

## **Pesticide Product Inspections for Compliance with the Virginia Pesticide Control Act**

The **Virginia Pesticide Control Act** requires that all pesticide products sold or offered for sale within the Commonwealth be registered by the manufacturer with the Virginia Department of Agriculture and Consumer Services. It is the responsibility of anyone selling a pesticide to assure that the products they sell are currently registered.

The pesticide registration process assures that products offered for sale meet stringent US Environmental Protection Agency and Virginia requirements for safety.

### **Why is this inspection happening?**

This inspection is being conducted to determine compliance with registration requirements. It also assures a fair business environment for pesticide manufacturers and retailers.

### **What is a Pesticide?**

A pesticide is any material intended to control a pest, whether that pest is an insect (insecticide), weed (herbicide), fungus (fungicide), rodent (rodenticide), or microbe (antibacterial or antimicrobial). It does not include products used as medicines for man or animals.

Most pesticides bear a US Environmental Protection Agency registration number (EPA Reg.No. xxx-xxx-xxx). Some pesticide products are exempt from US EPA registration (25b Exempt Products), but are still required to be registered with the Commonwealth of Virginia.

### **How do I know if a product is registered?**

1. You can check with the product's manufacturer. On most pesticide containers, the manufacturer's phone number is listed on the container label.
2. There are two locations on the internet where you may search to find out if a product is currently registered:

Kelly Solutions

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

National Pesticide Information Retrieval Network (NPIRS)

<http://state.ceris.purdue.edu/htm/va.htm>

Each site has all registration data from Virginia, which is uploaded to each site regularly. At either site you may search for pesticide products by product name, EPA number or manufacturer.

(Note: Information on the web sites may not be current between January and March of each year due to the backlog in processing renewals.)

**State product registrations must  
be renewed annually by  
December 31 to remain active.**

3. You may also contact the Office of Pesticide Services to ask if a product is registered. The Office of Pesticide Services may be reached by calling 804-786-3798 between 8:15 am and 5:00 pm, Monday thru Friday (except on holidays).

## **If I receive product from a legitimate distributor, can I assume that it's properly registered and legal to sell?**

Not always. Sometimes manufacturers don't intend to sell a particular product in every state and therefore don't register it in every state. If the product does end up offered for sale here in Virginia, then it must be registered. These inspections are our only means of determining what is being offered for sale here. ***Any time you receive a new product, you should double check to see if it is currently registered.***

## **What if a company stops registering a product?**

A pesticide product must be currently registered to be offered for sale. Sometimes companies will go out of business or decide to discontinue distribution of a particular product. It is your responsibility as the retailer to monitor the status of the products you have. ***Pay particular attention to any product that has been on the shelf for an extended period of time. Be especially careful if you are receiving products from another retailer who has gone out of business.***

## **If you find unregistered products in my store, what happens?**

At the time of the inspection the investigator will be collecting information about the products you have using a computerized scanning system. This information is then sent to the Office of Pesticide Services at the Virginia Department of Agriculture and Consumer Services in Richmond for a final determination of the registration status. The investigator will let you know at the time of inspection if it is suspected that the product(s) found are not registered. However, since a final determination cannot be made until confirmed in Richmond, a stop-sale order will not normally be issued at the time of the initial inspection. It is strongly recommended that you check the status of any suspect products with the manufacturer as soon as possible. If you find that they are not currently registered, you must take them off sale pending a resolution of the matter.

Once a final determination has been made in Richmond, you will receive a **Letter of Caution/Stop Sale**. At this time you must remove any unregistered product from sale until it has been properly registered. A letter will not normally be sent to the manufacturer. It is your responsibility to contact the manufacturer to see if they intend to register the product.

If the manufacturer registers the product, you will receive a Notice of Release, and the product may be offered for sale again. An unregistered product must be disposed of in accordance with its label.

It is important to understand that selling a product that is under a **Stop Sale Order** is considered a very serious violation of the Virginia Pesticide Control Act, and may result in a severe civil penalty (fine).

## **Will I be fined if unregistered products are found?**

In most cases, no. However if you are repeatedly found to be offering unregistered products for sale you may be liable for a civil penalty. If you violate a **Stop Sale Order** you will be liable for a severe monetary penalty.

## **How do I dispose of unregistered products?**

1. Contact the manufacturer or distributor and see if they are willing to let you return the product to them. In many cases they will do so.
2. Contact the manufacturer or distributor to see if they will register the product.

3. Review the “Storage and Disposal” instructions on the pesticide label. You may dispose of the product in accordance with State and Local Hazardous Waste Disposal requirements. Some localities have hazardous waste disposal events. Check with your local authorities to determine your eligibility to participate.



If you have any questions please contact the Office of Pesticide Services at  
804-786-3798

[www.vdacs.virginia.gov/pesticides/](http://www.vdacs.virginia.gov/pesticides/)

**Product Registration**

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**Pesticide Disposal**

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Regular office hours are Mon-Fri between 8:15 and 5:00 pm.