

DO NOT WRITE IN THIS BOX

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

1990 OCT 3

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: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: Fee structure for the Pesticide Control
Act of 1990

DATE OF PUBLIC HEARING: November 14, 1990 TIME: 10:00

LOCATION OF PUBLIC HEARING: West Virginia Department of Agriculture
Building 2, Conference Room
Guthrie Center
Charleston, WV 25312

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

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

Pesticide Division

Charleston, WV 25302

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



SUMMARY OF REGULATION 61-12

Fee Structure for the Pesticide Control Act of 1990

These regulations set a fee structure for the registration of pesticide products, certification of applicators and the licensing of businesses. In addition an examination fee is established to help cover the cost of educational and training materials. The annual fees to be established are \$50.00 per business, \$10.00 per applicator and \$25.00 per product.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule: X Legislative Interpretive Procedural

Agency Department of Agriculture Address Guthrie Center
Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The rule does not change the fiscal needs of the current program.
 The rule only reestablishes a fee structure to replace the ones repealed in old pesticide laws (19-16A-8 19-16B).

3. Objectives of these rules:

This rule establishes a fee structure to be used in renewing pesticide product registrations, pesticide applicator certifications and business licenses. A fee covering examination expenses is also established.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The impact on state government will be somewhat reduced in regards to the general revenue fund. Current fees generate approximately \$13,875 into the fund. The current fees will generate approximately \$41,250 to general revenue fund. Service expense for this rule will remain unchanged.

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

There is no impact on political subdivisions as all governmental entities are exempt from fees in the law:

Persons licensed as commercial applicators for restricted use pesticides will see an increase in annual license fees. The \$10.00 fee should not be burdensome and represents the only increase since establishment in 1975.

C. Economic Impact on Citizens/Public at Large.

It is believed the rule will have little or no impact on the citizens and public at large.

Date: 10-2-90

Signature of Agency Head or Authorized Representative



DATE: October 2, 1990

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Robert E. Frame, Director Pesticides Division, WV Dept. of Agriculture

EMERGENCY RULE TITLE:

1. Date of filing: October 3, 1990

2. Statutory authority for promulgating the emergency rule: State Code 19 - 16A - 4

3. Date of filing of proposed legislative rule: _____

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?

The emergency rule adopts new language to implement provisions of the West Virginia Pesticide Control Act of 1990

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.

The passage of the Pesticide Control Act of 1990 repealed the two former pesticide laws and their existing regulations. This regulation is needed in order to implement the current law and continue the licensing of pesticide products, applicators and business into 1991.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

If the rule is not implemented all pesticide registrations and licenses will expire December 31, 1990, with no provisions for renewal for 1991.
