

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 413

(By Senator D. Hall)

[Originating in the Committee on Agriculture and Rural
Development;
reported February 24, 2015.]

A BILL to amend and reenact §19-16A-12 of the Code of West Virginia, 1931, as amended, relating to pesticide control; and requiring certain additional requirements for commercial applicators.

Be it enacted by the Legislature of West Virginia:

That §19-16A-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 16A. WEST VIRGINIA PESTICIDE CONTROL ACT.

§19-16A-12. Private and commercial applicator's license

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**and certificate; registered technician
certificate.**

1 (a) Application for a private or commercial
2 applicator's license shall be made in writing to the
3 commissioner on forms approved or supplied by the
4 commissioner. Each application shall contain:

5 (1) The full name of the person applying for the
6 license;

7 (2) The principal business address of the applicant;

8 (3) A listing of agricultural commodities produced or
9 to be produced by the applicant applying for a private
10 applicator's license;

11 (4) Any other necessary information prescribed by the
12 commissioner; and

13 (5) Payment of required fees.

14 (b) The commissioner may renew any applicant's
15 license under each classification for which such applicant is
16 licensed. However, the applicant may, at no greater than
17 three-year intervals, be required to present evidence or
18 documentation indicating he or she has attended a workshop

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1 or training session approved by the commissioner.

2 (c) No private applicator may use any restricted-use
3 pesticide which is restricted to use by certified applicators
4 without having first complied with the certification
5 requirements determined by the commissioner as necessary
6 to prevent unreasonable adverse effects on the environment,
7 including injury to the applicator or other persons, for that
8 specific pesticide use.

9 (d) As a minimum requirement for certification, a
10 private or commercial applicator must show that he or she
11 possesses a practical knowledge of the pest problems and pest
12 control practices associated with his or her agricultural
13 operations, proper storage, use, handling and disposal of the
14 pesticides and containers and his or her related legal
15 responsibility. This practical knowledge includes ability to:

16 (1) Recognize common pests to be controlled and
17 damage caused by them;

18 (2) Read and understand the label and labeling
19 information including the common name of pesticides he or
20 she uses; the crop, animal or site to which they will be

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1 applied; pests to be controlled; timing and methods of
2 application; safety precautions; any preharvest or reentry
3 restrictions; and any specified disposal procedures;

4 (3) Apply pesticides in accordance with label
5 instructions and warnings, including the ability to prepare the
6 proper concentration of pesticide to be used under particular
7 circumstances, taking into account such factors as area to be
8 covered, speed at which application equipment will be driven,
9 and the quantity dispersed in a given period of operation;

10 (4) Recognize local environmental situations that must
11 be considered during application to avoid contamination; and

12 (5) Recognize poisoning symptoms and procedures to
13 follow in case of a pesticide accident.

14 (e) If the commissioner does not certify the private or
15 commercial application under this section, he or she shall
16 inform the applicant in writing of the reasons therefor.

17 (f) Any written examinations required of private or
18 commercial applicators may not be more stringent than the
19 requirements for such examinations by the United States
20 Environmental Protection Agency.

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1 (g) A licensed commercial applicator must be
2 continuously active working as an applicator or otherwise
3 retest; and have two years of relevant experience, a relevant
4 degree or certification or a combination thereof.