

LICENSED PESTICIDE BUSINESS AGREEMENT for TESTING EMPLOYEES WHO APPLY PESTICIDES WITHOUT A REGISTERED TECHNICIAN CERTIFICATION

**Virginia Department of Agriculture and Consumer Services
Office of Pesticide Services**

Background Information

The closure of the Department of Motor Vehicle (DMV) offices in Virginia due to COVID-19 resulted in the elimination of the primary option for prospective registered technicians (as defined in the Virginia Pesticide Control Act, Va. Code § 3.2-3900) to meet the written examination requirement in Section 3.2-3930(B) of the Virginia Pesticide Control Act. The requirements outlined below provide the steps that a pesticide business licensed by the Virginia Department of Agriculture and Consumer Services (VDACS) may take to allow its employees to apply pesticides, without obtaining a registered technician certification, for the duration of the state of emergency due to COVID-19, as declared by Governor Northam (Executive Order 51).

Requirements

Employees of a licensed pesticide business who have completed requirements 1 through 3 below may apply pesticides without obtaining a registered technician certification during Virginia's state of emergency due to COVID-19 (hereinafter "Virginia's COVID-19 state of emergency"). Licensed pesticide businesses allowing these employees to apply pesticides without a registered technician certification must meet requirements 4 and 5 below.

Each employee of the licensed pesticide business who will apply pesticides without a registered technician certification must complete the following:

1. Twenty (20) hours of on-the-job training pursuant to Section 50 of 2VAC5-685, Regulations Governing Pesticide Applicator Certification under Authority of the Virginia Pesticide Control Act;
2. Twenty (20) hours of Board of Agriculture and Consumer Services approved training pursuant to Section 50 of 2VAC5-685, Regulations Governing Pesticide Applicator Certification under Authority of the Virginia Pesticide Control Act; and
3. Pass a closed-book written exam provided by the licensed pesticide business that meets requirements of Section 90 of 2VAC5-685, Regulations Governing Pesticide Applicator Certification under Authority of the Virginia Pesticide Control Act.

The licensed pesticide business that desires to have employees apply pesticides without a registered technician certification must:

4. Provide a closed-book written exam that meets requirements of Section 90 of 2VAC5-685, Regulations Governing Pesticide Applicator Certification under Authority of the Virginia Pesticide Control Act. Written exams must be graded by a certified commercial applicator employed by the licensed pesticide business. The certified commercial applicator grading the exam must sign this document certifying that the employee(s) of the licensed pesticide business have completed requirements 1 through 3 above, and mail to:

Virginia Department of Agriculture and Consumer Services
Office of Pesticide Services
P.O. Box 1163
Richmond, VA 23218

Only this form should be mailed to VDACS. Do not send training or testing (exams) to VDACS.

5. Maintain training records and examination records that verify compliance with requirements 1 through 3 above for each employee of the licensed pesticide business who will apply pesticides without obtaining a registered technician certification during Virginia's COVID-19 state of emergency. The licensed pesticide business must maintain such records for two (2) years from the date the exam was administered.

Duration

The provisions outlined in this document to allow employees to apply pesticides without obtaining a registered technician certification is temporary and will expire thirty (30) days after Governor Northam rescinds Virginia's COVID-19 state of emergency. Any employee of a licensed pesticide business who (i) applied pesticides during the COVID-19 state of emergency without obtaining a registered technician certification and (ii) wishes to apply pesticides after the Governor rescinds Virginia's COVID-19 state of emergency must, within 30 days of Governor Northam rescinding Virginia's COVID-19 state of emergency, successfully pass a written examination taken at either a DMV office or another VDACS-approved testing location. Prior to taking the written exam, employees must have received a Notice of Authorization letter, to take the registered technician written exam, from the VDACS Office of Pesticide Services.

Certification Statement

I certify that the employee(s) of the licensed pesticide business who have completed requirements 1 through 3 above and will apply pesticides without obtaining a registered technician certification will be under the direct supervision of a certified commercial applicator. I understand that the licensed pesticide business is responsible for ensuring that all pesticide applications, including those applications by employees working without obtaining a registered technician certification during Virginia's COVID-19 state of emergency, are in accordance with the pesticide product label and in compliance with all applicable laws and regulations. I understand that employees who will apply pesticides without obtaining a registered technician certification, pursuant to this agreement, must successfully pass a written examination taken at either a DMV office or another VDACS-approved testing location within 30 days of Governor Northam rescinding the COVID-19 state of emergency in order to be certified by VDACS as a registered technician and to apply pesticides after the 30 days immediately following the end of Virginia's COVID-19 state of emergency.

Pesticide Business Name (Print)

Pesticide Business License Number

Designated Certified Commercial Applicator (Print)

Certification Number

Signature

Date