

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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2015 APR 21 A 9:59

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

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 RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 199

SECTION 64-9-10 (d), PASSED ON March 14, 2015

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: July 1, 2015



Authorized Signature

**TITLE 61  
LEGISLATIVE RULE  
WEST VIRGINIA DEPARTMENT OF AGRICULTURE**

FILED

**SERIES 12  
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. -- W. Va. Code '19-16A-4.

1.3. Filing Date. -- April 21, 2015

1.4. Effective Date. -- July 1, 2015.

**§61-12-2. Examinations.**

2.1. The Commissioner shall assess each person taking an examination for a license, certification or certificate a fee of \$20.00 per examination session. This fee is for one or more examinations taken at the same time. This examination fee shall 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 - The Commissioner shall assess an annual fee of \$60.00 for each pesticide application business engaged in the business of applying pesticides upon the lands of another. A pesticide application business making non solicited recommendations of pesticide products, made in the course of normal business practices, is exempt from a consultant license and fee.

3.2. Pesticide consultant - The Commissioner shall assess an annual fee of \$60.00 for 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 - The Commissioner shall assess an annual fee of \$60.00 for 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 are not considered distributors of pesticides.

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

4.1. Commercial applicator - The Commissioner shall assess an annual fee of \$20.00 for 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 - The Commissioner shall assess a fee of \$10.00 every three years for each person to maintain certification as a private applicator. A private applicator is a person who applies restricted use pesticides for the purpose of producing any agricultural commodity on property owned or rented by his or her employer or who applies restricted use pesticides without compensation, other than the trading of personal services between producers of agricultural commodities on the property of another

person.

4.3. Registered technician - The Commissioner shall assess an annual fee of \$20.00 for each person qualifying as a registered technician.

**§61-12-5. Product Registration.**

5.1. The Commissioner shall assess an annual registration fee of \$150.00 per product for each pesticide which is manufactured, distributed, sold or offered for sale, delivered for transportation or transported in intrastate commerce or 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 shall be registered but are exempt from the annual registration fee, provided the 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.