

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED  
1990 DEC 20 AM 9:53  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: State Code 19 - 16 A

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_, NO

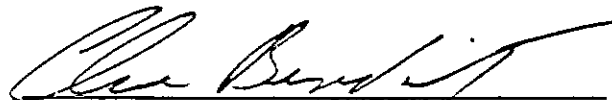
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: XII E 12E

TITLE OF RULE BEING ADOPTED: Registry of persons with health  
sensitivity to pesticide drift.

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS January 21, 1991



Statement of Circumstances Requiring this Rule FILED

Procedural Rule 61-12E

Registry of Persons with Health Sensitivity to  
Pesticide Drift.

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SECRETARY OF STATE

This rule is needed to provide a mechanism whereby persons with a health sensitivity to pesticides can make their plight known to companies applying pesticides that may drift to their homes and injure their health. Authority under this rule is under WV Code 19-16A.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Registry of Persons with Health Sensitivity to Pesticide Drift

DEC 20 AM 9:53

Type of Rule: Legislative Interpretive Procedural

OFFICE OF THE SECRETARY OF STATE

Agency Department of Agriculture Address Capitol Building  
Charleston, WV 25305

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 135.00	\$ 0	\$135.00	\$ 135.00	\$ 135.00
Personal Services					
Current Expense	\$135.00	0	\$135.00	\$135.00	\$135.00
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The estimated cost increase is for postage in mailing application forms to health sensitive registrants and lists to pesticide businesses.

3. Objectives of these rules:

To provide a mechanism whereby persons with a health sensitivity to pesticides can make their problem know to pesticide application businesses. The registry will help provide relief to persons with documented allergies, respiratory or sensitivity problems to pesticides that may drift to their property.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

The registry can provide relief to persons sensitive to pesticides and help reduce liability problems for application businesses by giving them advance notice of potential problem areas.

C. Economic Impact on Citizens/Public at Large.

None

Date: 10-2-90

Signature of Agency Head or Authorized Representative

*Clive B. Smith*

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1998 DEC 20 AM 9:53

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SECRETARY OF STATE

SUMMARY OF PROCEDURAL RULE 61-12E

REGISTRY OF PERSONS WITH  
HEALTH SENSITIVITY TO PESTICIDE DRIFT

These regulations establish a central registry for persons with a medically documented sensitivity to pesticides. The names and addresses of the persons on the registry will be mailed to all pesticide application businesses. The availability of the list can help reduce harm to persons with health sensitivity to pesticide drift. Businesses can lessen their liability by knowing where persons with health problems reside.

WEST VIRGINIA PROCEDURAL RULE  
WEST VIRGINIA DEPARTMENT OF AGRICULTURE

FILED

1990 DEC 20 AM 9:53

Title: Registry of Persons with Health Sensitivity to Pesticide  
Drift.

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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Section 1. General

1.1 Scope - This procedural rule establishes a registry of West Virginia residents with a documented health sensitivity to pesticide sprays that may drift to their property during application.

1.2 Authority - W. Va. Code 19-16A-6(k)

1.3 Filing Date -

1.4 Effective Date -

Section 2. Operation

2.1 The Pesticide Division shall prepare from information provided by an applicant for registration a registry of persons with a documented health sensitivity to pesticides.

2.2 The Pesticide Division shall distribute the registry of persons with health sensitivity to pesticide application business for voluntary notification.

2.1.A Distribution of the list shall occur annually during March or upon the initial licensing of a pesticide application business.

2.2.B An updated list shall be distributed every 4 months or more often if determined necessary by the Commissioner.

Section 3. Requirements for Registration

3.1 Upon request persons meeting the following requirements shall be placed on the registry for health sensitivity to pesticide drift.

3.1.A Persons with a pesticide sensitivity documented by a valid certificate from a physician indicating the person's pesticide sensitivity.

3.1.B Persons with a condition or ailment documented by a physician certification indicating they should not be exposed to pesticide drift.

3.2 A person qualifying for registration according to 3.1 of this regulation:

3.2.A may apply to the Department at any time for registration.

3.2.B shall immediately notify the Department of any address change;

3.2.C registration and annual renewal shall be on a form provided by the Department. A renewal form will be sent to all persons on the registry in January of each year.

3.3 A physician certifying health sensitivity of a registrant shall be either an immunologist, allergist, respiratory pulmonary specialist, or a physician of similar qualification.



STATE OF WEST VIRGINIA  
DEPARTMENT OF AGRICULTURE

State Capitol  
Charleston, WV 25305

Cleve Benedict  
Commissioner

M E M O R A N D U M

TO: The Record

FROM: Robert E. Frame, Director, Pesticide Division

SUBJECT: Public Hearing for Regulations Titled Registry of Persons with Health Sensitivity to Pesticide Drift.

DATE: December 18, 1990

A public hearing was held November 14, 1990 at 1:00 p.m. in the conference room of the Guthrie Agricultural Center, to receive comment on the proposed regulations on the Registry of Persons with Health Sensitivity to Pesticide Drift. A Notice of Public Hearing was filed with the Secretary of State's office on October 3, 1990, notice of the regulation and hearing date were sent to 250 businesses applying pesticides for hire. A general press release announcing the hearing was also made. A copy of the regulation was mailed to persons or parties making requests.

On November 14, 1990 at 1:00 p.m., one person was present for the hearing, but did not desire to speak to the regulation. I spoke to the individual on general questions he had of other aspects of the Pesticide Division activities. By 1:20 p.m. no one appeared to question or speak to the regulation and the hearing was adjourned. No written comments were received prior to the hearing or to date.