

Instructions for Obtaining and Maintaining a Virginia Pesticide Business License

Who must hold a Virginia Pesticide Business License?

The Virginia Pesticide Control Act defines a pesticide business as “any person engaged in the business of: distributing, applying or recommending the use of a product; or storing, selling, or offering for sale pesticides directly to the user.” The Act requires any business operating in Virginia that fits this description to be licensed by the Office of Pesticide Services in the Virginia Department of Agriculture & Consumer Services. Typical licensed pesticide businesses include:

- Pest management firms (exterminators)
- Lawn care companies that apply herbicides, insecticides, or fungicides as part of their services
- Retailers, distributors or dealers that sell pesticide products unless exempted by regulation (see below)

Certain businesses that meet this definition have been exempted by regulation from the requirement to have a license:

- Retailers of limited quantities (sales of less than \$50,000 annually per outlet) of general use pesticides primarily intended for limited household use. **Note:** Retailers of products that are labeled for other uses (i.e. Agricultural, Commercial, Institutional, Industrial, etc.) **are not** exempt from the license requirement.
- Providers of janitorial, cleaning or sanitizing services using only sanitizers, disinfectants, and germicides.

This license requirement is separate from any “business license” required by localities.

Requirements for licensing:

- **Application:** Submit the enclosed application form, along with a check or money order for \$75.00.
- **Certification of liability insurance:** Submit a current certificate of insurance showing that the firm has liability insurance coverage that meets state requirements (see below).
- **Designated commercial applicator:** All businesses that apply or recommend pesticides commercially, or sell restricted-use pesticides, must designate a certified commercial applicator in their employ to be responsible for the safety of pesticide applications, recommendations, or sales.
- **Pesticide Business License Exam:** If a **retailer of general use pesticides** does not have a commercial applicator on staff, a designated employee must take and pass the Virginia Pesticide Business License Exam (see below).
- **All licenses expire March 31 each year, and must be renewed annually.**
- **Each business location must have a separate license.**

CERTIFICATION OF INSURANCE COVERAGE:

Each applicant and licensed businesses must provide a certificate of liability insurance to the Office of Pesticide Services, and maintain a liability insurance policy, from a person authorized to do business in Virginia, protecting persons who may suffer legal damages resulting from the use of any pesticide by the applicant.

The certificate of insurance must include: the name of the insurance company, policy number, insurance amount, type of coverage afforded, any exclusions relating to damage arising from the use of pesticides, and expiration date of the policy. The policy must cover liability arising out of the handling, storage, application, use or misuse, or disposal of any pesticide. It must also cover liability relating to completed operations.

The **amount of coverage** must be a minimum of \$100,000 for property damage, and \$100,000 for personal injury or death of one person; and \$300,000 per occurrence. This coverage must be maintained at all times during the license period. OPS must be notified at least 10 days prior to any reduction at the request of the licensee or cancellation of the policy by the insurer.

The licensee must provide a current certificate of insurance to the Office of Pesticide Services at each insurance renewal date, or at any change of insurer.

MAINTAINING YOUR BUSINESS LICENSE:

All licenses expire March 31 each year, and must be renewed annually. To maintain a certificate, you must submit an application for renewal and the annual fee by March 31 to the Office of Pesticide Services. Late applications will be charged a 20% penalty. You should ensure that all information on your renewal application is still correct. Include a copy of your latest certification of insurance with your renewal application.

THE VIRGINIA PESTICIDE BUSINESS LICENSE EXAM:

DO NOT COMPLETE the *Request to take the Pesticide Business License Exam* form unless your business only sells pesticides and is not required to have a certified commercial applicator employed.

Request to take the Pesticide Business License Exam:

If your firm does not sell restricted use pesticides or make recommendations, you do not need to have a certified commercial applicator to get a Pesticide Business License. Your business must, at a minimum, have an employee take and pass the Virginia Pesticide Business License Exam. You should apply for this examination at the same time as you submit the Application for a Pesticide Business License. There is no fee for this examination.

Study Manual for the Pesticide Business License Exam:

The exam is based on the material in the Virginia Core Manual "Applying Pesticides Correctly." You may order the Virginia Core Manual, Publication # 456-210, from the Virginia Cooperative Extension. To order the manual visit <https://vtp.ento.vt.edu/> where you can submit an order online using a credit card. Questions about ordering manuals can be directed to staff members of Virginia Tech's Pesticide Programs (VTPP) at 540-231-6543 or help@vtp.ento.vt.edu.

Notice of Authorization for the Pesticide Business License Exam:

Once your complete application is received, the Office of Pesticide Services will send you a letter confirming the receipt of your application and authorizing you to take the exam. This Notice of Authorization must be presented at the testing center, along with photo identification. Qualified applicants have 90 days from the date of the letter to sit for the examination. If your Notice of Authorization expires before you have taken the exam, you must reapply.

Testing:

The Virginia Pesticide Business License examination is a written examination. It is administered on touch-screen computers at Department of Motor Vehicles Customer Service Centers. Examinations are given during business hours at more than 70 local DMV offices. Exams are scored as they are taken, and you will be notified of your score as you complete the exam. A score of 76% is required to pass this exam. If you fail the exam, OPS will notify you, and will send you a new application. You must submit another application to take the exam again.

REQUIRED RECORDKEEPING:

All licensed pesticide businesses are required to maintain certain records for a period of two years, and make them available to the Office of Pesticide Services upon request.

Application records:

Records are required for **all pesticides applied** by a pesticide business and must contain the following information:

1. Name, address, and telephone number of customer and address or location, if different, of site of application;
2. Name and certification number (or certification number of the supervising certified applicator) of the person making the application;
3. Day, month and year of application;
4. Type of plants, crop, animals, or sites treated and principal pests to be controlled;
5. Acreage, area, or number of plants or animals treated;
6. Brand name or common product name;
7. EPA registration number;
8. Amount of pesticide concentrate and amount of diluent used, by weight or volume, in mixture applied; and
9. Type of application equipment used.

Restricted Use Pesticide Sales records:

Records are required for all restricted use pesticides sold by a pesticide business and must contain the following information:

1. Name, address, certified applicator number or business license number, and certificate or license expiration date of the person to whom the restricted use pesticide was sold or delivered;
2. Date of sale;
3. Brand or common product name;
4. EPA registration number; and
5. Quantity of pesticide sold or delivered.

Sources of Information:

The Virginia Pesticide Control Act, Title 3.2, Chapter 39 Code of Virginia, Sections 3.2-3924 through 3.2-3927.

Rules & Regulations

Chapter 675 Regulations Governing Pesticide Fees Charged by the Department of Agriculture and Consumer Services

Chapter 680 Regulations Governing Licensing of Pesticide Businesses Operating Under the Authority of the Virginia Pesticide Control Act

Questions regarding federal and state pesticide regulations and the legal responsibilities of licensed pesticide businesses can be submitted to:

Virginia Department of Agriculture and Consumer Services (VDACS) Office of Pesticide Services (OPS)

Mailing:

P.O. Box 1163
Richmond, VA 23218

Location:

102 Governor Street, Lower Level
Richmond, VA 23219

Phone (804) 786-3798 / Fax (804) 786-9149

<http://www.vdacs.virginia.gov/pesticides.shtml>

Questions regarding pesticide management techniques, sources of approved preparatory training materials for pesticide applicators can be submitted to:

Virginia Cooperative Extension (VCE) County Extension Office

(consult local listings for telephone number)

Virginia Tech Pesticide Programs (VTPP)

302 Agnew Hall
Virginia Tech
Blacksburg, VA 24061-0409

(540) 231-6543

<https://vtppesto.vt.edu/>