

Comments of the Independent Regulatory Review Commission



Department of Agriculture Regulation #2-179 (IRRC #3050)

Pesticides; Third Party Transactions

June 4, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the April 5, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

Section 128.3. Fees. – Implementation procedures; Clarity.

This proposal would allow the Department to collect and pass on any additional service charges or costs levied by a contracted state agency or private vendor that provides additional testing opportunities for certified applicator or pesticide dealer manager applicants. Based on conversations with the Department, it is our understanding that the Department will not collect additional service charges or costs associated with the administration of an examination administered by a private vendor. Under this circumstance, the applicant would register to take the examination with the Department and pay the Department the required fees enumerated in this section. The applicant would then pay any additional service charges or costs directly to the private vendor. This understanding conflicts with the new language of Subsection (f)(6) and language in the Regulator Analysis Form and Preamble that indicates the Department will collect and pass on the additional service charges or costs to contracted state agencies and vendors. We ask the Department to provide further clarification on how this provision will be implemented and how an applicant will pay the additional service charges or costs associated with taking a test at the site of a private vendor.