Pesticide application business - an annual fee of \$50.00 shall be assessed for each pesticide application business engaged in the business of applying pesticides upon the lands of another. Pesticide application business make non solicited recommendations of pesticide products, made in the course of normal business practices, shall be exempt from a consultant license and fee.

3.2. Pesticide consultant - an annual fee of \$50.00 shall be assessed each pesticide application business engaged in the business of soliciting or offering services for hire to recommend the use of pesticide on the lands of others.

3.3. Pesticide dealer - an annual fee of ~~\$5~~10.00 shall be assessed each person who sells, wholesales, distributes, offers or exposes for sale, exchanges or gives away any restricted use pesticide within or into this State. Commercial delivery services shall not be deemed as distributors

of pesticides.

#### **§61-12-4 Classification and Fees of Applicator Certificates**

4.1. Commercial applicator - an annual fee of \$10.00 shall be assessed of each person who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as a private applicator.

4.2. Private applicator - a fee of \$10.00 shall be assessed every three years to maintain certification as a private applicator to apply restricted use pesticides for the purpose of producing any agricultural commodity on property owned or rented by him or her employer or is applied without compensation other than the trading of personal services between producers of agricultural commodities on the property of another person.

4.3. Registered technician - an annual fee of \$10.00 shall be assessed of each person qualifying as a registered technician.

#### **§61-12-5 Product Registration**

5.1. An annual registration fee of ~~\$5~~100.00 per product shall be assessed of each pesticide which is manufactured, distributed, sold or offered for sale, delivered for transportation or transported in intrastate commerce of between points within this State through any point outside this State

5.2. Pesticide products used or offered for use within the State under a bonafide experimental research permit issued by the United States environmental protection agency must be registered but shall be exempt from annual registration fee, provided such products are offered at no charge to cooperators and a copy of the experimental research permit is submitted with registration as an experimental use product with the State.

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
**Gus R. Douglass, Commissioner**

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

Record Of The Public Hearing To Consider The Proposed Amendment  
To Legislative Rule Title 61 Series 12

Fee Structure for the Pesticide Control Act of 1990

A public hearing was scheduled for 1:00 p.m. at the Guthrie Agricultural Center, Building 7 Conference Room, 4720 Brenda Lane, Charleston, WV 25312. Notice of the public hearing was made via the State Register, Volume 17 Issue 24, a class 1 legal advertisement in the Charleston Daily Mail newspaper and letters sent to associations of parties affected by the rule.

Prior to the meeting, Mr. Steve Hannah of the West Virginia Farm Bureau contacted the Pesticide Regulatory Programs Office and requested a copy of the proposed rule. A copy was mailed to him with a cover letter explaining the rule on June 19, 2000, the day of his call.

The meeting room was opened at 12:30 p.m. to accommodate any early arrivals. At the 1:00 p.m. scheduled hearing time, no one had arrived at the hearing room or called for directions to the hearing location. The hearing was officially called to order and open for comments. No one was present and the hearing was left open until 1:30 p.m. for any late arrivals. At that time the proceeding were closed as no one was present or contacted our office concerning the hearing. In the event there may have been written comments mailed or filed late, a period of 14 days were allowed to elapse prior to preparing paperwork for filing the amended rule. During that time no comments or inquires were received.

DOCUMENTS NOTIFYING OF THE HEARING FOR  
FEE STRUCTURE FOR THE PESTICIDE CONTROL ACT OF 1990

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
Gus R. Douglass, Commissioner

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 26, 2000

Mr. Allan Noe, Vice President of State Affairs  
American Crop Protection Association  
1156 - 15th Street  
Washington, DC 20005

Dear Mr. Noe:

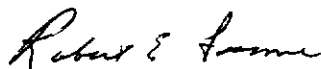
I am writing to the industry advisory representatives to the American Association of Pesticide Control Officials to advise of plans to increase the registration fee for pesticide products registered in our state. The West Virginia Department of Agriculture has filed a proposed amendment to the regulations titled *Fee Structure for the Pesticide Control Act of 1990*. The effect of the proposed amendment will be to increase the product registration fee from the current level of \$50.00 per product to \$100.00 per product. It is anticipated the increase will be in effect for registrations in the upcoming calendar year of 2001.

The Department felt it necessary to increase the product registration fee to maintain the current pesticide program activity level and meet increasing demands. The current funding for the program has been static at the federal level for a number of years, while the costs to the program have been increasing to maintain the same level of operation.

An opportunity to express opinions on the proposed fee change is being afforded to all persons concerned at a public hearing scheduled for 1:00 p.m. on July 20, 2000. The location of the hearing is the Conference Room , First Floor of Building 7, Guthrie Agriculture Center, 4720 Brenda Lane, Charleston, West Virginia. If you desire to attend the hearing and need directions to the Guthrie Agriculture Center, please call me for assistance. Written comments will also be accepted and incorporated into the minutes of the hearing. Written comments may be sent to the West Virginia Department of Agriculture, Pesticide Regulatory Programs, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0190.

If you or any members of your association have any questions, I may be reached at (304) 558-2209.

Sincerely,



Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
Gus R. Douglass, Commissioner

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 26, 2000

Mr. Steve Kellner  
Chemical Specialities Manufacturing Association  
1913 "Eye" Street  
Washington, DC 20006-2106

Dear Mr. Kellner:

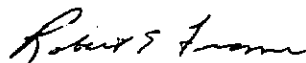
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If you or any members of your association have any questions, I may be reached at (304) 558-2209.

Sincerely,



Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
Gus R. Douglass, Commissioner

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 26, 2000

Mr. Robert F. Lederer, Executive Vice President  
National Pest Management Association  
8100 Oak Street  
Dunn Loring, VA 22027-1000

Dear Mr. Lederer:

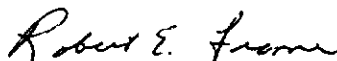
I am writing to the industry advisory representatives to the American Association of Pesticide Control Officials to advise of plans to increase the registration fee for pesticide products registered in our state. The West Virginia Department of Agriculture has filed a proposed amendment to the regulations titled *Fee Structure for the Pesticide Control Act of 1990*. The effect of the proposed amendment will be to increase the product registration fee from the current level of \$50.00 per product to \$100.00 per product. It is anticipated the increase will be in effect for registrations in the upcoming calendar year of 2001.

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If you or any members of your association have any questions, I may be reached at (304) 558-2209.

Sincerely,



Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
**Gus R. Douglass, Commissioner**

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 26, 2000

Mr. Tom Delaney, Director/ Government Affairs  
Professional Lawn Care Association  
1000 Johnson Ferry Road, Suite C-135  
Marietta, GA 30086-3466

Dear Mr. Delaney:

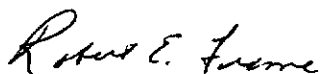
I am writing to the industry advisory representatives to the American Association of Pesticide Control Officials to advise of plans to increase the registration fee for pesticide products registered in our state. The West Virginia Department of Agriculture has filed a proposed amendment to the regulations titled *Fee Structure for the Pesticide Control Act of 1990*. The effect of the proposed amendment will be to increase the product registration fee from the current level of \$50.00 per product to \$100.00 per product. It is anticipated the increase will be in effect for registrations in the upcoming calendar year of 2001.

The Department felt it necessary to increase the product registration fee to maintain the current pesticide program activity level and meet increasing demands. The current funding for the program has been static at the federal level for a number of years, while the costs to the program have been increasing to maintain the same level of operation.

An opportunity to express opinions on the proposed fee change is being afforded to all persons concerned at a public hearing scheduled for 1:00 p.m. on July 20, 2000. The location of the hearing is the Conference Room, First Floor of Building 7, Guthrie Agriculture Center, 4720 Brenda Lane, Charleston, West Virginia. If you desire to attend the hearing and need directions to the Guthrie Agriculture Center, please call me for assistance. Written comments will also be accepted and incorporated into the minutes of the hearing. Written comments may be sent to the West Virginia Department of Agriculture, Pesticide Regulatory Programs, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0190.

If you or any members of your association have any questions, I may be reached at (304) 558-2209.

Sincerely,

  
Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
Gus R. Douglass, Commissioner

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 26, 2000

Ms. Sue Spiroff, President  
Pest Control Operators Association of West Virginia  
24 Meadow View Lane  
Morgantown, WV 26508

Dear Sue:

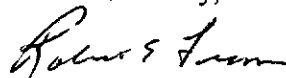
The West Virginia Department of Agriculture recently filed a notice of public hearing for an amendment to the rules regarding the fee structure for the Pest Control Act of 1990. The hearing is scheduled for 1:00 p.m. on July 20, 2000 in the conference room of Building 7 of the Guthrie Agricultural Center. I am sure that some people will react to the proposed amendment, feeling the change in the fee structure will increase their licensing and certification fees. This proposal will not increase those fees. The only fee increase being proposed is the product registration fee for manufacturers of pesticide products. Our proposal is to increase that fee from the present level of \$50.00 per product to \$100.00 per product.

The increased fee is not viewed as being excessive by our Department in that we currently charge considerably less than the national average for pesticide registration. In fact the increase to \$100.00 will still place us slightly under the national average. The fee increase will not have an impact on the price of pesticides purchased by your industry. The purchase price of products is set by market conditions and not state registration fees. For instance, pesticides in West Virginia are not cheaper than in Virginia because our current fee is one-third less than that of Virginia.

The Department felt it necessary to increase the product registration fee to maintain the current pesticide program activity level and meet increasing demands. The current funding for the program has been static at the federal level for a number of years, while the costs to the program have been increasing to maintain the same level of operation.

If you or any members of your association have any questions, I may be reached at (304) 558-2209.

Sincerely,



Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

State of West Virginia  
**DEPARTMENT OF AGRICULTURE**  
**Gus R. Douglass, Commissioner**

David E. Miller  
Deputy Commissioner

Janet L. Fisher  
Assistant Commissioner

June 19, 2000

Steve Hannah  
West Virginia Farm Bureau  
1 Red Rock Road  
Buchannon, WV 26201

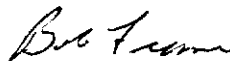
Dear Mr. <sup>Steve</sup>Hannah:

As per you request, I am enclosing a copy of the regulation and supporting paperwork that I filed with the Secretary of State's Office last week. The regulation proposes to increase the fee of pesticide products registered in the state by \$50.00 per product. That will raise our registration fee to \$100.00. The average fee charged by states is about \$125.00 per product and goes up to \$300.00 per product in some states.

The increase in fee will have no impact on West Virginia pesticide users. The price of pesticides is based on market conditions and not on registration fees charged by the state. For example when we were trying to increase the fee to \$75.00 a couple of years ago, we bought some pesticide products in Winchester, Virginia and compared them to the same products purchased in Martinsburg, West Virginia. The products in Virginia were slightly cheaper than the West Virginia products, even though Virginia's registration fee at that time was 6 times higher than ours.

If you have any questions regarding the proposed regulations, please feel free to give me a call.

Sincerely,



Robert E. Frame, Assistant Director  
Pesticide Regulatory Programs  
Plant Industries Division

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LEGISLATIVE

*West Virginia Register  
Vol. 17 (24), June 16, 2000  
p. 1014*

DO NOT MARK IN THIS BOX

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Jun 12 3 11 PM '00

Form #1

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: 19-16A-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Fee Structure for the Pesticide Control Act of 1990

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: July 20, 2000 TIME: 1:00 pm

LOCATION OF PUBLIC HEARING: West Virginia Dept. of Agriculture

Pesticide Regulatory Programs Unit

Bldg. 7, 4720 Brenda lane

Charleston, WV 25312

COMMENTS LIMITED TO: ORAL  WRITTEN  BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV Dept. of Agriculture

Pesticide Regulatory Prog

1900 Kanawaha Blvd. E.

Charleston, WV 25305-0190

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments

The issues to be heard shall be limited to the proposed rule.

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL.

*[Signature]*  
Authorized Signature

Form #3

ADMINISTRATIVE LAW DIVISION

SECRETARY OF STATE

KEN HECHLER

WEST VIRGINIA

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

CITE AUTHORITY: WV CODE 30-27-8

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 8

TITLE OF RULE BEING PROPOSED: CONTINUING COMPETENCE

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

*[Signature]*  
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15 (11)



# NEWS RELEASE

Gus R. Douglass, Commissioner  
David E. Miller, Deputy Commissioner

Janet L. Fisher, Assistant Commissioner

For Immediate Release

July 17, 2000

## AGRICULTURE COMMISSIONER FILES AMENDMENT TO PESTICIDE CONTROL ACT FEE STRUCTURE RULES

CHARLESTON, W.VA. — Agriculture Commissioner Gus R. Douglass filed an amendment to the rules establishing the fee structure for the Pesticide Control Act. The amendment being proposed will increase the fee for pesticide products registered in the State. The proposed increase will raise the registration fee from the current level of \$50 per product name to \$100 per product name. This fee is paid by the manufacturers of pesticides shipping their products into the State for use or storage. The companies paying the fees are out of state firms.

“The proposed fee increase is needed to meet the increasing demands placed upon the West Virginia Department of Agriculture’s (WVDA) Plant Industries Division, Pesticide Regulatory Programs Unit,” said Commissioner Douglass. “The WVDA’s pesticide regulatory activities involve pesticide business licensing, certification and training for restricted-use pesticide applicators, pesticide-use complaint investigations, pesticide application company inspections, groundwater protection, disposing of excess and waste pesticide materials, recycling of agricultural pesticide containers and worker protection training for pesticide-exposed agricultural workers. In addition to cooperative pesticide record keeping activities with the U.S. Department of Agriculture and cooperative pesticide enforcement activities with the U.S. Environmental Protection Agency.”

Plant Industries Division Assistant Director for Pesticide Regulatory Programs Robert Frame stated the proposed fee increase will have no impact on the availability of pesticides for consumers and no increase in the price paid for pesticide products. The increased fee is competitive with the fees paid in other states. The price and availability of pesticide products are set by market demands and not by state registration fees. “For instance, pesticides in West Virginia are not cheaper than in Virginia because our current registration fee is one-third that of Virginia. Likewise, increasing our fee on a product brand basis will not have an impact on the purchase price of products used by West Virginia citizens,” Frame said.

For more information on the proposed fee change or the WVDA’s pesticide programs, contact the Plant Industries Division, Pesticide Regulatory Programs Unit, 304/558-2209.

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### NOTICE OF PUBLIC HEARING

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The Commissioner of Agriculture has scheduled a public hearing to consider proposed amendments to the Pesticide Control Act. The proposed amendment will increase the fee charged of manufacturers of pesticide products that are distributed for use and application in the state. The fee is currently paid by firms operating outside the West Virginia borders.

Both written and oral comments will be accepted at the hearing. Written comments will also be accepted by mail through July 20, 2000 and should be directed to Robert E. Evans, Plant Industries Division, WV Department of Agriculture, 1900 Kanawha Blvd. E., Charleston, WV 25305-0190.

The public hearing for the rule will be held in the Building 7 Conference Room, Culture Agriculture Center, Charleston, WV 25312. Persons needing directions to the hearing center or the information call 304-586-7000 (TDD/4).

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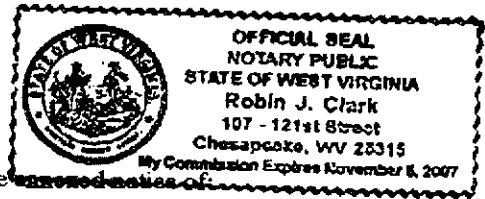
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was duly published in said paper(s) during the dates listed below, and was posted at the front door of the court house of said Kanawha County, West Virginia, on the 6TH day of JULY 2000. Published during the following dates: 07/05/00-07/11/00

Subscribed and sworn to before me this 4 day of August

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