

West Virginia Department of Agriculture Guidelines for Pesticide Product Registration

All pesticides must be registered with the West Virginia Department of Agriculture (WVDA) prior to their distribution, sale, transport, or use in West Virginia. Each pesticide registration begins January 1 and expires December 31. Renewal notices are mailed in November, with no late fee assessed.

Each pesticide registration application must include:

- A. A completed Application for Registration of Pesticide Products
- B. Copies of the product labeling and Safety Data Sheet (SDS)
- C. Pesticide registration fee (\$150 per product)

In addition to the above, a **Groundwater Protection Fee** of \$15 for each product will be invoiced by the West Virginia Department of Environmental Protection (WVDEP) in March for the previous year of registration (example: product X registered in 2019 will not be invoiced for groundwater fees until March 2020).

Please note that the WVDA **no longer accepts hard copy pesticide labeling and Safety Data Sheets (SDS)**. Registrants can submit electronic documents for new product registration to WVDA in PDF format via email at kdarco@wvda.us or upload to ALSTAR. Revised labels can be emailed to the same email address or uploaded to ALSTAR.

FIFRA 2(ee) labels are required by WVDA – submit by email or upload to ALSTAR.

The ALSTAR System

West Virginia is an ALSTAR (Accepted Labels State Tracking and Repository) participant. ALSTAR is a system that facilitates the exchange of information between regulatory agencies and registrant companies. If submitting revised labels and SDS via ALSTAR, do not also send them directly to the WVDA. If submitting labels and SDS for a new registration via ALSTAR, please indicate on the registration application that the labels and SDS have been submitted via ALSTAR.

FIFRA Section 25(b) Products

Section 25(b) products are characterized as minimum risk pesticides by EPA and are exempt from EPA registration. However, FIFRA Section 25(b) pesticides must be registered prior to their distribution, sale, offering for sale, transport, and use in West Virginia.

Requirements for Formulations, Grades, and Alternate Brand Names

Each pesticide with a unique United States Environmental Protection Agency pesticide registration number must be registered with WVDA. However, **Alternate Brand Names (ABN)**, for products with the same formulation and labeling, do not require an additional registration fee. For example, different scents of disinfectant or different colors of paint do not require a separate registration.

Each different **formulation** of a pesticide, however, such as a dust versus a granular, does require a separate registration and an additional fee.

Discontinuation Period

All pesticide registrations must go through a two-year discontinuation period to clear all outstanding products from the channels of trade. Registration of a discontinued pesticide must be maintained for at least two full registration periods. Registrants seeking discontinuation of any registrations are asked to notify the WVDA during the registration renewal process so that the request can be documented. Registrants can request a waiver of the discontinuance requirement only when a product was never manufactured or entered into the channels of trade. In those cases, the registrant will be required to submit a letter to that effect.

Company or Product Name Changes

The WVDA is contacted frequently by registrants to update our registration records to reflect changes to a company or product name. This raises questions of whether the changes require a new product registration and whether existing products in the channels of trade are registered.

A certificate of registration is not transferable from one person to another, or from one ownership to another. Significant changes to either the: A) product name, B) EPA Registration Number, or C) company name will require new registration. Existing products in the channels of trade will need to go through the necessary discontinuance period.

Minor changes to the name of the company that are not reflected in significant changes to the product name or EPA Registration Number can be handled through updates to the WVDA's registration records. The WVDA will use its discretion to determine when changes to the company or product name are significant enough to justify new registrations.

Pesticide Devices

Certain Pesticide Devices are regulated, but not registered, by EPA. The West Virginia Department of Agriculture, however, does require registration for ultraviolet light systems, ozone generators, water filters and air filters, and ultrasonic devices **for which claims are made to kill, inactivate, entrap, or suppress the growth of fungi, bacteria, or viruses.**

WVDA does not register pesticide devices if the pesticidal action of the device is a result of mechanical or physical destruction of the pest and the device does not contain any chemical substance for which pesticidal claims are made. Examples are such things as rodent traps, glue traps, and flyswatters.

Experimental Use Permits (EUPs)

The WVDA encourages registrants to develop pesticides and pesticide use patterns to provide growers with reliable, economical, and effective pest control tools. Therefore, WVDA recognizes the importance of experimental research and the use of Experimental Use Permits (EUPs). The WVDA has the authority to issue EUPs under state law. Parties wanting to use a pesticide under an EUP are asked to contact WVDA for an EUP application. Such products are exempt from product registration fees.