

Regulatory Analysis Form

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2001 AUG 21 PM 2: 54

REGULATORY REVIEW COMMISSION

(1) Agency

Department of Agriculture

(2) I.D. Number (Governor's Office Use)

2-134

IRRC Number: 2210

(3) Short Title

Pesticide Control Act of 1973 Act of March 1, 1974
(P.L. 90, No.24), as amended 1987. (3 P.S. 111.21 - 111.61)

(4) PA Code Cite

7 PA. Code, Chapter 128

(5) Agency Contacts & Telephone Numbers

Primary Contact: Lyle Forer, Director 717-772-5200

Secondary Contact: John Tacelosky Chief 717-772-5214

(6) Type of Rulemaking (check one)

Proposed Rulemaking
Final Order Adopting Regulation
Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No
Yes: By the Attorney General
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

This regulation is being promulgated under the authority of the Pesticide Control Act of 1973, which covers the entire scope of pesticide use in the Commonwealth, to increase fees assessed upon the regulated community in order to provide adequate funding for implementation of the Act. The Act regulates pesticide labeling, distribution, storage and registration of pesticides offered for sale within the Commonwealth. The Act also sets forth the requirements to be met by commercial, public and private applicators of pesticides for the testing, certification, recordkeeping, insurance, licensing and notification requirements for pesticide use, by both pesticide applicators and their employers.

This regulation will specifically adjust the fees the Commonwealth may charge for pesticide product registration, certification, registration and licensing of applicators and pesticide application businesses as required by the Act when two years of budget deficits are projected.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

These regulations were promulgated under the authority of the, Pesticide Control Act of 1973, Act of March 1, 1974 (P.L. 90, No. 24), 3 P.S. § 111.21 - 111.61 (1987)

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Pesticide Control Act of 1973, Act of March 1, 1974 (P.L. 90, No.24), *as amended*, 3 P.S. § 111.21 - 111.61 (1987); §37.1 Fees; Fines and Civil Penalties; §5.1(f) Registration; §15.1(e) Pesticide Application Licensing; §16.1 Standards of Qualifications for Certification of Commercial Applicators.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Pesticides are valuable to our State's agricultural production and to the protection of man and the environment from insects, rodents, weeds and other forms of life. It is essential to the public health and welfare that they be regulated to prevent adverse affects on human life and the environment. In order to continue to carryout the legislative mandate, it is necessary to increase the fees charged to the regulated industries and individuals to fund the licensing and enforcement programs presently in place to protect the health and welfare of the citizens of the Commonwealth and the environment.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Continuation of the existing regulation and/or inadequate funding of the Act would cause a reduction in the enforcement capabilities of the Department in allowing for the unregulated use of pesticides by untrained individuals/business, as well as the elimination of programs dealing with pesticide education safety, reduction of outreach education on pesticide use through Integrated Pest Management ("IPM"). Reduced protection of the environment through the elimination/reduction of various programs including: Ground Water Monitoring Program, the Plastic Pesticide Container Recycling Program and Chemsweep Program (related to the environmentally sound disposal of banned, canceled, unusable or unwanted pesticides). Reduction of these programs would allow for the increased risk of direct pesticide exposure, as well as exposure to pesticide residues in food and water and in the environment. (Homes/lawns/schools/parks/food/etc.)

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All the citizens of the Commonwealth through the continued availability of trained/certified pesticide applicators, assurance that licensed pesticide business/applicators meet state and federal minimum competency standards. Additional benefits include the reduction of waste through dedicated recycling of pesticide containers and an environmentally sound pesticide disposal program, which has already removed over one million pounds of unwanted pesticides from the Commonwealth.

(13) Continued

The citizens of Pennsylvania have benefited from protection of pesticide misuse by strict enforcement of the Act. Continuation of the education program and certification of 36,000 applicators, 21,000 agricultural producers, 13,000 commercial/public applicators through the availability of recertification training courses. Commercially, 5,750 pesticide businesses have benefited by setting standards of competency for the pesticide application industry. Additionally, 750 persons hypersensitive to pesticides whose health is protected through notification of pending applications by listings provided to commercial/public applicators have also benefited.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

1,100 pesticide product registrants will pay \$35.00/year more for each pesticide product they register to sell in the Commonwealth.

10,500 commercial applicators will pay \$10.00/year more for their required applicator certification.

5,750 Pesticide Application Business will pay \$10.00/year more for the required license to operate in the Commonwealth.

2,500 Registered Pesticide Technicians applicators will pay \$10.00 /year more to be registered to apply pesticides in the Commonwealth.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

1,100 Pesticide Product Registrants (Manufacturers & Distributors)

10,500 Commercial Applicators

5,750 Pesticide Application Business

2,500 Registered Pesticide Technicians

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Department of Agriculture first proposed the fee increase at the Pesticide Advisory Board ("PAB") public meeting in May 1999. The PAB is composed of regulated industries and individuals. The June 1999 commercial newsletter, "Pesticide Highlights", which was mailed to all licensed Pesticide Application Business and Licensed Pesticide Dealers (6,000 copies) contained an article announcing the fee increase and soliciting comments. The Department received 22 comments from these groups of affected business. The private pesticide applicator newsletter, "Pesticide Highlights" was mailed November 1999 to all private certified pesticide applicators and to members of the Pennsylvania House of Representatives and Senate (21,700 copies). The newsletter contained an article announcing the fee increase and soliciting comments. The Department received 14 comments from private applicators. The Department mailed an informational notice of the proposed fee increase requesting comments in November 1999 to all pesticide registrants along with the year 2000 product renewal applications (1,100 copies). The Department received 7 comments from product registrants. The proposed fee increase was discussed at the September 1999, December 1999, March 2000,

(16) Continued

November 2000 and March 2001 Pesticide Advisory Board public meetings. The Department also met with the three largest trade associations representing the pesticide registrant groups on March 28, 2000, to discuss the proposed increase. The Reading Times Newspaper published an article August 2, 1999 on the proposed fee increases. The July 2000 commercial newsletter, "Pesticide Highlights" was mailed to all licensed Pesticide Application Business and Licensed Pesticide Dealers (6000 copies). The newsletter contained an article updating the status of the fee increase and no comments were received. Representatives of the Department attended and gave presentations and responded to questions at Board meetings of the Pennsylvania Pest Control Association, Lawn Care Association of Pennsylvania and PennAg Industries Association. These professional associations represent the majority of the regulated businesses and individuals affected by the regulation change. Presentations to pesticide applicators at required recertification meetings, were also made throughout the Commonwealth during public meetings in 1999, 2000 and 2001 for the recertification of pesticide applicators.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Additional Costs/year		Total Impact
1,100 pesticide product registrants		
11,500 products	\$35.00/Product/year	\$402,500.
10,500 commercial applicators	\$10.00/year	\$105,000.
5,900 Pesticide Application Business	\$10.00/year	\$ 59,000.
2,500 Registered Pesticide Technicians	\$10.00/year	\$ 25,000.
21,000 agronomic producers	No Change in current fee	
2,800 Public applicators	No Change in current fee	
700 Dealers of Restricted Use Pesticides	No Change in current fee	

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

The 400 local governments that hold Pesticide Business licenses will incur the following added expenses for renewal of their Pesticide Application Business: \$10.00/year

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

Costs
\$3,500 in postage and billing/form conversions/data processing & programming

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	\$583,000	\$583,000	\$583,000	\$583,000	\$583,000	\$583,000
Local Government	\$9,500	\$9,500	\$9,500	\$9,500	\$9,500	\$9,500
State Government	\$3,500					
Total Costs	\$596,000	\$592,500	\$592,500	\$592,500	\$592,500	\$592,500
REVENUE LOSSES:						
Regulated	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(20a) Explain how the cost estimates listed above were derived.

The fee increases were multiplied by the number of regulated companies/individuals with numbers based on projections derived from historical data, industry trends and projected losses of companies/individuals from the effect of the increased fees and industry trends.

Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 (97)	FY -2 (98)	FY -1 (99)	Current FY (00) <i>As of 02/28/01</i>
Pesticide Certification	\$577,395	\$794,074	\$706,199	\$519,960
Pesticide Enforcement	\$547,785	\$814,435	\$780,536	\$470,440
Environmental Programs	\$355,320	\$427,578	\$371,604	\$247,600
Total	\$1,480,500	\$2,036,087	\$1,858,419	\$1,238,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The regulation will enable the Department to continue to provide sound effective pesticide education, environmental protection to the citizens in general and to the pesticide businesses of the Commonwealth, with minimal negative fiscal impact on any regulated group. Failure to provide adequate funding for the program will require the Commonwealth to reduce the levels of service and enforcement provided to the industry and the citizens in a time when the citizens and industry are more concerned than ever about pesticides, their uses and possible health effects. Outreach education and enforcement of the pesticide regulations will be improved through the ability of the agency to maintain a visible presence in the commonwealth. Likewise, the agency will be in a position to respond to emerging legislative and community concerns over pesticide uses in schools and other sensitive areas.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

The Department has and continues to search for and utilize alternate sources of funding for special pesticide related activities. However, these alternate sources cannot be utilized for normal program functions, and in many cases require matching funds. Program cuts have been considered; program enhancements and equipment purchases have been delayed.

As set forth in the Pesticide Control Act §37.1 (3 P.S. § 111.57a) regulatory action is required to increase funding when two years of deficits are projected by the Secretary of Agriculture. To fulfill its legislative mandate, meet federal standards, provide service to the industry, respond to the citizens of the Commonwealth, and meet rising fixed program costs, the regulation became necessary as budget projections are now showing deficits into the future with no increase in programming or services.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Eight different regulatory proposals were considered and reviewed by the Department, Pesticide Advisory Board and affected groups. The proposed regulation is a compromise developed through consensus of the regulated individuals and businesses. Proposals included shifting cost figures for the regulation limiting the number of years with projections of balances budgets. These proposals were dismissed in favor of a compromise regulation with industry support.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The fees charged by other states vary greatly. Pennsylvania operates the pesticide fund – a restricted fund - through user fees with no general fund monies. The fees charged in other states are similar to this regulation. The regulation change will have little impact on Pennsylvania's ranking among the states, for most similar types of fees.

The regulation will not place Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

Informational meetings were held in May, September, December of 1999, March and November of 2000 and in March 2001. Additional meetings of the Pesticide Advisory Board in August and December 2001 may include this topic as an agenda item for status report of the proposed changes in the regulations.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

This regulation will not change any existing reporting, record keeping or any other paper work requirements.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Farmers, many of whom are certified Private Pesticide Applicators, were not included in the regulation changes. The fees for this group will remain the same.

No other special provisions were required for this regulation change.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

December 31, 2001

(31) Provide the schedule for continual review of the regulation.

The regulation is reviewed on an annual basis in conjunction with the budget projections.

CDL-1

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

2210

2001 AUG 21 PM 2:54

REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

Department of Agriculture

DOCUMENT/FISCAL NOTE NO. 2-134

DATE OF ADOPTION _____

BY Samuel E. Hayes, Jr.
Samuel E. Hayes, Jr.

TITLE Secretary

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

Sandra W. Stoner

8/3/01
DATE OF APPROVAL

(Deputy General Counsel)
(~~Chief Counsel - Independent Agency~~)
(~~Strike inapplicable title~~)

Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

FINAL-OMITTED RULEMAKING
Department of Agriculture
Bureau of Plant Industry
7 Pa. Code Chapter 128
Fees

**DEPARTMENT OF AGRICULTURE
FINAL-OMITTED RULEMAKING**

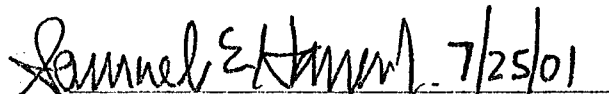
PA Code Cite: 7 Pa. Code Chapter 128

Regulation Title: Fees

I.D. Number: 2-134

SECRETARY'S CERTIFICATION

I, Samuel E. Hayes, Jr. do hereby certify that I have reviewed this regulation and determined that the regulation is consistent with the principles outlined in Executive Order 1996-1.


Samuel E. Hayes, Jr., Secretary (Date)

TITLE 7 – PESTICIDE RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE
[7 Pa. Code §128.3]
Fees

By this order, the Department of Agriculture (“Department”) hereby amends § 128.3 of the Pesticide Regulations (7 Pa. Code §128.3) (relating to fees) as set forth in Annex A. This regulation is adopted under the general authority of the Secretary of Agriculture to promulgate appropriate regulations to carry out the provisions of the act of March 1, 1974, (P.L. 90, No.24) known as the “Pesticide Control Act of 1973” (“Act”), as set forth in §7(b) of the Act (3 P.S. §111.27(b)) and the specific authority set forth in §37.1 (relating to fees, fines and civil penalties) of the Act (3 P.S. §111.57a). This regulation will adjust the fees the Department may assess for pesticide product registration, certification, registration and licensing of pesticide applicators, as well as pesticide application businesses.

Contact With Affected Parties

Public notice of intention to amend §128.3 under the procedures specified in §§201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §1204(2)), known as the Commonwealth Documents Law (“CDL”), has been omitted as authorized under §204(3) of the CDL (45 P.S. §1204(3)), because the Department finds that these procedures under the circumstances, are unnecessary and impracticable. The Department first proposed the fee increase at the Pesticide Advisory Board public meeting in May 1999. In June 1999, over 6,000 copies of the private pesticide applicator newsletter, “*Pesticide Highlights*” were mailed to all pesticide application businesses and pesticide dealers licensed by the Department. The newsletter contained an article announcing the proposed fee increase and solicited comments. As a result, the Department received 22 comments from these groups of affected businesses. Over 21,700 copies of “*Pesticide Highlights*” were mailed November 1999 to all private

certified pesticide applicators and to members of the Pennsylvania House of Representatives and Senate. The newsletter again contained an article announcing the proposed fee increase and solicited comments. As a result, the Department received 14 comments from private applicators. The Department mailed an informational notice of the proposed fee increase requesting comments in November 1999 to all pesticide registrants along with the year 2000 product-renewal application. (1,100 copies) The Department received and responded to 7 comments from product registrants.

The proposed fee increase regulation and the public comments were discussed at the September 1999, December 1999, March 2000, November 2000 and the most recent Pesticide Advisory Board public meeting in March 2001. The Department also met with the three largest trade associations for the pesticide registrant groups on March 28, 2000, to discuss the proposed fee increase and to discuss any suggested comments or changes. *The Reading Times* newspaper published an article on August 2, 1999 regarding the Department's proposed fee increases. Representatives of the Department attended board meetings of the Pennsylvania Pest Control Association, Lawn Care Association of Pennsylvania and PennAg Industries Association to discuss the fiscal analysis regarding the proposed fee increase. These professional associations represent the majority of the regulated businesses and individuals affected by the regulation. The Department presently regulates 1,100 Pesticide Product Registrants (Manufacturers & Distributors); 10,500 Commercial Applicators; 5,750 Pesticide Application Businesses and 2,500 Registered Pesticide Technicians. As part of its out-reach program, eight different regulatory proposals were considered by the Department, the Pesticide Advisory Board and the affected industry groups. The regulation represents a

compromise developed through consensus and years of cooperation with regulated individuals and businesses.

Rationale For Fee Increase

The pesticide program in Pennsylvania is required by the Act to be a self-funding program. Specifically, §37.1 (3 P.S. §111.57a) of the Act provides that if the revenues raised by fees, fines and civil penalties imposed under the act are not sufficient to meet expenditures for the administration and enforcement of the Act over a two-year period, the Secretary is authorized to increase fees by regulation so that the "projected revenues will meet or exceed projected expenditures. The Department is projecting a deficit from the year 2001 and beyond. The "fees" were set by regulation and with the exception of the pesticide product registration -- which was modified in 1991- have not changed since 1986. During the past 15 years, the Department has been able to provide the citizens of the Commonwealth with protection and services as required by both Federal and State laws, without increasing the cost to the regulated community. It is the Department's opinion that in order to continue to carryout its legislative mandate to protect the health and welfare of the citizens of the Commonwealth and the environment, it is necessary to increase the fees charged to the regulated industries and individuals. As part of its discussions and agreement with the regulated community, the Department has determined that it will not increase the current fee structure for agronomic producers, public applicators and restricted-use pesticide dealers.

FISCAL IMPACT

COMMONWEALTH

The Department has determined that the regulation will have no adverse fiscal impact on the Commonwealth other than a one-time cost of approximately \$3,500 for postage and billing/form conversion and data processing and programming.

POLITICAL SUBDIVISIONS

The regulation will have direct fiscal impact on political subdivisions in that the approximate 400 local governments, which hold a pesticide business license, will incur a ten-dollar per year renewal fee increase.

PRIVATE SECTOR

The regulation will have a direct fiscal impact on the private sector as set forth more fully in Annex A.

GENERAL PUBLIC

The regulation will not have any fiscal impact on the general public.

REGULATORY REVIEW

Under §5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§ 745.1-745.15), the Department submitted a copy of the regulation with proposed rulemaking omitted on August 21, 2001 to the Independent Regulatory Review Commission (“IRRC”) and to the Chairpersons of the Senate and House Agriculture and Rural Affairs Committees (“Committees”). On the same date, the regulation was submitted to the Office of Attorney General for review and approval as provided in the Act of October 15, 1980 (P.L. 950, No. 164), known as the “Commonwealth Attorneys Act” (71 P.S. §§ 732-101-732-506). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. In accordance with §5(c) of the Regulatory Review Act, the regulation was (deemed) approved by the House Agriculture and Rural Affairs Committee on _____ and (deemed) approved by the Senate Agriculture and Rural Affairs Committee on _____. IRRC met on _____ and (deemed) approved the regulation.

CONTACT PERSON

Individuals interested in further information may contact Lyle Forer, Director, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, Pennsylvania 17110-9408. Telephone (717) 772-5200.

FINDINGS

The Pennsylvania Department of Agriculture finds that:

- (1) Public notice of intention to amend §128.3 by this order under the procedures specified by §§201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) ("CDL") has been omitted pursuant to the authority contained in section 204(2) of the CDL because the Department has, for good cause, found that notice is unnecessary and impractical in that the regulated community participated in the drafting of the regulation and previously commented on the fee increases as more fully set forth above and;
- (2) The persons subject to and affected by the regulation as adopted by this order have received actual notice of the Commission's intention to amend §128.3 in advance of final rulemaking under §204(2) of the CDL and;
- (3) The regulation of the Department relating to fee increases in the manner provided in this order is necessary and appropriate for the proper administration of its authorizing statute.

ORDER

The Pennsylvania Department of Agriculture, acting under the authorizing statute, orders that:

- (A) The regulations of the Pennsylvania Department of Agriculture §128.3 is hereby amended to read as set forth in Annex A.

(B) The Secretary of the Pennsylvania Department of Agriculture shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(C) The Secretary of Pennsylvania Department of Agriculture shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, JR.
SECRETARY OF AGRICULTURE

ANNEX "A"

FEES

§128.3. Fees.

(a) *Pesticide dealer's license.* The annual fee for a pesticide dealer's license is \$10. The fee for a duplicate pesticide dealer's license is \$3.

(b) *Pest management consultant's license.* The annual fee for a pest management consultant's license is \$25. The fee for a duplicate pest management consultant license is \$8.

(c) *Pesticide application business' license.* The annual fee for a pesticide application business' license is [~~\$25~~] \$35. The fee for a duplicate pesticide application business license is \$8.

(d) *Commercial applicator's certificate.* The annual fee for the commercial applicator's certificate is [~~\$30~~] 40. When the initial certification requires examination, no fee will be charged. The fee for a duplicate commercial applicator's certificate is \$10.

(e) *Public applicator's certificate.* The triennial fee for a public applicator's certificate is \$10. A fee is not required when the initial certification requires examination. The fee for a duplicate public applicator's certificate is \$3.

(f) *Examination fees.* Examination fees are nonrefundable. The following examination fees, with payment made in advance, will be charged:

- (1) Commercial/public applicator's core examination—\$50.
- (2) Commercial/public applicator's category examination—\$10.
- (3) Private applicator's examination—no charge.

(4) Pest management consultant's examination—no charge except that a fee of \$5 will be charged if an examination is requested on other than a regularly scheduled examination date.

(g) *Registration fee for a pesticide application technician.*

(i) Commercial Pesticide Application Technician: An annual registration fee of \$30 will be charged to register a commercial pesticide application technician with the Department. The fee for a duplicate technician registration is \$7.

(ii) Public Pesticide Application Technician: An annual registration fee of \$20 will be charged to register a public pesticide application technician with the Department. The fee for a duplicate technician registration is \$7.

(h) *Private applicator's permit.* The triennial fee for a private applicator's permit is \$10. The fee for a duplicate private applicator's permit is \$3. A fee will not be charged for a special permit which may be issued in conjunction with the private applicator's permit.

(i) *Product registration.* The annual fee to register a pesticide is [\$100]
\$135.

COMMONWEALTH OF PENNSYLVANIA



GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF AGRICULTURE
2301 N. Cameron Street • Room 201
Harrisburg, Pennsylvania 17110-9408

OFFICE OF CHIEF COUNSEL

August 21, 2001

Tel: 717-787-8744
Fax: 717-787-1270

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

RE: FINAL REGULATION – PROPOSED RULEMAKING OMITTED
Department of Agriculture
Bureau of Plant Industry
Fees – Pesticide Control Act
7 Pa. Code Chapter 128
I. D. No. 2-134

2001 AUG 21 PM 2:54
INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Sir or Madam:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and the Regulatory Analysis Form for the above referenced regulation which is being submitted for your review pursuant to section 5a(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)). Notice of proposed rulemaking has been omitted pursuant to §204(2) of the act of July 31, 1968 (P.L. No. 240) (45 P.S. §1204(2)), known as the Commonwealth Documents Law, because all persons subject to the regulation have received actual notice thereof. Copies of this regulation have been submitted this day to the appropriate standing committees of the House and Senate Agriculture and Rural Affairs Committees and the Office of Attorney General. The Office of General Counsel approved this regulation on August 3, 2001.

The Department of Agriculture will provide you with any information you may require to facilitate a thorough review of this regulation. If I may be of further assistance, please contact me at (717) 787-8744. Thank you for your attention to this matter.

Sincerely,

Jorge M. Augusto
Assistant Counsel

Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 2-134
 SUBJECT: Fees - Pesticide Control Act
 AGENCY: Agriculture - Bureau of Plant Industry

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- X Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
 2001 AUG 21 PM 2:54
 REGULATORY REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/21/01	<i>Lou Hoffman Jamie Kremer</i>	HOUSE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
	<i>Cecilia Boyz Judy Metz Cagle</i>	SENATE COMMITTEE ON AGRICULTURE & RURAL AFFAIRS
8-21-01	<i>Elena Regán</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
8-21-01	<i>Mary Mummert</i>	ATTORNEY GENERAL
N/A	_____	LEGISLATIVE REFERENCE BUREAU

August 3, 2001