

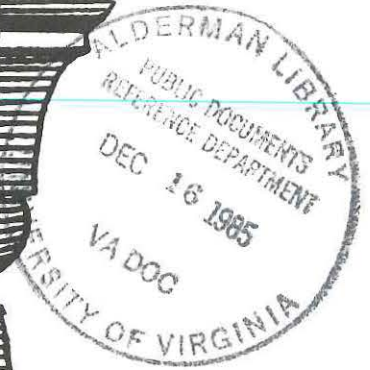
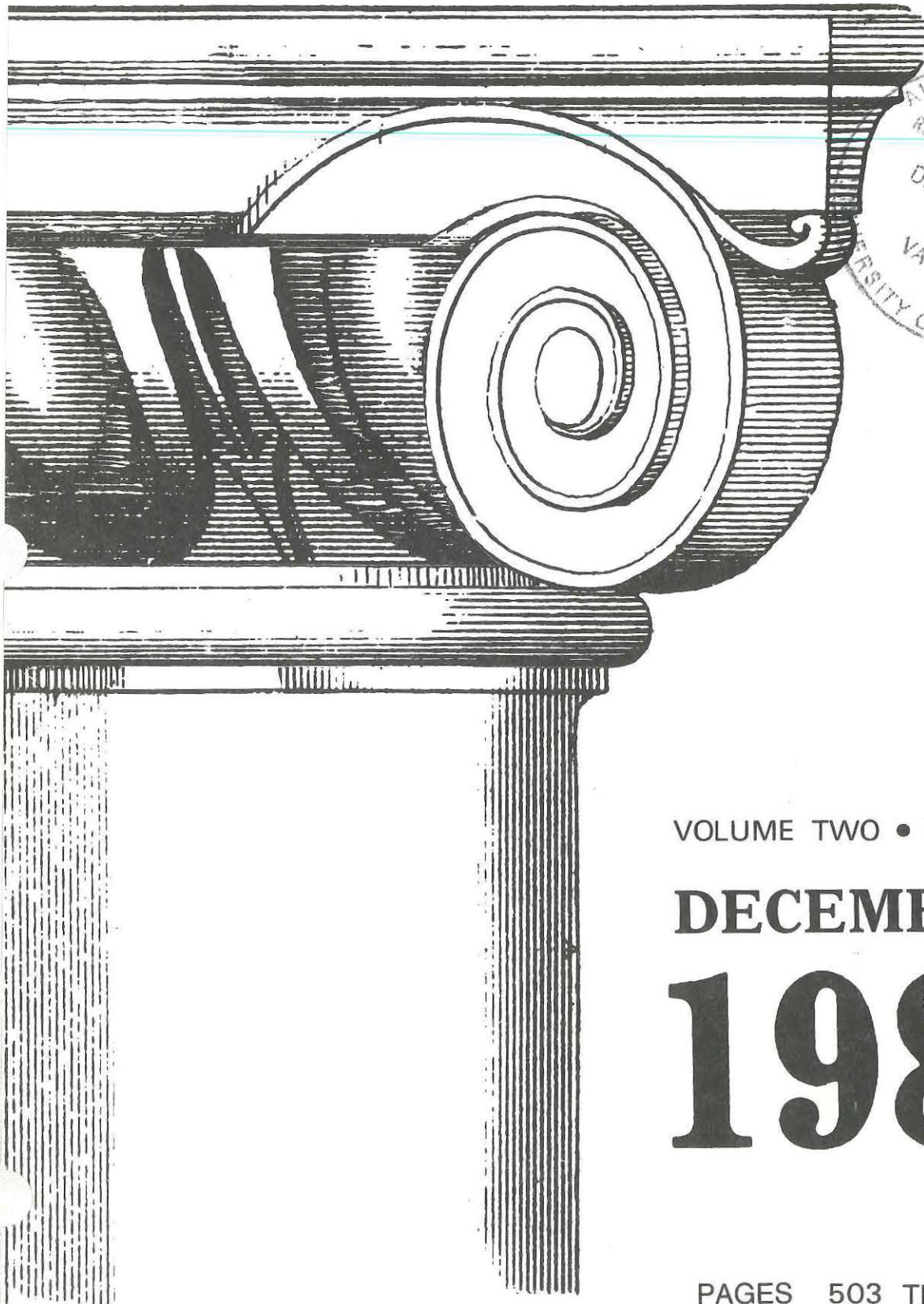
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THE VIRGINIA REGISTER

OF REGULATIONS

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DECEMBER 9

1985

PAGES 503 THROUGH 606

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the Virginia Register a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The Virginia Register is cited by volume, issue, page number, and date. **1:3 VA.R. 75-77 November 12, 1984** refers to Volume 1, Issue 3, pages 75 through 77 of the Virginia Register issued on November 12, 1984.

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Members of the Virginia Code Commission: Theodore V. Morrison, Jr., Chairman, Delegate; Dudley J. Emick, Jr., Vice Chairman Senator; A. L. Philpott, Speaker of the House of Delegates; James P. Jones, Senator; Russell M. Carneal, Circuit Judge; John Wingo Knowles, Retired Circuit Judge; William G. Broaddus, Chief Deputy Attorney General; John A. Banks, Jr., Secretary, Director of the Division of Legislative Services.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Assistant Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 8	June 21
Index	
July 22	July 3
Aug. 5	July 17
Aug. 19	July 31
Sept. 2	Aug. 14
Sept. 16	Aug. 28
Sept. 30	Sept. 11
Final Index - Volume I	
Oct. 14	Sept. 25
Oct. 28	Oct. 9
Nov. 11	Oct. 23
Nov. 25	Nov. 6
Dec. 9	Nov. 20
Dec. 23	Dec. 4
Index	
Jan. 6 1986	Dec. 18
Jan. 20	Dec. 31 (Tuesday)
Feb. 3	Jan. 15
Feb. 17	Jan. 29
Mar. 3	Feb. 12
Mar. 17	Feb. 26
Index	
Mar. 31	Mar. 12
Apr. 14	Mar. 26
Apr. 28	Apr. 9
May 12	Apr. 23
May 26	May 7
June 9	May 21
June 23	June 4
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PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTE: The Department of Agriculture and Consumer Services proposes to REPEAL the four regulations printed below:

Title of Regulation: Rules and Regulations for Enforcement of the Barberry and Black Stem Rust Quarantine.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Certain varieties of barberry, mahonia, and *Mahoberberis* plants are capable of spreading a destructive disease to small grain crops in Virginia and other states. This regulation was enacted to: (i) declare all rust-susceptible species of these plants as a public nuisance; (ii) authorize the State Entomologist to destroy all rust-susceptible species of these plants found in Virginia; (iii) prohibit the movement, planting, and/or growing of any rust-susceptible varieties of these plants; and (iv) allow movement, planting, and/or growing of nonrust-susceptible species of these plants, if labelled properly. This was determined to be the only means of control since no practical chemical controls were available. Also, this regulation was enacted to enable VDACS to cooperate with the USDA quarantine for the same organism.

Title of Regulation: Rules and Regulations for Enforcement of the Noxious Weed Law.

Statutory Authority: §§ 3.1-296.13 and 3.1-296.14 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Areas of Tidewater, Virginia are infested with the introduced weed *Salpichroa organifolia*. This regulation was designed to prevent the artificial

spread of this weed to noninfested areas of the Commonwealth. The regulation declares *Salpichroa organifolia* a noxious weed and describes the areas of Virginia under regulation and describes articles that are regulated (those capable of carrying this weed to other areas of the Commonwealth) and describes under what conditions the regulated articles can move from the regulated (infested) areas to the nonregulated areas (uninfested).

Title of Regulation: Rules and Regulations Providing for the White Pine Blister Rust Quarantine.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation prohibits the movement, growing, and other use of all species of currants and gooseberries into 33 protected countries because of a disease transmitted from these plants that is very destructive to white pines. The regulation also describes the method for moving nonsusceptible varieties of currants and gooseberries into Virginia and the 33 protected countries. The regulation also completely prohibits the entrance into Virginia of the one variety of currants most destructive to white pines.....European black currants.

Title of Regulation: Rules and Regulations for Enforcement of the Tomato Plant Disease Quarantine.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Six Northern Neck and two Eastern Shore counties in Virginia grow tomatoes commercially. Tomato growers also traditionally buy their tomato transplants for planting from southern states such as South Carolina

Proposed Regulations

and Georgia. Tomato plants are subject to several destructive diseases, including late blight, root knot nematode, and collar rot. For many years, the tomato exporting states did not employ an adequate inspection program for the above listed diseases. Consequently, this regulation was adopted to: (i) prohibit the movement of tomato plants into or between the protected eight counties unless such plants were accompanied by a certificate of inspection; (ii) allow plants accompanied by an approved certificate to move into or between the counties; (iii) allow tomato growers in the protected counties to call for an inspection (by VDACS personnel) on any imported plants; (iv) assure that all plants moving into or between the protected counties were subject to inspection by VDACS personnel; and (v) allow plants not accompanied by a valid certificate or found to be infected with any of the listed diseases to be stop saled, seized, destroyed, or returned to the shipper.

* * * * *

Title of Regulation: VR 115-04-02. Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

Statutory Authority: §§ 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Requires certification of articles capable of transporting life stages of the gypsy moth originating in the regulated (infested) areas be inspected and be free of gypsy moth before entering the nonregulated areas of Virginia.

VR 115-04-02. Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

Regulation 1:

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Associated equipment" means articles associated with mobile homes and recreational vehicles ; such as, but not limited to ; : awnings, tents, outdoor furniture, trailer blocks, LP gas containers, and trailer skirts.

"Compliance agreement" means a written agreement between a person engaged in growing, handling, or moving regulated articles, and the VDACS, U.S. Department of Agriculture (USDA), or both, wherein the former agrees to comply with the requirements of the compliance

agreement.

"Gypsy moth" means the insect "Lymantria dispar" (Linnaeus) in any living stage.

"Hazardous recreational vehicle site" means any site where a recreational vehicle is, or may be parked, and it which is determined in the professional judgement of by an inspector that such site harbors to harbor populations of gypsy moth ; on the basis of eggs, larvae, or pupae which are present and could be spread by a recreational vehicle that could be spread by movement of recreational vehicles or associated equipment .

"Inspector" means A properly identified employee of the Virginia Department of Agriculture and Consumer Services, Plant Pest Control Section, or any other person authorized by the Commissioner to enforce the provisions of this quarantine any employee of the Virginia Department of Agriculture and Consumer Services, or other person authorized by the commissioner to enforce the provisions of the quarantine and regulations .

"Mobile home" means any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.

"Outdoor household articles" means articles associated with a household that have been kept outside the home such as , including but not limited to outdoor furniture, barbeque grills, building materials, children's play things, yard items, trash cans, dog houses, boats, hauling trailers, garden tools, tents, and awnings.

"Recreational vehicles" means highway vehicles, including pickup truck campers, one-piece motor homes, and camping or travel trailers, designed to serve as a temporary place of dwelling.

"Scientific permit" means a document issued by the State Entomologist Virginia Department of Agriculture and Consumer Services to authorize movement of regulated articles to a specified destination for scientific purposes.

"Virginia Pest Law" means Article 6 (§ 3.1-188.20 et seq.) of Title 3.1 of the Code of Virginia.

Regulation 2:

§ 2. Regulated articles.

The following articles are regulated under the provisions of this quarantine , and shall not be moved into or within Virginia, except in accordance compliance with the conditions prescribed in this quarantine:

1. Trees with roots, shrubs with roots, and persistent woody stems, except if greenhouse grown throughout the year.
2. Logs and pulpwood, except if moved to a mill

Proposed Regulations

operating under a compliance agreement.

3. Firewood.

4. Mobile homes and associated equipment.

5. Recreational vehicles and associated equipment, moving from hazardous recreational vehicle sites *and the person in charge of the site has been notified*.

6. Cut Christmas trees.

7. Any other products, articles (e.g., outdoor household articles), or means of conveyance, of any character whatsoever, when it is determined by an inspector that any life stage of gypsy moth is in proximity to such articles and the articles present a ~~high~~ risk of artificial spread of gypsy moth infestations and the person in possession thereof has been so notified.

Regulation 3.

§ 3. Regulated areas.

A. Any area of another state or the District of Columbia, whether designated high risk or low risk, in which gypsy moth is known to occur and is so geographically described and regulated by the United States Department of Agriculture under the Gypsy Moth and Brown-tail Moth Quarantine No. 45, or under a state gypsy moth quarantine or other state legislation.

B. The following areas in Virginia:

The entire counties of: Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Stafford, and Warren.

The entire independent cities of: Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, and Winchester.

Portions of the following counties:

Accomack County

That portion of the county which lies north of State ~~Road~~ Route 695 beginning at the junction of State ~~Road~~ Route 695 and the Chesapeake Bay on the west and then east along State ~~Road~~ Route 695 to its junction with State ~~Road~~ Route 679; then north 0.2 miles on State ~~Road~~ Route 679 to its junction with State ~~Road~~ Route 695; then east on State ~~Road~~ Route 695 to its junction with Powells Bay; then east along an imaginary line to its junction with the Atlantic Ocean.

Madison County

That portion of the county being north of a line beginning at the junction of State Route 615 and the

Greene, Madison County Line, then east along State Route 615 to its intersection with State Route 662, then north along State Route 662 to its boundary of the Shenandoah National Park, then north along the Shenandoah National Park boundary to State Route 672, then east along State Route 672 to its intersection with State Route 649, then east along State Route 649 to its intersection with State Route 670, then south and east along State Route 670 to its intersection with State Route 231, then south and east along State Route 231 to its intersection with State Route 609, then east along State Route 609 to its intersection with the Madison County, Culpeper County Line.

Shenandoah County

That portion of the county which lies north and east of State Route 675.

Regulation 4.

§ 4. Conditions governing movement of regulated articles into or within Virginia.

A regulated article may not be moved into or within the state from a regulated area as described in § 3 unless a certificate or permit has been issued and attached to ~~said~~ the regulated article in accordance with § 5.

Regulation 5.

§ 5. Conditions governing the issuance of certificates and permits.

A. Certificates.

Certificates may be issued by an authorized inspector for the movement of the regulated articles designated in § 2 under any of the following conditions when:

1. In the judgement of the inspector, they have not been exposed to infestations;

2. They have been examined by the inspector and found to be free of gypsy moth;

3. They have been treated to destroy gypsy moth under the direction of the inspector and ~~in accordance~~ *with according* to methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied;

4. Grown, produced, manufactured, stored, or handled in such manner that, in the judgement of the inspector, gypsy moth would not be transmitted ~~thereby~~ *by movement of the article*.

B. Permits.

Permits may be issued by an authorized inspector for the movement of noncertified regulated articles to

specified destinations under conditions specified for limited handling, ~~utilization use~~, processing, or treatment.

C. Compliance agreement.

As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving ~~such regulated~~ articles may be required to sign a compliance agreement stipulating . ~~The agreement shall stipulate that they will maintain such safeguards will be maintained against the establishment and spread of infestation , and will comply with such the conditions as to governing the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector .~~

D. Use of certificates or permits with shipments.

All regulated articles are required to have a certificate or permit attached when offered for movement. If a certificate or permit is attached to the invoice or waybill, the attachment of a certificate or limited permit to the regulated article will not be required. Certificates or permits attached to the invoice, or waybill , or other shipping document, shall be ~~furnished given~~ by the carrier to the consignee at the destination of the shipment, or to an inspector when requested.

E. Assembly of articles for inspection.

Persons intending to move any of the regulated articles shall ~~make application apply~~ for inspection as far in advance as possible ; . ~~They shall so handle such articles as to safeguard them the articles from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection. The articles shall be assembled at a place and in a manner designated by the inspector to facilitate inspection .~~

Regulation 6:

§ 6. Cancellation of certificates or permits.

Any certificate or permit which has been issued or authorized will be withdrawn by the inspector if he determines that the holder ~~thereof~~ has not complied with conditions for ~~the their use of such documents~~ or with any applicable compliance agreement.

Regulation 7:

§ 7. Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect , and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and gypsy moths as provided in the Virginia Pest Law under which this quarantine is ~~promulgated issued~~ .

Regulation 8:

§ 8. Shipment for experimental or other scientific purposes.

Any living stage of gypsy moth may be moved intrastate only if such movement is made for scientific purposes under scientific permit from the Virginia Department of Agriculture and Consumer Services , and in accordance with ~~such any conditions as which~~ may be required in ~~such the permit. The permit shall be securely attached to the outside of the shipping container.~~

Regulation 9:

§ 9. Nonliability of the department.

The Virginia Department of Agriculture and Consumer Services ~~disclaims liability shall not be liable~~ for any costs incident to inspections required under the provisions of the quarantine and regulations, other than for the services of the inspector.

Regulation 10: Violations:

Persons convicted of violating any of the regulations may be punished in accordance with Section 3-1-188.29 of the Virginia Pest Law:

Proposed Regulations

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
 BUREAU OF PLANT PROTECTION AND PESTICIDE REGULATION
 P. O. Box 1163
 RICHMOND, VIRGINIA 23209 PH. (804) 786-3515



CERTIFICATE OF QUARANTINE OR REGULATION COMPLIANCE

NO.

The following commodity(ies) meets the requirements of: _____ Quarantines or other shipping requirements _____

Commodity	Quantity
Shipper	Address
Consignee	Address

Commodity and/or Premise Free From Quarantined Pests & Disease

Had Life Stages Physically Removed

Treated for:	Treatment:
Duration of Exposure	Chemical and Concentration

Additional Declarations/Comments: _____

Inspector: _____ Date: _____

Original: Destination State Duplicate: Shipment
 Triplicate: Virginia Department of Agriculture and Consumer Services

June 25, 1985

* * * * *

Title of Regulation: VR 115-04-03. Rules and Regulations for Enforcement of the Virginia Pesticide Law.

Statutory Authority: §§ 3.1-217 and 3.1-217.1 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation aids in assuring the continued availability of pesticide chemicals essential to the production of food and fiber and the protection of health and property in Virginia. It also provides assurance that these products are adequately labeled to ensure that they are effective for their intended use and can be used without unreasonable adverse effects to the applicator, the public or to the environment. Of the 835 requirements, 61 were eliminated; 507 clarified and 267 left unchanged. No new requirements were added.

VR 115-04-03. Rules and Regulations for Enforcement of the Virginia Pesticide Law.

Regulation 2. Terms Defined and Construed.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Active ingredient" means an ingredient which:

1. *Is capable in itself, and when used in the same manner and for the same purposes as directed for use of the product, of:*
 - a. *Preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds, nematodes, or other pests; or*
 - b. *Altering through physiological action the behavior of ornamental or crop plants or their produce thereof ; or*
 - c. *Causing leaves or foliage to drop from a plant; or*
 - d. *Artificially accelerating the drying of plant tissue.*
2. *Is present in the product in an amount sufficient to add materially to its effectiveness be effective ; and*
3. *Is not antagonistic to the activity of the principal active ingredients. Provided, however, That The commissioner may require an ingredient to be*

designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the pesticide to warrant such action.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, including any algae or other aquatic weed.

"Law" means Articles 1, 2, 3 and 4 (§ 3.1-189 et seq.) of Chapter 14 of Title 3.1 of the Code of Virginia, known as the Virginia Pesticide Law.

"Rodent" means any animal of the order Rodentia ; including, but not limited to, rats, mice, rabbits, gophers, prairie dogs, and squirrels.

Regulation 3

§ 2. Language to be used.

All statements, words, and other information required by the law or ~~by these regulations in this part~~ to appear on the label or labeling of any pesticide shall be in the English language. ~~Provider, However, that in the case of articles intended solely for distribution to points outside the continental United States , the appropriate foreign language may be used in lieu of the English language .~~

Regulation 4. Omission of Label or Labeling. The omission of a label or labeling from any pesticide shall not affect any provision under the Law or the Regulations in this part with respect to any statement required to appear on such label or labelings.

Regulation 5

§ 3. Label.

A. Name and address of manufacturer. An unqualified name and address given on the label shall be considered as The name and address of the manufacturer *shall appear on the label* . If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the pesticide was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for . . .," "Distributed by . . .," or "Sold by . . .," to show that the name is not that of the manufacturer. When a person manufactures a pesticide in two or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each particular package need not be stated on the label; except when, under the special circumstances existing, the failure to name it may be misleading to the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, and zip code unless the street address is shown in a current

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city directory or telephone directory.

B. Name, brand or trade mark of pesticide. The name, brand, or trademark of the pesticide appearing on the label shall be that under which the pesticide is registered.

C. Net content. The net content declaration shall comply with the Weights and Measures Act of Virginia *Chapter 35* (§ 3.1-919 et seq.) of Title 3.1 of the Code of Virginia and its regulations promulgated thereunder.

D. Directions for use. Directions for use are required for the protection of the public. The public includes not only users of pesticides, but also those who handle them or may be affected by their use, handling, or storage. Pesticides restricted by these regulations shall be registered only for their permitted uses, and the label shall have a prominent statement to the effect that the product is to be used only as directed. Directions for use are considered necessary in the case of most retail containers which go into the hands of users, with the following exceptions:

Directions may be omitted:

1. If the pesticide is to be used by manufacturers in their regular manufacturing processes, provided that the label clearly shows that the product is intended for use only in manufacturing processes, and bears an ingredient statement giving the name and percentage of each of the active ingredients.

2. If the pesticide is sold to distributors for dilution or mixing with carriers to prepare pesticides for sale to the public, provided that the label bears an ingredient statement giving the name and percentage of each of the active ingredients; and the pesticide is a well-known substance or mixture of substances; and there is readily available general knowledge of the composition, methods of use, and effectiveness of the product for pesticide purposes.

Regulation 6.

§ 4. Ingredient statement.

A. Location of ingredient statement.

The ingredient statement must shall appear on that part of the label displayed under customary conditions of purchase; except in cases where the commissioner determines that, due to the size or form of the container, a statement on that portion of the label is impractical, and permits such the statement to appear on another side or panel of the label. When so permitted, the ingredient statement must shall be in larger type and more prominent than would otherwise be possible required. The ingredient statement must shall run parallel with other printed matter on the panel of the label on which it appears, and must shall be on a clear contrasting background not obscured or crowded.

B. Names of ingredients.

The well-known common name of the ingredient must shall be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the commissioner may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the commissioner may prescribe the terms under which it may be used. A trademark or trade name may not be used as the name of an ingredient, except when it has become a common name.

C. Percentages of ingredients.

Percentages of ingredients shall be determined by weight, and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

D. Designation of ingredients.

1. Active ingredients and inert ingredients shall be so designated, and the term "inert ingredient" shall appear in the same size type and be equally as prominent as the term "active ingredient".

2. If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

E. Active ingredient content. As long as a pesticide is subject to the Law the percentages of active ingredients declared in the ingredient statement shall be the percentages of such ingredients in the pesticide.

Regulation 7.

§ 5. Pesticides highly toxic to man humans.

A. Pesticides which fall within any of the following categories when tested on laboratory animals as specified in subparagraphs paragraphs 1, 2, or 3 of this paragraph subsection are highly toxic to man humans or contain substances or quantities of substances highly toxic to man humans within the meaning of the law. (Such pesticides being hereinafter in this part shall be referred to as pesticides highly toxic to man humans. Provided however, That the commissioner may, Upon application and after an opportunity for a hearing, the commissioner may exempt any pesticide which is in any of these categories, but which is not in fact highly toxic to man, from the these requirements of the Law and the regulations in this part with respect to pesticides highly toxic to man which is not highly toxic to humans:

1. Oral toxicity. A pesticide which has single dose

LD50 of 50 milligrams or less per kilogram of body weight, when administered orally to both male and female rats which have been fasted for a period of 24 hours (or to other rodent or nonrodent species specified by the commissioner); or

2. Toxicity on inhalation. A pesticide which has an LC50 of 2,000 micrograms or less of dust or mist per liter of air or 200 parts per million or less by volume of a gas or vapor, when administered by continuous inhalation for one hour to both male and female rats (or to other rodent or nonrodent species specified by the commissioner), if the commissioner he finds that it is reasonably foreseeable that such concentration will be encountered by man humans; or

3. Toxicity by skin absorption. A pesticide which has an LD50 of 200 milligrams or less per kilogram of body weight, when administered by continuous contact for 24 hours with the bare skin of rabbits (or other rodent or nonrodent species specified by the commissioner).

B. Test on other species.

Tests on other specified rodent or nonrodent species may be required by the commissioner with respect to individual pesticides or to classes of pesticides whenever he finds that tests on other species are necessary to determine whether a pesticide is highly toxic to man humans.

C. Terms LD50 and LC50.

An LD50 as used in connection with oral toxicity and skin absorption toxicity tests specified in paragraph (a) (1) and (2) of this Regulation is the dose, and LC50 as used in connection with inhalation tests specified in paragraph (a) (2) of this Regulation is the concentration, which is expected to cause death within 14 days in 50 percent % of the test animals so treated.

D. Toxicity based on human experience.

If the commissioner finds, after an opportunity for hearing, that available data on human experience with any pesticide indicates a toxicity greater greater toxicity than that determined from found in the above described tests on animals, the human data shall take precedence; and, if he finds that the protection of the public so requires, the commissioner shall declare such a pesticide to be highly toxic to man humans for the purposes of this law and the its regulations thereunder.

Regulation 8.

§ 6. Warning or caution statement.

A. Warning or caution statements; which are necessary and, if complied with, adequate to prevent injury to living man and humans, useful vertebrate, and invertebrate

animals, and useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user; and must. They shall state clearly and in nontechnical language the particular hazard involved in the use of the pesticide; (e.g., ingestion, skin absorption, inhalation, flammability, or explosion), and the precautions to be taken to avoid accident, injury, or damage.

B. The label of every pesticide shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children", and a signal word such as "DANGER", "WARNING", or "CAUTION" as, which the commissioner may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase: Provided, However, the commissioner may permit reasonable variations in the placement of that part of the required warnings and cautions other than the statement "Keep out of reach of children" and the required signal word, if in his opinion such variations would not be injurious to the public. If a pesticide is marketed in channels of trade where the likelihood of contact with children is extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury under any reasonably foreseeable conditions, the commissioner may waive the requirements of the statement "Keep out of reach of children"; if in his opinion, such a statement is not necessary to prevent injury to the public. The commissioner may permit a statement such as "Keep away from infants and small children" in lieu instead of the statement "Keep out of reach of children", if he determines that such a variation would not be injurious to the public.

C. The label of every pesticide which is highly toxic to man as described in Regulation 7 humans shall bear the word words "DANGER" along with the word and "POISON" in red on a contrasting background in immediate proximity next to the skull and crossbones, and an antidote statement including directions to call a physician immediately, on the front panel or that part of the label displayed under customary conditions of purchase. Provided, However, the commissioner may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "POISON" and the skull and crossbones.

D. Warning or caution statements which comply with the requirements of Interpretation 18 of the regulations for the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act; as that Interpretation now exists or may from time to time be amended, shall deem to be considered in compliance with the requirements of these regulations.

Regulation 9.

§ 7. Registration.

Proposed Regulations

A. Eligibility.

Any manufacturer, packer, seller, distributor, or shipper of a pesticide is eligible as a registrant and may register such the pesticide.

B. Effect of registration. If a pesticide is registered under the Law no further registration under the Law is required: Provided, That (1) the product is in the manufacturer's or registrant's original unbroken immediate container; and (2) the claims made for it and the directions for its use do not differ in substance from the representation made in connection with registration.

B. Procedure for registration.

Application for registration should be made on the form provided. Application forms will be furnished upon request to the Virginia Department of Agriculture and Commerce Consumer Services, Office of Pesticide Regulatory Section Regulation, Post Office Box 1163, Richmond, Virginia 23209. Application should be submitted as far in advance as possible and at least thirty days before the time when it is desired that, before the time registration is desired to take effect.

C. Effective date of registration.

Registration of a pesticide shall become effective on the date the certificate of registration is issued.

D. Responsibility of a registrant.

The registrant is responsible for the accuracy and completeness of all information submitted in connection with his application for registration of a pesticide.

E. Changes in labeling or formula.

1. Changes in substance in the labeling, or changes in the formula of a registered pesticide, must be submitted in advance to the Office of Pesticide Regulatory Section Regulation. The registrant must shall describe the exact changes desired and the proposed effective date; and, upon request, shall submit a description of tests which justify such changes.

2. After the effective date of a change in labeling or formula, the product shall be marketed only under the new claims new label or formula, except that a reasonable time may be permitted by the commissioner to dispose of properly labeled stocks of old products.

F. Claims must shall conform to registration.

Claims made for a pesticide must shall not differ in substance from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

Regulation 10.

§ 8. Coloration and discoloration.

A. Unless exempted by Regulation 14 § 13. of these regulations, the white pesticides hereinafter named shall be colored or discolored in accordance compliance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

B. Coloring agent.

The coloring agent must shall produce a uniformly colored product not subject to change in color beyond the minimum requirements specified in these regulations in this part during ordinary conditions of marketing or storage; and. They must not cause the product to become ineffective, or result in its causing cause damage when used as directed.

C. Arsenicals and barium fluosilicate.

Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue; except the yellow-reds and yellows, having a value of not more than eight and a chroma of not less the four, or shall be discolored to a neutral lightness value not over seven.

D. Sodium fluoride and sodium fluosilicate.

Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than eight and a chroma of not less than four, or shall be discolored to a neutral lightness value not over seven.

E. Exceptions.

Notwithstanding the provisions of paragraphs (b) and (c) of this Regulation The commissioner, after the opportunity for a hearing, may permit other hues to be used for any particular purpose, if the prescribed hues are not feasible for such the purpose, and if such this action will not be injurious to the public.

Regulation 11. Adulteration; Valuable Constituent.

(a) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(b) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein; and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

Regulation 12

§ 9. Misbranding.

A. False or misleading statements.

Among representations in the labeling of a pesticide which render it misbranded are the following:

A. 1. A false or misleading statement concerning the composition of the product.

B. 2. A false or misleading statement concerning the effectiveness of the product as a pesticide or device.

C. 3. A false or misleading statement about the value of the product for purposes other than as a pesticide or device.

D. 4. A false or misleading comparison with other pesticides or devices.

E. 5. A false or misleading representation as to the safety of the pesticide or of its ingredients, including a statement such as "nonpoisonous", "noninjurious", or "nonhazardous", unless the product is in fact safe from all conditions.

F. 6. Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of this state *Commonwealth*.

G. 7. The name of a pesticide which contains two or more *active* ingredients, if it suggests the name of one or more but not all such ingredients, even though the names of the other ingredients are stated elsewhere in the labeling:

Provided, however, That it is permissible, when the percentage of each active ingredient is given in the name, to omit reference in name of the product to the inert ingredient.

8. Prominent reference in the labeling to one or more active ingredients without giving their percentages to immediate proximity thereto or without giving equal prominence to the other active ingredients or to the presence of inert ingredients.

H. 8. A true statement used in such a way as to which would give a false or misleading impression to the purchaser.

(10) The term "concentrate" is used in the brand name, unless one of the following conditions is met:

(i) The percentage of principal active ingredients (excluding solvents and modifiers) appears in the brand name on the label. (Example: Doe 50% DDT Concentrate.)

(ii) A statement of weight per volume of the principal active ingredient (excluding solvents and modifiers) appears prominently on the label. (Example: Contains 2 lb. DDT per gallon.)

(iii) The dilution ratio to be followed is part of the brand name. (Example: Doe 10:1 Wood Preservative Concentrate.)

(iv) The product is intended for further processing or formulation prior to sale to the ultimate user. (Example: For Pesticide Manufacturing Use Only.)

B. Justification of false and misleading statements not permitted.

(1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of any person or based upon such statement or opinion shall not be justified nor may such statement be justified by the fact that the statement or opinion is actually that of the person.

(2) The use of false or misleading statement in the labeling cannot be justified by an explanatory statement.

Regulation 13.

§ 10. Enforcement.

A. Collection of samples.

Samples of pesticides and devices shall be collected by a designated agent. An official representative sample shall be one which is taken by the commissioner or his duly authorized agent. An unbroken original package shall be taken as the official sample where the pesticide is packed in small bottles or small packages. Where the pesticide is packed in large containers, the official sample shall be a portion taken from one original package in a lot.

B. Examination of samples.

Methods of sample examination of samples shall be those adopted and published by the Association of Official Analytical Chemists, where applicable, and such any other methods as may be necessary to determine whether if the product complies with the law.

C. Notice of apparent violation.

1. If from an examination or analysis, a pesticide or device appears to be in violation of the law, a written notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him an opportunity to offer such a written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the law and the regulations.

Proposed Regulations

2. ~~Any such person may, in addition to his reply to such notice, file such~~ *In addition to his reply to the notice, any person may file*, within 20 days of receipt of the notice, a written request for an opportunity to present his views orally in connection therewith *an oral defense*.

3. No notice or hearing shall be required prior to the seizure of any pesticide or device.

Regulation 14.

§ 11. Notice of judgment.

Publication of *court judgments of courts in cases arising heard* under the criminal or seizure provision of the law shall be made in the form of notices, circulars, or bulletins as *directed by the commissioner may direct*.

Regulation 15.

§ 12. Products for experimental use.

A. Articles for which no permit is required.

1. A substance or mixture of substances being ~~put through test in which the purpose is tested~~ only to determine its value ~~for as a pesticide purposes~~, or to determine its toxicity or other properties, and ~~where the user does not expect to receive any benefit in pest control from its use~~, is not considered a pesticide within the meaning of § 3.1-198.1 of the law *Code of Virginia*. Therefore, ~~no permit under the Law is required for shipment~~.

2. A pesticide shipped or delivered for experimental use by or under the supervision of any federal or state agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the law and ~~the these regulations in this part~~.

B. Articles for which permit is required.

1. A pesticide shipped or delivered for experimental use by other qualified persons; ~~but not under the supervision of a federal or state agency authorized by Law to conduct research in the field of pesticides shall be exempt from the provisions of the law and of the these regulations; in this part: Provided, that if a permit for such shipment or delivery is obtained prior thereto beforehand.~~ Permits ~~will~~ *may* be of two types ~~either~~, specific ~~and~~ or general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to different persons.

2. If a pesticide is to be tested for a use which is likely to ~~result in a leave residue on or in food or feed~~, a permit for shipment or delivery will be issued

only when:

a. The food or feed product will ~~not only~~ be used ~~for as food or feed only except~~ for laboratory or experimental animals, or

b. Convincing evidence is submitted by the applicant that the proposed use will not ~~result in a produce~~ an amount of residue which would be hazardous to ~~man humans~~ or other animals.

3. A permit for shipment or delivery of any experimental pesticide for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that the applicant's instructions for use reasonably assures the avoidance of injury to all persons concerned.

3. All applications for permits covering shipments for experimental use shall be filed in duplicate and must be signed by the shipper or the person making the delivery and must contain the following *include*:

a. Name and address of the shipper and places ~~or~~ places from which the shipment will be made.

b. Proposed date of shipment or proposed shipping period, not to exceed one year.

c. A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

d. A statement of the approximate quantity to be shipped.

~~(e) Available data or information or reference to available data or information on the acute toxicity of the pesticide.~~

e. A statement of the nature of the proposed experimental program, including the type of pests or organisms to be experimented with, the crops or animals for which the pesticide is to be used, the areas where it is proposed to conduct the program ~~the program will be conducted~~, and including the results of previous tests, where necessary, to justify the quantity requested.

~~(g) When food or feed is likely to be contaminated, either a full statement of action which will be taken to prevent the food or feed from being consumed, except by laboratory or experimental animals, or convincing evidence that the proposed experiments will not result in injury to man or useful animals.~~

f. The percentage of the total quantity specified under subparagraph d of this paragraph which will be supplied without charge to the user.

Proposed Regulations

g. A statement that the pesticide is intended for experimental use only.

h. Proposed labeling which must bear:

(1) The prominent statement "For experimental use only" on the container label and any accompanying circular or other labeling,

(2) A warning or caution statement which may be necessary ; and ; if complied with , adequate for the protection of those who may handle or be exposed to the experimental formulations substance ,

(3) The name and address of the applicant for the permit,

(4) The name or designation of the formulation substance , and

(5) If the pesticide is to be sold, a statement of the names and percentages of the principal active ingredients in the product.

(6) ~~Provided, That, If the shipper shall submits a copy of the valid experimental permit and accepted labeling issued under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act and the accepted labeling related thereto , the commissioner may exempt the shipper from the requirement of submitting as a part of the application, the data and information herein above specified in subparagraphs (v) to (x) (e) through (h) .~~

4. The commissioner may limit the quantity of a pesticide covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, toxicity, or other hazards is not sufficient to justify the scope of experimental use proposed in the application; or make such the proposed experiment and he may impose other limitations in the permit as he may determine to be necessary for the protection of the public.

~~(6) A pesticide intended for experimental use shall not be offered for general sale by a retailer or others or advertised for general sale.~~

C. Cancellation of permits.

Any permit for shipment for experimental use may be cancelled at any time for any violation of the its terms thereof .

Regulation 16.

§ 13. Exemption.

Any pesticide specified in Regulation 10 § 8. of these regulations which is intended solely for use by a textile manufacturer or commercial laundry, cleaner, or dyer as

a mothproofing agent, or used in the manufacture or processing or rubber, glue or leather goods, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric and will not be present in these finished goods in sufficient quantities to cause injury to any person, shall be exempt from the requirements of § 3.1-233(4) of the law Code of Virginia, and § 8 of these regulations.

~~B. The pesticide sodium fluoride shall be exempt from the requirements of Section 3.1-233(4) of the Law and Regulation 10(e) of these Regulations when;~~

~~(1) it is intended for use as fungicide solely in the manufacturer or processing of rubber, glue, or leather goods;~~

~~(2) coloration of said pesticide in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods;~~

~~(3) said pesticide will not be present in such finished goods in sufficient quantities to cause injury to any persons; and~~

~~(4) said pesticide will not come into the hands of the public except after incorporation into such finished goods.~~

Regulation 17.

§ 14. Declaration of pests.

In addition to those pests defined in Article 1 of the law, the commissioner hereby declares as pests the following forms of plant and animal life and viruses:

1. Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;

2. Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;

3. Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;

4. Amphibians and reptiles, including but not limited to poisonous snakes;

5. Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;

6. Roots and other plant parts growing where not wanted;

7. Viruses, other than those on or in living man humans or other animals.

Proposed Regulations

Regulation 18:

§ 15. Handling and storage.

No person shall handle, transport, store, display, or distribute pesticides in ~~such~~ a manner as to ~~which may~~ endanger ~~man and his humans and the~~ environment, or to endanger food, feed, or any other products that may be transported, stored, displayed, or distributed with ~~such~~ the pesticides.

Regulation 19:

§ 16. Disposal.

No person shall dispose of, discard, or store any pesticides or pesticide containers in ~~such~~ a manner as ~~which~~ may cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects, or to pollute any water supply or waterway.

Regulation 20:

§ 17. Application and equipment.

A. No person shall apply, dispense, or use any pesticide in or through any equipment or application apparatus unless ~~such~~ the equipment or ~~application~~ apparatus is in sound mechanical condition and capable of satisfactory operation. All pesticide application equipment shall be properly equipped to dispense the proper amount of material; . All pesticide mixing, storage, or holding tanks, whether on application equipment or not, shall be leakproof; . All spray distribution systems shall be leakproof, and any pumps which ~~such~~ these systems may have shall be capable of operating at sufficient pressure to assure a uniform and adequate rate of discharge; .

B. ~~and~~ All pesticide application equipment shall be equipped with ~~whatever~~ cut-off valves and discharge orifices ~~may be necessary~~ to enable the operator to pass over nontarget areas without contaminating them. All hoses, pumps, or other equipment used to fill pesticide handling, storage, or application equipment shall be fitted with an effective valve or device to prevent backflow of pesticides or pesticide use dilutions into water supply systems, streams, lakes, other sources of water, or other materials. ~~Provided,~~ However, ~~such~~ these backflow devices or valves are not required for separate water storage tanks used to fill agricultural pesticide application equipment by gravity systems when the fill spout, tube, or pipe is not allowed to contact or fall below the water level of the application equipment being filled, and no other possible means of establishing a backsiphon or backflow exists.

Regulation 21:

§ 18. Cancellation authority.

All pesticides upon which ~~cancellation~~ have been

~~cancelled or suspension action suspended~~ by the United States Government ~~has been~~ may be are subject to cancellation in Virginia; . ~~Provided,~~ that No registration shall be revoked or refused until the registrant ~~shall have~~ has been given an opportunity for a hearing by the commissioner. Any appeal of cancellation ~~action~~ at the federal level shall not affect cancellation proceedings with this Commonwealth.

Regulation 22:

§ 19. Restricted pesticides.

Unless otherwise specified herein, federally permitted uses of pesticides will be permitted in Virginia.

Regulation 23:

§ 20. Additional requirements for highly hazardous pesticides.

When the commissioner has evidence that the use of any highly hazardous pesticide ~~product or substance~~ will significantly affect the quality of the total environment or the health and safety of individual users, nontarget species, or a geographic area, he shall, with the approval of the board, control the distribution, sale and use of ~~such~~ ~~product or the~~ substance by employing one or more of the following regulatory procedures:

1. Registration of sellers and users;
2. Records and reports on quantities sold and used;
3. Sales and use permits;
4. Certification of compliance to approved label precautions; and
5. Approved supervision of use.

Regulation 24:

§ 21. Categories for commercial applicators.

Certified commercial applicators of pesticides classified for restricted use shall be licensed in one or more of the following categories:

A. Agricultural pest control.

1. Plant

This category includes commercial applicators using, or supervising the use of, restricted-use pesticides in production of agricultural crops (including but not limited to: tobacco; , peanuts; , cotton; , food and feed grains; , soybeans and forage; ~~vegetables~~; , small fruits; , tree fruits and, nuts; and Christmas trees) as well as on, grasslands and noncrop agricultural lands.

Proposed Regulations

2. Animal

This category includes commercial applicators using or supervising the use of restricted-use pesticides on agriculturally related animals ; including , but not limited to : beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock; and to places on or in which such animals are confined for control of pests directly affecting such animals.

Doctors of veterinary medicine engaged in the business of applying pesticides for hire, ~~publicly holding~~ ~~publicizing~~ themselves out as pesticide applicators, or engaged in large-scale use of pesticides , are included in this category.

B. Forest pest control.

This category includes commercial applicators using , or supervising the use of , restricted-use pesticides in forests, forest nurseries, and forest seed-producing areas.

C. Ornamental and turf pest control.

This category includes commercial applicators using , or supervising the use of , restricted-use pesticides to ~~control~~ pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf, { including, but not limited to, golf courses, parks, cemeteries, etc. }

D. Seed treatment.

This category includes commercial applicators using , or supervising the use of , restricted-use pesticides on seeds.

E. Aquatic pest control.

This category includes commercial applicators using , or supervising the use of , any restricted use pesticide in or on standing or running water, for the expressed purpose of controlling pests ~~excluding~~ . (This excludes applicators engaged in public health related activities included in category H below.)

F. Right-of-way pest control.

This category includes commercial applicators using , or supervising the use of , restricted-use pesticides in the maintenance of public rights-of-way for roads, electric power lines, telephone lines, pipelines, ~~and~~ railways , ~~or~~ and other similar areas.

G. Industrial, institutional, structural and health-related pest control.

This category includes commercial applicators using , or supervising the use of , restricted-use pesticides in, on, or around food-handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments ; including warehouses and grain elevators, and other structures and adjacent or related areas, public

or private; for the protection of the structures or controlling nuisance pests or for the protection of stored, processed, or manufactured products. This category does not include commercial applicators using , or supervising the use of , restricted-use pesticides specific to other categories covered by this regulation (i.e. forest pest control, ornamental and turf pest control, right-of-way pest control, etc.)

H. Public health pest control.

This category includes state, federal, or other governmental employees using , or supervising the use of , restricted-use pesticides in public health programs for the management and control of pests having medical and public health ~~importance~~ ~~significance~~ .

I. Regulatory pest control.

This category includes state, federal, or other governmental employees who use , or supervise the use of , restricted-use pesticides in the control of regulated and nuisance pests.

J. Demonstration and research pest control.

This category includes:

1. Individuals who demonstrate, by actual use or application, the proper use and techniques of application of restricted-use pesticides , or who supervise such demonstration, including such persons as extension specialists, county agents, commercial representatives, or others; and

2. Persons conducting field research with pesticides, including such persons as state, federal, commercial, and other persons conducting field research on or ~~utilizing~~ ~~using~~ restricted-use pesticides.

Regulation 25.

§ 22. Standards of certification of commercial applicators.

A. Determination of competency.

Competence in the use and handling of pesticides to prevent unreasonable adverse effect on the environment shall be determined on the basis of written examinations administered by the commissioner or his authorized agent and, as appropriate, performance testing based upon standards set forth below. ~~Such~~ This examination and testing shall include the general standards applicable to all categories , and the additional standards specifically identified for each category or subcategory (if any) in which an applicator is to be certified.

All commercial applicators engaged in the aerial application of restricted-use pesticides in any category shall furnish evidence of:

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1. Compliance with Title 14, Code of Federal Regulations; Chapter 1, Sub-Chapter G , Part 137 , (Agricultural Aircraft Operations).

2. Compliance with § 10, rules and regulations under the Aviation Law of Virginia as issued by the Virginia Department of Aviation, as adopted February, 1981.

B. General standards for all categories of certified commercial applicators :

1. All commercial applicators shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems in situations appropriate to the particular category or subcategory of the applicator's certification , and the following areas of competency.

For purposes of these regulations , practical knowledge ~~means is~~ the possession of pertinent facts and comprehension ~~together~~ , with the ability to use them in dealing with specific problems and situations.

To the extent that such factors are relevant to applications by commercial applicators in the category, The examination may cover factors such as:

a. Label and labeling comprehension:

(1) The general purpose, format, and terminology of pesticide labels and labeling;

(2) The understanding of directions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;

(3) ~~The~~ classification of the product, ~~as to whether~~ general or restricted; and

(4) ~~Necessity~~ ~~The need~~ for use consistent with the label.

b. Safety - factors including:

(1) Pesticide toxicity and hazard to ~~man~~ humans and common exposure routes;

(2) Common types and causes of pesticide accidents;

(3) Precautions, including reentry or preharvest intervals where appropriate, necessary to guard against injury to applicators and other individuals in or near treated areas;

(4) Need for and use of required protective clothing and equipment;

(5) Common symptoms of pesticide poisoning;

(6) First aid and other procedures to be followed in

case of a pesticide accident; and

(7) Proper identification, storage, transporting, handling, mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from ~~having~~ ~~gaining~~ access to pesticides and pesticide containers.

c. Environment.

The environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

(1) Weather and other climatic conditions;

(2) Types of terrain, soil, or other substrate;

(3) Presence of fish, wildlife, and other nontarget organisms and potential accumulation in the food chain;

(4) Drainage patterns.

d. Pest identification:

(1) Common features of pest organisms ~~pests~~ and the characteristics of ~~the~~ damage needed for pest recognition ~~they cause~~ ;

(2) Recognition of relevant pests; and

(3) Pest development and biology as it may be relevant to ~~problem~~ identification and methods of control.

e. Pesticide products:

(1) Types of pesticides;

(2) Types of formulations;

(3) Compatibility, *synergism*, persistence and animal and plant toxicity of the ~~formulations~~ ~~products~~ ;

(4) Hazards and residues associated with use;

(5) Factors which influence effectiveness or lead to ~~such~~ problems as *like* resistance to pesticides; and

(6) Dilution procedures.

f. Equipment operation:

(1) Types of equipment and advantages and limitations of each type; and

(2) Uses, maintenance, and calibration.

g. Application techniques.

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(1) ~~Methods of Procedure~~ used to calculate and apply various formulations of pesticides, solutions, and gases, ~~together with and~~ a knowledge of which technique ~~of application~~ to use in a given situation;

(2) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(3) ~~Prevention of drift and pesticide loss into the environment.~~

h. Laws and regulations - General knowledge of:

(1) Applicable state and federal laws and regulations, including responsibilities associated with the supervision of noncertified applicators.

C. Specific standards of competency for each applicable category of commercial applicators.

Commercial applicators in each category as described in § 21 shall be particularly qualified with respect to the practical knowledge of standards as ~~elaborated listed~~ below:

1. Agricultural pest control

a. Plant.

Applicators must demonstrate practical knowledge of the crops grown in ~~his their~~ operational areas, and the specific pests of those crops on which they may be using restricted-use pesticides. ~~The importance of such~~ This competency is ~~amplified by important~~ because of the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, preharvest intervals, reentry intervals, phytotoxicity, and potential for environmental contamination, nontarget injury and community problems ~~resulting from~~ caused by the use of restricted-use pesticides in agricultural areas.

b. Animal.

Applicators applying pesticides directly to animals, or to places on or in which animals are confined, must demonstrate practical knowledge of such animals and their associated pests. A Practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator must demonstrate practical knowledge of the relative hazards associated with ~~such factors as~~ formulation, application techniques, age of animals, stress, and extent of treatment.

2. Forest pest control.

Applicators shall demonstrate practical knowledge of the types of forests, forest nurseries, and forest seed production in the ~~state Commonwealth~~ and the pests to be controlled. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A Practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large ~~and~~, frequently include natural aquatic habitats, and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must, therefore, demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Applicators must demonstrate practical knowledge of proper use of specialized equipment ~~must be demonstrated, especially as it relates to~~ including problems or meteorological factors and adjacent land use.

3. Ornamental and turf pest control

Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including practical knowledge of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of ~~application~~ methods which will minimize or prevent hazards to humans, pets, and other domestic animals.

4. Seed treatment

Applicators shall demonstrate practical knowledge of types of seeds commonly used in his operating area that require chemical protection against pests, and factors such as required seed coloration and special labeling, carriers, and surface active agents which influence pesticide binding and may affect germination. They ~~must shall~~ demonstrate practical knowledge of hazards associated with handling, sorting ~~and~~, mixing, and misuse of treated seed ~~such as~~, including the introduction of treated seed into food and feed channels, ~~as well as and~~ proper disposal of unused treated seeds.

5. Aquatic pest control

Applicators shall demonstrate practical knowledge of the secondary effects ~~which can be caused by of~~ improper application rates, incorrect formulations, and faulty application of restricted use pesticides ~~used in this category~~. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must demonstrate practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial

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insects, and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited-area application.

6. Right-of-way pest control

Applicators shall demonstrate practical knowledge of a wide variety of environments, since right-of-ways can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction, and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides ~~with~~ in the right-of-way area, and the impact of their application activities in the adjacent areas and communities.

7. Industrial, institutional, structural and health related pest control

Applicators shall demonstrate a practical knowledge of the variety of pests controlled by applicators licensed in this category, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage, and contamination of habitat, and exposure of people and pets. Since human exposure, (including babies, children, pregnant women, and elderly people), is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which will lead to a hazardous condition, including continuous exposure in the various situations ~~encountered~~ cited in this category. Because health-related pest control may involve outdoor applications, applicators ~~must~~ shall also demonstrate practical knowledge of environmental conditions particularly related to this activity.

In order to provide the opportunity for specialization, and, to minimize the need to demonstrate competence in areas of work outside the applicator's particular interest and need, this category is divided into subcategories as elaborated below:

a. General pest control

Applicator uses or supervises the use of restricted-use pesticides in or around households, churches, offices, warehouses, schools, factories, etc. for the protection of people, clothing, fabrics, paper, pets, and stored foods in private residences, including apartments.

b. Wood-infesting organisms

Applicator uses or supervises the use of restricted-use pesticides in the prevention and control of wood-infesting organisms including termites, wood-destroying beetles and ants, and fungi

for the preservation and protection of fences, materials, utility poles, buildings, and other structures.

c. Food processing pest control

Applicator uses or supervises the use of restricted-use pesticides in food manufacturing and processing plants and warehouses, food handling establishments, canneries, mills, dairies, restaurants, grain elevators, bakeries, ships, vehicles, meat packing plants, cafeterias, rest homes, and hospital food preparation areas, etc.

d. Fumigation

Applicator uses or supervises the use of restricted-use pesticides as fumigants in any of the above areas as a pest control practice or as a fruit or tobacco ripening technique. Such products containing methyl bromide, chloropicrin, sulfurly fluoride, carbon tetrachloride, ethylene dibromide, etc., are considered fumigants.

Applicators may become certified and licensed in one or all established subcategories.

8. Public health pest control

Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and ~~employment~~ use of such nonchemical control methods as sanitation, waste disposal, and drainage.

9. Regulatory pest control

Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate practical knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their practical knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the ~~state~~, Commonwealth where emergency measures are invoked to control regulated pests, and where individual judgements must be made in new situations.

10. Demonstration and research pest control

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a. Persons demonstrating, by actual use or application, the safe and effective use of pesticides to other applicators and the public, shall be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration ; ; and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they shall demonstrate a practical knowledge of pesticide organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators doing demonstration pest control work possess a practical knowledge of all of the standards detailed in § 22 A. In addition, they shall meet the specific standards required for categories 1 through 7 of the section as may be applicable *pertain* to their particular activity.

b. Persons conducting field research or method improvement work with restricted-use pesticides shall be expected to know the general standards detailed in *subsection A of § 22 A*. In addition, they shall be expected to know the specific standards required for categories 1 through 9 of this section, applicable to their particular activity ; ; or alternatively, to meet the more inclusive requirements listed under "Demonstration".

Regulation 26

§ 23. Records.

A. All commercial applicators, or their employers, shall ~~keep and~~ maintain for a period of two years records of all applications of pesticides classified for restricted use. Such records shall be maintained separately or distinguishable from the customary sales invoices ~~provided given~~ to customers and shall provide:

1. Name and address of customer and address of ~~site~~ site of application, if different.
2. Name and certification number (or certification number of the supervising certified applicator) of the person ~~(s)~~ making the application.
3. Date of application. (month, day, year)
4. Type of plants, crop, animals, or ~~site(s)~~ sites treated and principal ~~pest(s)~~ pests to be controlled.
5. Acreage, area, or number of plants or animals treated, or other appropriate description.
6. Pesticide applied, including label name (brand name), type of formulation and company name appearing on the label.

7. Total amount (pounds, gallons, etc.) of pesticide mixture applied.

8. Type of equipment used. (Including required personal protective equipment when applicable).

9. Disposal method of unused ~~pesticide(s)~~ pesticides or empty containers.

B. All required records shall ~~upon written request~~ be made available *upon written request* for inspection ~~and/~~ or copying by the commissioner or his authorized agent.

C. While not required, all private applicators are encouraged to keep ~~and maintain~~ records of all applications of pesticides classified for restricted use.

Regulation 27

§ 24. Standards for certification of private applicators.

A. Competence in the use and handling of pesticides by a private applicator will be determined by procedures set forth below.

B. As a minimum requirement for certification, a private applicator must demonstrate practical knowledge of the pest problems and pest control practices associated with his agricultural operations ; ; proper storage, use, handling, and disposal of the pesticides and containers ; ; supervision of noncertified applicators ; ; and other related legal responsibility necessary to prevent unreasonable adverse effects on the environment. This practical knowledge includes *the* ability to:

1. Recognize common pests to be controlled, and damage caused by them.
2. Read and understand the label and labeling information - including the common name of *the* pesticide applied ; ~~pest(s)~~ pests to be controlled; timing and methods of application; safety precautions; ~~and~~ pre-harvest or reentry restrictions; and any specific disposal procedures.
3. Apply pesticides ~~in accordance with~~ *according to* label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances, taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.
4. Recognize local ~~environment~~ *environmental* situations that must be considered during application to avoid contamination.
5. Recognize common poisoning symptoms and procedures to follow in case of a pesticide accident.

C. ~~Such~~ The competence of each private applicator shall

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be verified by the commissioner through the administration of ~~private applicator~~ certification system which ensures that the private applicator is ~~competent~~, based upon the standards set forth above, ~~qualified~~ to use the restricted-use pesticides under limitations of applicable state and federal laws and regulations. A certification system shall employ a written or oral testing procedure, or such other equivalent system as ~~may~~ be adopted by the commissioner, subject to the approval of the United States Environmental Protection Agency.

1. In any case where a person ~~is unable to read a label~~ at the time of testing for certification is ~~unable to read a label~~, the commissioner may employ use a testing procedure ~~previously approved by the United States Environmental Protection Agency~~ which can adequately ~~assess measure~~ the ~~person's~~ competence of such persons with regard to all of the above standards. Certification must be related and limited to the use and handling of each individual pesticide for which he desires certification at any time. Therefore, the applicator will be authorized to use only the pesticide(s) for which he has demonstrated competence. A specific procedure is required relating to label comprehension, testing, or demonstration designed to assure his practical knowledge of the following:

a. Understanding of the label and labeling information, including those items indicated in § 24 subsection A paragraph 2 above.

b. Sources of advice and guidance necessary for the safe and proper use of each pesticide related to his certification.

D. Certification options available to private applicators are:

1. General certification.

This option certifies the private applicator as competent to apply any restricted-use pesticide which he would normally expect to use in his particular agricultural operations. Competency determination shall reflect all aspects of the private applicator standards, and shall be broad enough to test the private applicator's ability to apply general principles to specific problems associated with the restricted use pesticides required for the production and protection of his crops.

2. Pesticide class certification.

This option certifies the private applicator as competent to apply any restricted-use pesticide in the same class or family. This includes all different pesticide products and all different formulations of a pesticide used for the same purpose use, or application. Examples include, but are not limited to: pre-emergency herbicides for vegetable crops, foliar

insecticides on corn, rodenticides in fruit orchards, nematocides in fields prior to planting, ground application of fungicides on vegetables, seed treatments for plant diseases, desiccants and defoliants on cotton, and livestock dips for insect control. Competency determination shall reflect the full range of the private applicator standards, but with special emphasis placed on the particular characteristics of the pesticide class, as well as the nature of the application or use.

3. Commodity/crop/site certification.

This option certifies the private applicator as competent to apply any restricted-use pesticide needed for specific crops or sites which the applicator would be expected to deal with in his agricultural operations. This would include includes any pesticide products (different pesticide classes, active ingredients, and formulations) used on a specific line or class; designation. Examples include: single crop, such as cotton, corn, peanuts, apples, tobacco, or wheat; single site class, such as poultry houses or dairy barns; single livestock line, such as beef cattle, swine, or turkeys; crop classes class, such as forage crops or small fruits; site class, such as barns or greenhouses; and livestock class, such as poultry.

Competency determination shall reflect the full range of the private applicator standards, with emphasis placed on the particular characteristics of the specific crop or site, or crop/site class, concerned and the pests involved.

A private applicator may wish to be certified for a specific site or crop (such as cotton, corn, or beef cattle) or for a site or crop class (such as forage crops, livestock, small grain crops).

4. Single product certification.

This option certifies as ~~competent~~ the private applicator ~~the private applicator as competent~~ for one or more uses of a single product or related products with the same active ingredient and with a similar formulation and uses. Competency determination shall reflect all appropriate uses of these products for the agricultural area where he will be expected to make applications apply the pesticide.

5. Single products/single use authorization (emergency program).

This option would authorize authorizes the private applicator to make single use application(s) applications of a restricted-use product, or other products of the same formulation.

This option may be used only as an emergency provision to accommodate situations, such as an unexpected pest problem, that requires immediate

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certification of a previously uncertified private applicator, or of one whose particular type of certification ~~would~~ does not cover the product needed to deal with the problem.

E. Methods of determining competency.

Private applicators desiring certification may elect any of the following methods except as provided in paragraphs 4 and 5 above.

1. Written examination (~~open book~~) following lecture-type training.

Examination to cover only the materials presented in the training.

2. Written examination (~~open book~~) following self independent study. Examination to cover only the self-study materials made available.

3. Written examination without prior training.

4. Oral examination and *simulated or actual* demonstration (~~simulated or actual~~) following self independent study. Examination to cover only the self independent study materials made available, and will be equivalent in scope to the written examination. To be made available to persons unable to demonstrate the required competence by means of paragraphs 1 through 3 above.

5. Fact finding interview. This method of competency demonstration is available only for emergency certification as provided in subsection C paragraph 5 above.

All determinations of competency shall be made by the commissioner or his authorized agent.

Regulation 28

§ 25. Standards for application of pesticides classified for restricted use by noncertified applicators.

A. Application of pesticides classified for restricted use may be made by noncertified applicators, provided ~~such that the~~ applicator is a competent person(s) ~~person~~ acting under the direct supervision of (as defined in § 3.1-212.1 of the law Code of Virginia) of a certified applicator whose certification permits such application. The certified applicator acting in a supervisory role supervisor shall be available to the noncertified applicator in the event if he is needed. It shall be the responsibility of the certified applicator ~~applicator's responsibility~~ to keep the noncertified applicator ~~person~~ fully aware of all directions for use and cautions necessary for safe use and application of any restricted-use pesticide he may be directed to apply.

B. In addition, all noncertified applicators applying using

any pesticide classified for restricted use, under the direct supervision of a certified applicator shall have available at the application site ~~or~~ and at the loading and mixing site, if different from the application site:

1. Detailed written or printed directions for applying the restricted-use pesticide. Pesticide product label may suffice.

2. Detailed written or printed instructions describing procedures to be followed in order to prevent injury to the applicator; or other persons, ~~and/~~ or unreasonable adverse effects on the environment. Pesticide product label may suffice.

3. Detailed instructions for contacting the certified applicator under whose supervision the noncertified applicator is working (i.e. name, location, telephone number, radio contact, etc.). Such instructions, when followed, shall result in produce direct communication with the certified applicator.

C. For the purpose of this regulation, "under the direct supervision of" shall include the receipt by the noncertified applicator of verifiable specific and individual job or work assignments and instructions from the his certified supervisor applicator under whose direct and control the non-certified applicator is functioning prior to the use and application of a pesticide classified for restricted use.

D. In other situations, as required by the label, the actual physical presence of a certified applicator may be required when application is made by a noncertified applicator.

Regulation 29.

§ 26. Evidence of financial responsibility.

A. As provided in § 3.1-249.9 of the Code of Virginia, each applicant for a commercial applicator's license, or his employer, shall ~~furnish~~ provide evidence to the commissioner ~~evidence~~ of financial responsibility prior to issuance of such license before the license is issued.

B. ~~Such~~ This financial responsibility shall consist of liability insurance or surety bond, issued by an insurance or surety company authorized to do business in this state Commonwealth, conditioned to liability resulting from caused by the handling, storage, application, ~~or~~ use ~~and/~~ or misuse, or disposal of any restricted-use pesticide.

C. The minimum coverage for liability insurance shall be:

1. In the amount of \$50,000 coverage for bodily injury or death to each person, and \$100,000 for each occurrence.

2. In the amount of \$100,000 ~~property~~ damage

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~~coverage for each occurrence~~ of property coverage for each occurrence of property damage.

D. ~~In lieu~~ *Instead* of insurance coverage, a surety bond to the commissioner conditioned for payment in *the same* amounts and under the same circumstances as required in a ~~policy(s)~~ of bodily injury and property damage liability insurance, as required in *subsections A and B above*, is acceptable.

E. ~~Such~~ *This* financial responsibility shall be maintained at the minimum required coverage at all times during the license period. The commissioner shall be notified at least 10 days prior to any reduction at the ~~request of the applicant~~ or cancellation of ~~such~~ *the* liability insurance or surety bond.

F. Certification of financial responsibility shall be ~~furnished~~ *provided* by the surety or insurance company on appropriate forms.

~~Regulation 30-~~

§ 27. Service container labeling.

A. Containers other than the original registrant's or manufacturer's containers (Article 3, § 3.1-233(2) of the *Code of Virginia*, notwithstanding) used for the temporary storage ~~and/~~ or transportation of pesticide concentrates or end-use dilutions, shall bear abbreviated labeling as elaborated below:

PESTICIDE CONCENTRATE

If the pesticide to be temporarily stored ~~and/~~ or transported is a concentrate to be further diluted, the container shall bear a ~~securely attached~~ *securely attached* label ~~securely attached~~ with the following information:

1. Product name (brand names from product label);
2. EPA registration number (from product label);
3. Name and percentage of active ingredient(s) from the product label; *and*
4. Appropriate signal word; i.e., Poison, Danger, Warning, Caution (from product label).

B. The above labeling is required for concentrate service containers, regardless of container type, size, or capacity.

PESTICIDE END-USE DILUTIONS OR END-USE CONCENTRATES

A. If the pesticide to be temporarily stored ~~and/~~ or transported is to be applied without further dilution, the container shall bear a ~~label~~ *securely attached label* with the following information:

1. Product name (brand name from product label) preceded by the word "Diluted" or "End-Use Concentrate";

2. EPA registration number from concentrate product label;

3. Name of active ingredient(s) and percentage(s) of end-use dilution; *and*

4. Appropriate signal word: i.e., Poison, Danger, Warning, Caution (from product label).

B. Abbreviated labeling is not required for the following:

1. End-use dilution containers not exceeding three gallons liquid or three pounds dry capacity, when such containers are used as application devices; i.e., hand-held sprayers, dusters, puffers, etc.

2. Containers used by farm supply dealers for the temporary storage ~~and/~~ or transportation of pesticide concentrate or end-use dilutions, provided *that* sales invoices ~~and/~~ or delivery tickets adequately identifying the pesticide(s) ~~containers therein~~ accompany each shipment or delivery.

3. On farm concentrate or end-use dilution containers or application equipment used for the temporary storage ~~and/~~ or transportation of such pesticides for agricultural use.

4. Aircraft-mounted containers used for temporary storage ~~and/~~ or transportation of concentrate or end-use dilution pesticides, provided *that* aircraft logs or other documents adequately identifying the pesticide(s) ~~contained therein~~ accompany the aircraft.

~~Regulation 31-~~

§ 28. Mixtures.

A. General sale. *Regardless of type container* mixtures of pesticides with fertilizers or with other pesticides, when offered for general sale to the public ~~regardless of type container~~, shall be registered prior to sale, distribution, or use. In addition, any pesticide/fertilizer mixture shall be registered ~~and/~~ or labeled as required by the Virginia Fertilizer Law. All bulk containers shall bear the registered pesticide product label and a copy of ~~such the~~ label shall accompany each shipment or delivery.

B. Custom mixtures. Pesticides may be mixed with fertilizers or with other pesticides without label registration when the pesticide product is duly registered, and when such mixtures are not prohibited by the registered pesticide label.

C. ~~Provided; however;~~ When ~~such these~~ mixtures are intended for the production of agricultural commodities, the person making ~~such the~~ mixtures shall ~~make available~~

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provide the following written or printed information to the applicator and/or customer ; if other than the applicator, the following written or printed information :

1. Brand name(s) and EPA registration no.(s) of pesticide product(s);
2. Percentage(s) by weight of active ingredient(s);
3. Directions for application, use and , harvest limitations and cropping restrictions; and
4. Precautionary and warning statements sufficient to ensure proper, safe use, and disposal of such the mixture.

D. The registered pesticide product label(s) will suffice. All such labeling shall be subject to approval by the commissioner.

* * * * *

Title of Regulation: VR 115-04-05. Rules and Regulations for the Enforcement of the Virginia Commission Merchant Law.

Statutory Authority: § 3.1-721 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Rules and Regulations for the Enforcement of the Commission Merchants Law were considered in accordance with the Governor's Regulation Review Process to determine if the requirements were needed and to assure that they were clearly and simply stated as well as to review for the deletion of any rule not needed. The regulation establishes industry-wide rules to provide for the orderly marketing of and proper accounting for tobacco sold at auction in licensed warehouses. The regulation prescribes sales records to be kept, identifies persons that can alter records or reject a sale, and provides authorization from consignor for licensee to buy tobacco for his own account.

Nontechnical changes were made in 105 rules to improve sentence structure and clarity. No additional requirements were added.

VR 115-04-05. Rules and Regulations for the Enforcement of the Virginia Commission Merchants Law.

§ 1. Definitions. Whenever used in this regulation:

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

The "Buyer bill" shall mean that means the document generated by the licensee showing the tobacco purchased by each buyer at each sale.

The "Check register" shall mean means the daily journal that is maintained by the licensee to record each check issued by the warehouse covering tobacco sales.

The "Coupon" shall mean means any one of the copies of the ticket.

The "Long and short" document shall be that means the document granted provided by the buyer showing the adjustment in the buyer to reflect tobacco received and paid for by the buyer.

The "Ticket" shall mean means the document which is used to identify a single sale unit in the auction system.

The "Tobacco sale bill" or "Floor sheet" shall mean means the document that is used to record the data from the ticket covering the sales transaction of individual sellers.

"Virginia Weights and Measure Law" means regulations promulgated under the requirements of Chapter 35 (§ 3.1-919 et seq.) of the Code of Virginia.

§ 2. Applicability.

These regulations shall apply to tobacco auction warehouses licensed under the Commission Merchants Law, Article 2, (§ 3.1-692 et seq.) Chapter 26 of Title 3.1 of the Code of Virginia.

§ 3. Records to be kept.

A. For the purpose of meeting complying with § 3.1-713(h) of the Law Code of Virginia, and in order to give a true account of sales as required in § 3.1-709(c) of the Code of Virginia, the following records shall be kept by the licensee and made available for inspection by the Commissioner of the Department of Agriculture and Consumer Services. (This does not preclude the inclusion of other information needed by the licensee or others) :

1. Sequentially numbered tickets covering sales transactions. A sale transaction shall be regarded is defined as a transaction appearing on the tobacco sales bill for which the seller received payment.
2. Preprinted sequentially numbered tobacco sale bills, including voided tobacco sale bills.
3. Check registers.
4. Buyer bills or recap sheet of buyers bills.
5. Long and short documents.

B. The licensee shall accurately record on the ticket:

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1. Seller identification. (Grower's name or crop number).
2. Warehouse number or name.
3. Ticket number - preprinted sequential numbers meet this requirement for flue-cured. Sale bill number plus line number suffix and basket number meets this requirement for burley.
4. Tobacco sale bill number.
5. Date of weighing.
6. Net weight.
7. Buyer.
8. Price.

And provide space for the USDA inspector to record:

9. USDA grade.
10. Date of grading.
11. Grader identification.

C. The licensee shall accurately record on the tobacco sale bill:

1. Tobacco sale bill number - preprinted sequential numbers meet this requirement.
2. Sale date.
3. Seller identification.
4. Warehouse identification.
5. The following information for each ticket covered by the tobacco sale bill:
 - a. Ticket number or basket number.
 - b. Buyer.
 - c. Net weight.
 - d. Price per pound.
 - e. Sale extension - amount.
6. Warehouse charges.
7. Excise tax deduction.
8. Amount paid seller.

D. The licensee shall accurately record in the check register or other comparable record the following information:

1. Check number.

2. Date of issue.
3. Tobacco sale bill number.
4. Amount paid.

E. The licensee shall accurately record on the buyer bill the following information on the buyer bill for each sale unit purchased by the buyer:

1. Ticket or basket number.
2. Net weight.
3. Price.
4. Tobacco sale extension - amount.

§ 4. Accountability for alterations to records.

A. Alterations.

Section 3.1-713(h) of the ~~Law~~ *Code of Virginia* requires that "any record which is altered in any fashion must bear the full signature of the person authorized to make, and who is responsible for, the alteration". For the purpose of this regulation, alterations to such records shall apply only to tickets and tobacco sale bills. Such alterations made by the warehouse owner, operator, ticket marker, or bookkeeper may be identified by their initials, provided *that* their full signature and *the* initials to be used are posted in the tobacco warehouse office.

1. Ticket.

Alterations to the ticket shall apply only to the weight, buyer, or price ; and shall have the full signature or initials as permitted in *subsection A of § IV 4*, of the person authorized to make , and who is responsible for , the alteration.

2. Tobacco sale bill.

Alterations on tobacco sale bills shall apply only to the weight, buyer, price, or total net amount due to the seller ; and shall have the full signature ; or initials as permitted in *subsection A of § IV 4* ; of the person authorized to make , and who is responsible for , the alteration.

- a. Full signature.

For the purpose of § 3.1-713(h) of the *Code of Virginia* and this regulation , the following examples are considered full signatures:

- (1) John Henry Jones
- (2) John H. Jones
- (3) John Jones
- (4) J.H. Jones
- (5) J. Jones

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§ 5. Sales rejected by the seller.

For the purpose of meeting the requirements of § 3.1-713(h) of the Code of Virginia, any record which is altered because of a rejected sale by the seller shall be so indicated on the tobacco sale bill by the word "rejected", or the letter "R", and properly initialed as permitted by subsection A of § IV 4. of this regulation. The rejected sale ticket or coupon is not required to be kept.

§ 6. Authorization from consignor for licensee to buy tobacco for his own account except during auction.

For the purpose of § 3.1-718(e) of the Code of Virginia, prior authority from the consignor in writing is required only when the licensee purchases the tobacco for his own account except at auction. Where prior written authority has not been obtained from the consignor, a telephone conversation or other oral authorization by the consignor permitting the licensee to buy his tobacco for his own account shall be permitted, provided that written authorization is given by the consignor signing the ticket or other appropriate statement before a final sale is consummated.

The licensee does not need written authorization to act in behalf of a producer by rejecting a sale and making disposition of the tobacco in accordance with § VIII 8 as follows:

1. Holding for resale at auction.
2. Reselling to the original buyer at a higher price.
3. Reselling to another buyer at the same or a higher price.

§ 7. Replacement ticket.

Any replacement ticket must be clearly identified as a replacement, and in such a way that the ticket it replaces can be identified. Such terms as "replaces", "duplicate", and "in lieu of" would meet this requirement. The replacement ticket must indicate the ticket number it replaces.

§ 8. Alterations to tickets and tobacco sales bills.

Alterations to weight, buyer, price, or total amount due the producer may be made by ~~person~~ persons authorized to make, and who are responsible for, such alterations under the following conditions and requirements:

1. Weight on ticket.

Only persons authorized by Regulation No. 4 § 18. of the Virginia Weights and Measures Law may alter weights on tickets. Changes shall be initialed as provided in Weights and Measures Regulation No. 4 § 18.

2. Buyer or price on ticket during auction.

As long as the auctioneer controls the sale, the ticket marker is authorized to make, and is responsible for, alterations on the ticket as to the buyer or price. Changes must be initialed by the ticket marker.

3. Buyer or price on ticket after auction.

When the auctioneer is no longer in control of the sale, alterations on the ticket as to the buyer or price may be made by the person outlined below with signature as indicated:

a. When the producer rejects a sale, the following disposition of the sales unit may be made:

- (1) Producer may hold for resale - no signature required.
- (2) Producer may sell to original buyer at a higher price. The original buyer must sign the ticket.
- (3) Producer may sell to another buyer. The producer and the new buyer must sign the ticket.

b. When the original buyer finds a sale unit to be objectionable, the following disposition of the sale unit may be made:

- (1) The original buyer may sell the sale unit to another buyer who may be the licensee. Both the original buyer and the new buyer, including the licensee; if he is the new buyer, must sign the ticket; or
- (2) In the event the sale unit is found to be nested, unsound or unsafe ~~order~~, or contains foreign matter or inferior tobacco to the extent that the quality of the sale unit is significantly lowered, the buyer may ask for a reinspection by the USDA grader; ~~and~~. If the sale unit is determined by the grader to be of lower quality, the buyer may reject the sale unit, which would then be held by the licensee for disposition by the seller. The original buyer must sign the ticket.

c. When the licensee rejects a sale on behalf of a producer, the following disposition of the sale unit may be made:

- (1) Without written authorization for the producer, as required in § 3.1-718(e) of the Code of Virginia to buy tobacco for his own account, the licensee:
 - (a) May hold for future sale.
 - (b) May resell to the original buyer at a higher price. The original buyer must sign the price alteration.

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(c) May sell to another buyer, other than himself. The original buyer must sign to release the sales unit, and the new buyer must sign to accept the sales unit.

(2) With written authorization from the producer, as required by § 3.1-718(e) of the Code of Virginia to buy tobacco for his own account, the licensee may, in addition to the options listed in ~~3(a)~~ paragraph c (1) above, reject the sale and purchase the tobacco for his own account, provided that the licensee signs the ticket.

* * * * *

Title of Regulation: VR 115-04-06. Rules and Regulations for Enforcement of the Virginia Commercial Feed Law.

Statutory Authority: § 3.1-813 of the Code of Virginia.

Public Hearing Date: February 26, 1986
(See Calendar of Events section for additional information)

Summary:

These regulations were considered in accordance with the Governor's Regulation Review Process to determine if the requirements were needed and to assure that they were clearly and simply stated as well as to review for deletion of any requirement not needed.

These regulations are deemed necessary to define terms specifically applicable to the Virginia Commercial Feed Law and establish criteria for listing required information on commercial feed labels. Without these regulations, firms or persons who process or manufacture commercial feed ingredients, manufacture or sell commercial feeds or purchase and use commercial feeds in the production of meat, milk, and eggs for human consumption in Virginia, would not have an understanding of the terms used in the Virginia Commercial Feed Law or the criteria for listing the required information on commercial feed labels.

Changes were made in 102 requirements to improve sentence structure and clarity only and 33 requirements were deleted. No new requirements were added to these regulations.

VR 115-04-06. Rules and Regulations for Enforcement of the Virginia Commercial Feed Law.

Regulation 1. Words in Singular Form.

Regulation 2.

§ 1. Definitions.

A. Words used in the singular form in ~~the~~ these regulations shall include the plural, and vice versa, as ~~the~~ ~~case may require~~ appropriate.

B. All terms used in these regulations shall have the meaning set forth for such in the law. In addition, ~~such~~ ~~construed~~ the following words and terms shall have the following meaning, unless the context clearly indicates otherwise:

"Animal" means any animate being which is not human endowed with the power of voluntary action.

"Adulteration" means a commercial feed is adulterated if:

1. If Enough of any poisonous, deleterious harmful or non-nutritive ingredient has been added in sufficient amount to render it injurious to endanger animal health when feed used according to labeling directions.

b. If any valuable constituent has been in whole or part omitted or abstracted therefrom or any inferior substance substituted therefor.

2. Any part of an essential component has been omitted, removed, or replaced with an inferior substance.

C. If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

3. The composition or quality of the feed fails to conform to its representation in the labeling.

4. If It was prepared or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to animal health.

5. If It consists in whole or in part of contains any filthy, putrid, decomposed, tainted, unsound or unwholesome substance.

6. If Its container is composed of any injurious or deleterious substance which may render cause the feed injurious to endanger animal health.

"Board" means the Virginia Board of Agriculture and Consumer Services. (Amended November 30, 1966 and July 1, 1978)

"Brand" means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in Virginia.

"Canned animal food" means all materials packed in metal cans, in glass containers, or in any airtight container; with a moisture content of 70% or more which are distributed for use as food for animals other than man

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humans .

"Commercial feed" means ~~includes all mixed or unmixed feed feeding stuffs, mixed or unmixed,~~ such as including concentrates, supplements, molasses, minerals mixtures, and all other materials used for their nutritional or physical properties for feeding to animals other than man, except those materials exempted by the Law.

"Commissioner" means the Virginia Commissioner of Agriculture and Consumer Services or his delegated assistant or agent. (Amended November 30, 1966 and July 1, 1978)

"Distribute" means to offer for sale, sell, or barter.

"Distributor" means a person who offers for sale, sells, or barter commercial feeds.

"Feed ingredient" means each of the constituent materials making up a commercial feed.

"Inert mineral matter" means ~~Inert material is mineral matter that does not contribute dietary factors has no nutritional value .~~

"Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed. The invoice or delivery slip with which a commercial feed is distributed in bulk is the label.

"Labeling" means ~~all labels and any written, printed, graphic or advertising matter any written, printed, graphic, or advertising information pertaining to the commercial feed which is :~~

1. ~~Upon the commercial feed or any of its containers or on the invoice or delivery slip. On the commercial feed or any of its containers,~~
2. ~~Accompanying the commercial feed at any time. On the invoice or delivery slip, or~~
3. ~~Pertaining whatsoever to the commercial feed including registration Accompanying the commercial feed at any time .~~

"Law" means Chapter 28 of Title 3.1 of the Code of Virginia, hereinafter known as the Virginia Commercial Feed Law.

"Materials of little or no feeding value" means those materials either organic or inorganic materials ; which, in the proportions present, are recognized by nutritionists as having little or no nutritional value for the purpose intended .

"Medicated feed" means a product obtained by mixing a drug, as defined in § 3.1-829 of Chapter 29 of Title 3 of the Code of Virginia, and a commercial feed ; and . It is

subject to all provisions of this Law the Virginia Commercial Feed Law . (Amended November 7, 1968)

"Misbranding" means a commercial feed is misbranded if :

1. ~~Unless the label bears The label does not include :~~
 - a. The name and principal address of the manufacturer, distributor, or person responsible for placing ~~such~~ the commercial feed on the market.
 - b. The name, brand or trade-mark under which the commercial feed is sold.
 - c. An accurate statement of the net weight of the contents.
 - d. An accurate statement of the minimum percentage of crude protein.
 - e. An accurate statement of the minimum percentage of crude fat.
 - f. An accurate statement of the maximum percentage of crude fiber.
 - g. The English name of each ingredient or the statement, "Ingredients as filed with the State", in lieu of the list of ingredients. (Amended November 7, 1968 and September 22, 1980)
 - h. Adequate warnings against use in those ~~under normal or pathological conditions whether pathological or normal,~~ where its use may be dangerous to the ~~endanger animal~~ health of animals , or against unsafe use or application as necessary for the protection of animals.
2. If Labeling is false or misleading in any particular.
3. If It is distributed under the name of another commercial feed.
4. If Its container is so made, formed or filled as to be deceptive or misleading as to the amount of contents.
5. If Its labeling bears any reference to registration or license under the Law. (Amended November 7, 1968 and February 26, 1981)
6. If It ~~purports to contain or is represented as containing a feed ingredient, unless such feed ingredient conforms to the definition of identity, if any, prescribed by regulation of the board.~~
7. If Any word, statement or other information required by Law or under authority of the Law to appear on the label or labeling is not prominently placed ~~thereon with such conspicuousness upon the~~

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label so conspicuously (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to ~~render~~ make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

"Official sample" means any sample of feed taken by the commissioner and designated as "Official" by the commissioner.

"Person" means an individual, partnership, association, corporation, firm, agent or authorized group of individuals whether incorporated or not.

"Prohibited noxious-weed seeds" means the seeds of perennial weeds which not only reproduce by seed but which also spread by underground roots and stems; and which, when established, are highly destructive and are not controlled in the State Commonwealth by cultural practices commonly used commonly used cultural practices. These include but are not limited to the seeds of Field bindweed "Convolvulus arvensis", Quackgrass "Agropyron repens", Canada thistle "Cirsium arvense", Johnson grass "Sorghum halepense", and Plumeless thistle, which includes Musk thistle and Curled thistle "Carduus spp.". (Amended November 7, 1968)

"Restricted noxious-weed seeds" means the seeds of such weeds as which are very objectionable in fields, lawns and gardens in this State Commonwealth and are difficult to control by cultural practices commonly used cultural practices. These include but are not limited to seeds of Dodder "Cuscuta spp.", Bermuda grass "Cynodon dactylon", Wild onion bulblets, Wild garlic bulblets "Allium spp.", Wild mustard "Brassica spp.", Giant foxtail "Setaria faberia", Wild radish "Raphanus raphanistrum", and Annual bluegrass "Poa annua". (Amended November 7, 1968)

"Sell" means "Sell" (or "Sell") includes exchange sales, barter, or exchange.

"Ton" means a net weight of two thousand 2,000 pounds, avoirdupois.

Regulation 3.

§ 2. Brand names.

A. The name of a brand must shall not tend to mislead the purchaser with respect to any quality of the feed. If the brand name indicates that the feed is made for a specific use, the character of the feed must shall conform therewith to that use. A mixture labeled "Dairy Feed," for example must shall be adapted for that purpose.

B. A brand name shall not be derived from one or more ingredients of a mixture. A distinctive name shall not be one representing represent any component of a mixture.

C. The word "vitamin" or a contraction thereof, or any word suggesting vitamin, may be used in the brand name of a feed only in the case of a feed represented solely to be a vitamin supplement, and which is labeled with the minimum vitamin content guaranteed as specified in Regulation 4 B subsection B of § 3.

D. The term "Mineralized" shall not be used in the brand name of a feed except for "Trace Mineralized Salt." When so used, the product must shall contain significant amounts of trace minerals which are recognized as essential for the nutrition of animals. The ingredients shall be stated in the form in which used The mineral compound source of each mineral except salt (NaCl) shall be stated in the ingredient statement.

E. When the brand name carries a percentage value, it shall be understood to signify minimum crude protein content. If any other percentage values are used in brand names, they must shall be followed by the proper description.

F. Cattle feeds, unless specifically labeled "to be fed to beef cattle," must meet the minimum standards with respect to protein, fat, and fiber content established by the Board for a dairy feed.

G. F. If the brand name of a feed includes the word "candy," "sweet," or some comparable term, the product must shall contain a minimum of 5.0 percent % total sugars, calculated as invert sugar. If molasses is used, the type must shall be declared.

H. G. "Screenings." If to any unmixed by product feed there should be added screenings, either ground or unground, bolted or unbolted, such brand shall be so labeled and sold as clearly to indicate this fact. If screenings, either ground or unground, bolted or unbolted, are added to any unmixed by-product feed, the brand shall be labeled clearly to indicate this fact. The word "Screenings" shall appear as part of the name of brand and shall be printed in the same size type and face of type as the remainder rest of the brand name. (Amended February 26, 1981).

I. H. "Labels for Wheat Bran and Wheat Shorts Containing Screenings." The admixture of any proportion of wheat screenings requires a declaration to that effect in the brand name, and in type of which shall be printed in the same size and type face as the remainder rest of the brand name; . and In no case shall the admixture exceed mill run of screenings.

1. Wheat Bran with Ground Wheat Screenings.
2. Wheat Shorts with Ground Wheat Screenings.

Regulation 4.

§ 3. Expression of guarantees.

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A. The sliding scale method of expressing guarantees (for example, "Protein 15-18%") is prohibited, except as specifically ~~provided~~ *allowed* in the law or in these regulations.

B. Vitamins, when guaranteed, shall be expressed in milligrams per pound of feed, except that:

1. Vitamin A shall be stated in USP units, except for precursors of Vitamin A.

2. Vitamin D, when used in products for poultry feeding, shall be expressed in International Chick Units.

3. Vitamin D for other uses shall be expressed in USP units.

4. Vitamin E shall be expressed in USP or International Units per pound of feed.

C. The common feed ~~and~~ or mineral guarantees are not required for any product represented solely to be a vitamin supplement ~~and~~ which is labeled with a minimum vitamin guarantee as specified in Regulation 4 B subsection B of § 4.

D. Calcium - When a minimum and maximum percent of calcium is guaranteed, the maximum percent of calcium shall not exceed by more than 20 percent % the minimum percent of calcium. (Example: Calcium minimum, 10 percent %, maximum 12 percent %), provided that in the event that the minimum percent of calcium is 5.0 percent % or less, the maximum percent of calcium may exceed the minimum by one percent 1.0% of calcium. (Example: Calcium minimum 3.0 percent %, maximum 4.0 percent %).

E. When guaranteed, minerals; except salt (NaCl) ~~when guaranteed~~, shall be stated in terms of percentage of the element.

Regulation 5-

§ 4. Ingredient statement.

A. The term "dehydrated" may precede the name of any product that has been artificially dried.

B. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

C. Inert Mineral Matter and Charcoal - In the case of feeds containing inert grit, other added inert mineral matter or charcoal, the ingredient statement must include the kind and percentage of grit or ~~each~~ other added inert mineral matter, charcoal, etc. In case the percentage of inert grit, other mineral matter ~~and~~ or charcoal, separately or together, is five percent 5.0% or more, the brand name ~~must~~ *shall* also include the name and percent of such matter, such as "With% Grit," "With%

Charcoal," and "With% Charcoal and Bentonite," etc.

D. No declaration of vitamin potency of a feed or feed supplement shall appear in the ingredient statement or any other part of the label, excepting that such statement is a guarantee of minimum vitamin potency of the entire product given in terms as specified in Regulation 4 B subsection B of § 3.

Regulation 6-

§ 5. Labeling.

A. The information required in § 3.1-807 of the Law Code of Virginia, with the exception of the net weight, ~~must~~ *shall* appear in its entirety on one side of a label or on one side of the container; ~~providing~~. However, that in case a tag is used, the directions for use and warnings against misuse may appear on the other side ~~thereof~~ of the tag. (Amended November 7, 1968)

B. When ingredients are listed, the names of all feed ingredients ~~must~~ *shall* be shown in letters or type of the same size.

C. When feeds carry label information in more than one position on the container, there shall be no variance with respect to name, ingredients, or guaranteed composition.

D. The term "Degermed" must precede the name of any product from which the germ has been wholly or partially removed.

E. ~~No printed or written matter or design of any kind shall be attached to or appear on or be packed with feed, if such matter contains any statement which is incorrect, or which is at variance in any respects with the information on the principal label. All printed or written information attached to or packed with feed must conform in all respects to the information printed on the principal label.~~

F. Labeling which ~~suggests or implies that the presence of added enzyme-bearing materials improves improve~~ the utilization of a product ~~will not be accepted is prohibited~~ unless the claims are substantiated by scientific evidence.

G. The term "Bond Phosphate of Lime," "Bone Phosphate of Lime (BPL)," or "BPL" shall not be used in connection with the labeling of feed ingredients.

Regulation 7-

§ 6 Minerals.

A. When the word "Iodized" is used in connection with a feed ingredient, the ingredient shall contain not less than 0.007 percent % of iodine, uniformly distributed.

B. Phosphatic materials for feeding purposes shall be labeled with a guarantee of the minimum and maximum

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percentages of calcium, the minimum percentage of phosphorous, and the maximum percentage of fluorine.

C. The fluorine content of any mineral or mineral mixture which is to be used directly for feeding of animals shall not exceed 0.30 percent % for cattle; 0.35 percent % for sheep; 0.45 percent % for swine; and 0.60 percent % for poultry.

D. Soft phosphate with colloidal clay, rock phosphates, or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluorine concentration of the feed above the following amounts: 0.009 percent % for cattle; 0.01 percent % for sheep; 0.014 percent % for swine; and 0.035 percent % for poultry.

Regulation 8.

§ 7. Nonprotein nitrogen.

Urea, ammonium salts of carbonic and phosphoric acids, and ammoniated products defined by the Association of American Feed Control Officials are acceptable ingredients in proprietary cattle, sheep, and goat feeds only; . These materials shall be considered adulterants in proprietary feeds for other animals and for birds; . The maximum percentage of equivalent protein from nonprotein nitrogen ~~must shall~~ appear immediately below the crude protein in the chemical guarantees; and the name of the substance supplying the nonprotein nitrogen ~~must shall~~ appear in the ingredient list. If the equivalent protein from nonprotein nitrogen in a feed exceeds one-third of the total crude protein, or if more than 8.75% equivalent protein is from nonprotein nitrogen, the label shall bear a statement of proper usage; . ~~and~~ The label shall also bear the following statement in type of such conspicuousness as to render it likely to be read and understood by ordinary individuals under customary conditions of purchase and use conspicuous type :

WARNING: This feed should be used only in accordance with the directions furnished on the label.

Regulation 9.

§ 8. Ingredients.

A. Commercial feed shall not be ~~mixed with nor~~ adulterated with any of the following materials: Chaff ~~and/~~ or Dust, Cocoa Meal, Moldy Grain, Dirt, Elevator Chaff, Flax Plant Refuse, Coconut Shell, Humus, Peat, Sand, Sawdust, Screening Refuse, Spaghnum Moss, Leather, or any other material of little or no feeding value.

B. Commercial feeds shall not be ~~mixed with nor~~ adulterated with any whole ~~and/~~ or viable prohibited noxious-weed seeds, nor with any whole ~~and/or~~ viable restricted noxious-weed seeds. ~~(Amended November 7, 1968).~~

Regulation 10.

§ 9. Methods of sampling and analysis.

Where applicable, the latest printed Official Methods of Analysis of the Association of Official Analytical Chemists, Incorporated, shall be used; ~~where applicable,~~ for the sampling and analysis of commercial feeds. ~~(Amended November 7, 1968)~~

Regulation 11.

§ 10. Definitions and standards.

The definitions, standards, and recommendations of the Association of American Feed Control Officials shall be followed in the administration of Law, except where they conflict with the provision of the Law or with regulations promulgated ~~thereunder~~, under the law.

Regulation 12.

§ 11. Cancellation of registration and license.

The following causes are sufficient to justify the cancellation of ~~registrations~~ a registration of commercial feeds ~~feed~~ and of a license to manufacturer ~~and/~~ or distribute commercial feed; . ~~provided, that~~ However, no registration or license shall be cancelled until the registrant, manufacturer, or distributor ~~shall have~~ has been given an opportunity for a hearing by the commissioner ~~when~~ : ~~(Amended February 26, 1981)~~

1. ~~When~~ The brand name of the feed is found to be misleading in any respect.
2. ~~When~~ The feed is found to contain an injurious enough of a harmful ingredient ~~insufficient amount~~ to render it injurious to ~~endanger~~ animal health when fed according to labeling directions.
3. ~~When~~ Packages are ~~incorrectly~~ labeled with regard to ~~ingredients~~ The ingredients are ~~incorrectly stated on the label~~.
4. ~~When~~ The analyses of samples establish the fact of misbranding or adulteration.
5. ~~When~~ Labels on packages contain any statement, design, or device which tends to mislead the purchaser.
6. ~~When~~ False, fraudulent, or misleading claims concerning the feed are ~~disseminated~~ made by any medium whatsoever means.

Regulation 13.

§ 12. Additives.

A. Preservations Preservatives. No added preservatives

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preservative of any kind may be used in the manufacture of a feed until its use, and the condition of its use, shall have been approved by the commissioner.

B. Artificial Color. No artificial color may be used in feeds unless the color has been shown to be harmless to animals, and has been approved by the Federal Food and Drug Administration.

No material shall be used to enhance the natural color of a feed or feed ingredient whereby to conceal inferiority would be concealed.

Regulation 14.

§ 13. Crude fiber standards.

Whenever crude fiber standards are designated in definitions of various grain or cereal products, such standards shall apply also if screenings are added.

Regulation 15.

§ 14. Applications for registration of commercial feeds.

Applications for registration of commercial feeds shall be accompanied by two copies of the proposed label. A statement of claims made or to be made which differ from the label submitted shall be filed with the commissioner prior to before use.

Regulation 16.

The minimum nutritive values and definitions for special purpose feeds as established by the Association of Southern Feed Control Officials shall be followed except the Commissioner may make exceptions when data is presented to prove to the satisfaction of nutritionists at Virginia Polytechnic Institute and State University; that deviations are nutritionally sound. (Amended October 30, 1962; December 3, 1964; and November 7, 1968.)

Regulation 17. Dried Poultry Waste.

Dried poultry waste is processed poultry excreta, with or without litter, collected from the commercial production of poultry, which is thermally dried so as to contain not more than 15% moisture; not less than 15% crude protein; not more than 18% crude fiber; not more than 30% ash and not more than 2% feathers. Dried poultry waste shall be free of pathogenic organisms and shall not contain unsafe levels of pesticide or drug residues and shall be free of extraneous materials such as, but not limited to, wire, glass, nails, and metal.

Dried poultry waste may be used as an ingredient in commercial feeds; except for commercial feeds intended to be fed 15 days prior to or during the food production period to dairy animals producing milk or laying hens producing eggs; unless by poultry production records it can be established and certified that the dried poultry waste

intended to be fed to milk producing animals or laying hens is from poultry which have not received medicants.

The product shall be sold by the name "Dried Poultry Waste" and labeled to show a guarantee of minimum crude protein; maximum equivalent crude protein from nonprotein nitrogen; minimum crude fat; maximum crude fiber; maximum moisture; and maximum ash. Its labeling shall include directions for use and when recommended for sheep the label shall also include a guarantee for copper which shall not exceed 25 ppm.

The label for "Dried Poultry Waste" and any other commercial feed in which dried poultry waste is an ingredient shall, except as otherwise provided by this regulation, carry the following warning statement: "Warning - Do not feed 15 days prior to or during food production periods to dairy animals producing milk or to laying hens. Discontinue use 15 days prior to the slaughter of animals for human consumption." Dried poultry waste from sources known to be free of drugs by poultry production records is exempted from the preceding warning statements and, in lieu thereof, shall be labeled "Certified free of drug residues."

The label for any commercial feed intended for feeding to nonruminant animals in which dried poultry waste is an ingredient shall state parenthetically following the crude protein guarantee the maximum equivalent crude protein from nonprotein nitrogen which is not nutritionally available as follows:

Crude Protein, minimum %

This includes not more than ...% equivalent crude protein from nonprotein nitrogen which is not nutritionally available to (state species of animals for which the feed is intended).

(Adopted April 22, 1976)

§ 15. Materials of Little or No Feeding Value Accepted for Specific Use by the Commissioner.

A. The following materials may be used as ingredients of horse and mule feed, and ingredients of ruminant feed; but not as ingredients of any other feeds; except as otherwise accepted for specific use by the Commissioner in this Appendix: barley hulls, buckwheat hulls, corn cobs, cottonseed hulls, extracted chrysanthemum residue, flax plant product, flaxseed hulls, oat hulls, peanut hulls, soybean hulls, rice hulls, and rice mill by product.

B. Hydrolyzed poultry feathers may be used as an ingredient in commercial feeds.

C. Oat hulls, soybean hulls, peanut hulls, rice hulls, rice mill by product, and/or corn cobs may be used as an ingredient of low protein, high fiber pullet or young turkey hen developers; intended to be fed to replacement pullets or to young turkey hens to delay sexual maturity and

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onset of egg production:

D. Materials of little or no feeding value may be accepted, in at the discretion of the Commissioner, as ingredients of commercial feeds when used solely as carriers for drugs or other desirable substances. When so accepted, the commercial feeds shall be labeled, with respect to such materials, as specified by the Commissioner.

E. Soybean mill feed may be used as an ingredient in chicken feeds and turkey feeds.

F. Soybean hulls may be used as an ingredient in dog foods.

G. Peanut hulls may be used as an ingredient in special diet dog foods intended to facilitate weight loss in adult dogs.

H. Soybean hulls, soybean mill feed, soybean mill run, oat hulls and/or rice hulls may be used as an ingredient in swine feeds.

I. Rice hulls, oat hulls, peanut hulls, and/or soybean hulls may be used as an ingredient in laying rations.

J. Soybean hulls, rice hulls, peanut hulls, cottonseed hulls and/or corn cobs may be used as an ingredient in rabbit rations.

* * * * *

Title of Regulation: VR 115-04-07. Rules and Regulations Governing the Virginia Animal Remedies Law.

Statutory Authority: § 3.1-839 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These proposed regulations (i) establish a method of determining if an animal remedy manufacturer has proper equipment and qualified personnel, (ii) establish the criteria for storage of biologicals and (iii) specify the methods of analysis to be used. The proposed changes are made to improve sentence structure and clarity. They contain no changes in policy.

VR 115-04-07. Rules and Regulations Governing the Virginia Animal Remedies Law.

Regulation 1:

§ 1. Equipment and Supervision

If and when requested by At the request of the

Commissioner of the Department of Agriculture and Consumer Services, a registrant shall furnish provide a description of his equipment and a listing list of the qualifications of his supervisory personnel. Such reports, together with further investigation if necessary, will form the basis for determining if the requirements of § 3.1-839 3.1-837(c) of the Law as to Code of Virginia are being met as they apply to adequate equipment and proper qualification for supervision are being met supervisory qualifications.

Regulation 2:

§ 2. Biologicals.

No Any biological product shall be sold or which is offered for sale unless it has must have been properly stored under such conditions, including refrigeration if necessary, as may be required to preserve its efficacy and safety in use, during the entire time it has been in the possession of the person selling it or offering it for sale during the entire time that it has been in the seller's possession. Proper storage includes any conditions required to preserve the safety and effectiveness of the product, including refrigeration if necessary.

Regulation 3:

§ 3. Methods of sampling and analysis.

A. The latest printed Official Methods of Analysis of the Association of Official Agricultural Chemists, Incorporated, shall be used, where applicable, for the sampling and analysis of animal remedies Where applicable, sampling and analysis of animal remedies shall conform to the latest printed edition of the "Official Methods of Analysis" from the Association of Official Analytical Chemists, Incorporated.

B. At the request of the commissioner, the applicant for registration of any animal remedy whose label or labeling, of which includes quantitative claims as to an ingredient or ingredients, shall; upon request, furnish the Commissioner provide a satisfactory analytical method for the verification of such claims.

* * * * *

Title of Regulation: VR 115-04-08. Rules and Regulations for the Enforcement of the Virginia Agricultural Products Dealers Licensing and Bonding Law.

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Public Hearing Date: February 26, 1985 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Preventing misunderstanding between produce growers

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and produce buyers is essential in maintaining a wholesome marketing atmosphere.

This regulation (i) requires the licensee to declare, at the time application is made for a license, the conditions under which the licensee intends to operate; (ii) requires the license to be conspicuously posted in the licensee's place of business; requires (iii) "Conditional Buyers" to provide additional information to the producer when shipment is rejected; requires (iv) proper accounting of receipt and delivery of products; (v) requires that all contracts be filed with the Department of Agriculture and Consumer Services; and (vi) prescribes rules for filing complaints of violations.

VR 115-04-08. Rules and Regulations for the Enforcement of the Virginia Agricultural Products Dealers Licensing and Bonding Law.

Regulation 1. of Terms and Phrases:

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Buyer or shipper" means a dealer who purchases any agricultural product from a producer, and who takes possession at the buyer's place of business or at the producer's place of business at an agreed price without conditions or contingencies.

"Conditional buyer" means a dealer who purchases any agricultural product from a producer by quoting a fixed net price ; or fixed gross price less handling charges ; . to the producer and The purchase is conditioned upon the arrival of the product at the first point of delivery in the grade specified at the time of purchase. (Grade shall include size, quality, and soundness.)

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Grower's agent or broker" means a dealer who negotiates the sale of agricultural produce on behalf of the producer pursuant according to the terms of an agreement between the parties. Written agreements are recommended but not required.

"Handling for the account of" means a dealer who accepts agricultural products from a producer to be sold directly to a specific and identified purchaser, exclusive of intermediate dealers, agents or brokers, for which the dealer charges a fixed percentage commission on gross returns, or a fixed fee per unit of product, with or without additional charges such as grading, packing, etc.

"Virginia Agricultural Products Dealers Licensing and Bonding Law" means Article 3 (§ 3.1-722.1 et seq.) of

Chapter 35 of Title 3.1 of the Code of Virginia.

Regulation 2:

§ 2. License to operate as a dealer.

Every person who applies for a license to operate as a dealer under the Virginia Agricultural Products Dealers Licensing and Bonding Law shall declare, at the time of applying for a license, the conditions (one or more) as defined in § 1. under which he intends to operate, and the license issued shall be limited to the conditions declared. All such licenses issued shall be conspicuously posted in the dealers place of business.

Regulation 3:

Any dealer acting as a conditional buyer who experiences a rejection of any lot of produce shall notify the producer by telephone or direct verbal communication of the rejection as soon as possible but not more than 96-hours from the time the produce was shipped from the conditional buyers place of business or from the producers place of business and shall establish with the producer new conditions of handling the produce in question. Under such conditions, the conditional buyer shall revert to status of either "Handling for the account of" or "Grower agent or broker" as defined in Regulation 1 as mutually agreed between the dealer and producer. Such telephone or verbal communication shall be confirmed in writing, including the new conditions of handling which is agreed upon; to the producer by the conditional buyer within 48 hours. All such rejection shall be substantiated by an official USDA inspection at the point of rejection, unless waived by the producer in writing.

§ 3. Notification of rejected produce.

If any lot of produce is rejected, the conditional buyer shall notify the producer as soon as possible, either by telephone or in person. This notification must be made within 96 hours of the time the produce was shipped from the producer's or conditional buyer's place of business. The conditional buyer and the producer shall establish new conditions for handling the produce in question. Under such conditions, the conditional buyer shall assume the status of either "Handling for the account of" or "Grower agent or broker," as decided by the producer and the dealer. All verbal communication concerning the rejection and new conditions for handling shall be confirmed in writing, by the dealer to the producer, within 48 hours. All such rejection shall be confirmed by an official USDA inspection at the point of rejection, unless confirmation is waived by the producer in writing.

Regulation 4:

Every dealer shall furnish the producer, for each lot of produce received or accepted, under any condition, a written receipt in the form of a delivery receipt or invoice accounting specifying the conditions under which the

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produce is being handled in accordance with one of the terms defined in Regulation 1. Such accounting to the producer shall be made as expediently as possible but not later than 72 hours from the time of receipt or acceptance by the dealer, his employee, his agent or the buyer whichever occurs first.

§ 4. Receipt of acceptance.

Every dealer shall give a written receipt to the producer for each lot of produce received or accepted. Such receipt may be either a delivery receipt or an invoice which specifies the conditions under which the produce is handled (see § 1.). Such receipt shall be made within 72 hours of the time the produce is received or accepted by the dealer, his employee, his agent, or the buyer, whichever comes first.

Regulation 5.

§ 5. Failure to comply.

Any producer aggrieved by the failure of a dealer to comply with §§ 3. and 4. shall file a complaint with the department within five days after discovery of the failure.

Regulation 6.

§ 6. Filing of contracts.

Copies of all contracts made pursuant to § 3.1-722.14 of the Code of Virginia shall be filed with the Regulatory Inspection Service Section, Virginia Department of Agriculture and Commerce Consumer Services, 203 N. Governor Street 1100 Bank Street, Richmond, Virginia.

* * * * *

Title of Regulation: VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Regulations were adopted under § 3.1-271 of the Code of Virginia in 1966, and amended in 1968 and 1970. This regulation references the method of inspecting, sampling, testing, and the application of tolerance. Noxious weed seeds are named and divided into two classes, i.e. Prohibited (none are permitted) and Restricted (permitted with specified limits and maximum rate of occurrence). The regulation list agricultural, vegetable, flower, tree and shrub seed. Labeling requirements include (i) minimum germination standards for vegetable, flower and peanut seed; (ii) maximum percentage of inert matter and

weed seeds; and (iii) format for labeling treated seed.

Pursuant to the Governor's Regulatory Review Process, the regulations were reviewed by a nontechnical review person, and 73 changes were made for clarity. Additionally, seven kinds were added to the agricultural list. Four requirements were deleted by removing the requirement that lawn and turf seed mixtures be labeled as fine textured and coarse kinds.

VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

Regulation No. 1.

§ 1. Methods of inspecting, sampling, and testing, and the application tolerances.

Method of inspecting, sampling, and testing, and the application of tolerance shall be according to the Rules for Testing Seeds adopted by the "Association of Official Seed Analysts" * except:

A. For those kinds of tree and shrub seed not included in the Rules for Testing Seeds, "Association of Official Seed Analysts", the testing procedure used shall be those recommended by the National Tree Seed Laboratory.

B. That tolerances are not allowed on prohibited noxious weed seeds.

C. Tolerance shall apply to flower and vegetable germination standards only as specified in Regulations §§ 9 and 11 of these regulations.

D. For seed peanuts the testing tolerance will be five on the minimum germination standard.

* Effective July 1, 1965, copies of which may be obtained from the commissioner upon request.

* Currently effective, copies of which may be obtained from the commissioner upon request, at cost.

Regulation No. 2.

§ 2. Noxious weed seeds.

Noxious weed seeds as defined in the Law Virginia Seed Law, Article 4 (§ 3.1-262 et seq.) of Chapter 16 of Title 3.1 of the Code of Virginia are divided into two classes:

A. Prohibited noxious weed seeds are as follows:

Balloonvine - "Cardiospermum halicacabum"

Canada thistle - "Cirsium arvense"

Field Bindweed - "Convolvulus arvensis"

Johnsongrass, Sorgrass and, Sorghum almum, and

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hybrids derived therefrom - "Sorghum" spp. -
Perennial

Plumeless thistles, which includes Musk thistle, and
Curled thistle - "Carduus" spp.

Quackgrass - "Agropyron repens"

Sicklepod - "Cassia tora"

Annual Bluegrass - *Poa annua*

16 per ounce or
256 per pound

Regulation No. 3.

§ 3. Net weight requirements.

A. Net weight on all containers is required is required
on all containers except on packets containing less than
one-half ounce avoirdupois.

B. Restricted noxious weed seeds are as follows :

1. Agricultural and vegetable seed containing such
noxious weed seeds shall be prohibited from sale for
seeding purposes (except as indicated below), if the
number per ounce of such noxious weed seed found
exceeds the limitation allowed for each. Such weed
seeds and limitations shall be as follows:

B. All net weight labeling shall be consistent with the
requirements of the Virginia Weights and Measures Law,
Chapter 35 (§ 3.1-919 et seq.) of Title 3.1 of the Code of
Virginia, and the Virginia Weights and Measures
regulations except that under appropriate circumstances
when a seed tag is used the net weight information may
appear on the seed tag rather than on the seed bag.

KIND	LIMITATION
Wild onion bulbets and wild garlic	5 per ounce or
bulbets - allium spp.	80 per pound for orchardgrass; 2 per ounce or 32 per pound for other kinds
Dodder - <i>Cuscuta</i> spp.	4 per ounce or 64 per pound
Common Bermudagrass - <i>Cynodon dactylon</i>	2 per ounce or 32 per pound
Giant Bermudagrass - <i>Cynodon</i> sp., (limitation: 2 per ounce or 32 per pound, singly or collectively); provided, however, that either may be sold as such, and when seed of one is present in seed of the other, both types shall be classified as agricultural seed. Provided further, either may be sold in grass seed mixtures if it is claimed in the labeling as an ingredient.	
Wild mustard - <i>Brassica</i> spp. - includes all species when incidentally occurring in agricultural seed, provided that species listed in Regulations	5 per ounce or 80 per pound
§§ 5 and 9 of the regulations may be sold as such when labeled as required.	
Giant foxtail - <i>Setaria faberi</i>	4 per ounce or 64 per pound
Wild radish - <i>Raphanus raphanistrum</i>	1 per ounce or 16 per pound

Regulation No. 4.

§ 4. Labeling treated seed.

A. Contents of label.

All seed treated as defined by § 3.1-263 (28) of the Code
of Virginia, the Virginia Seed Law, shall be labeled in type
no smaller than eight points to indicate that such seed has
been treated and to show the name of any substance or a
description of any process (other than application of a
substance) used to treat such seed, for example:

Treated with ... (Name of substance or process)...

or ... (Name of substance or process) ... treated.

If the substance used in such treatment in the amount
remaining with the seed is harmful to humans or other
vertebrate animals, the seed shall also bear a label
containing statements as specified by subsections C and D
below. The label shall contain the required information in
any form that is clearly legible and complies with this
regulation. The information may be on the analysis tag, on
a separate tag, or printed on the container in a
conspicuous manner.

B. Name of substance.

The name of any substance as required by paragraph
subsection A of this section shall be commonly accepted
coined, chemical (generic), or abbreviated chemical name.
Commonly accepted coined names are not private
trademarks and are free for use by the public and are
commonly recognized as names of particular substances
such as thiram, captan, lindane, and dichlone. Examples of
commonly accepted chemical (generic) names are:
bluestone, calcium carbonate, cuprous oxide, zinc
hydroxide, hexachlorobenzene and ethyl mercury acetate.
The terms "mercury" or "mercurial" may be used to
represent all types of mercurial compounds. Examples of
commonly accepted abbreviated chemical names are: BHC

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(1,2,3,4,5,6,-Hexachlorocyclohexane) and DDT (dichloro diphenyl trichloroethane)

C. Mercurials and similarly toxic substance.

1. Seeds treated with a mercurial or similarly toxic substance, if any amount whatsoever remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under ~~paragraph~~ subsection A and shall also include in red letters on a background of distinctly contrasting color a statement substantially as follows: "Treated with Poison", "Poison Treated", or "Poison". Such treatment shall appear in type no smaller than eight points.

2. Substances similarly toxic to mercurials include the following: Aldrin (technical), Demeton, Dieldrin, Endrin, Heptachlor, O, O-diethyl S-(ethylthiomethyl) phosphorodithiolate and O, O-diethyl S-2 (ethylthio) ethyl phosphorodithiolate. Any amount of such substances remaining with the seed shall be considered harmful to humans and other vertebrate animals.

D. Other harmful substances.

If any substance, other than one which would be classified as a mercurial or similarly toxic substance under ~~paragraph~~ subsection C, is used in the treatment of seed; the amount remaining with the seed is considered harmful to humans or other vertebrate animals unless the seed is in containers of four ounces or less. Seed treated with such substances shall be labeled with an appropriate caution statement in type no smaller than eight points worded substantially as follows: "Do not use for food", "Do not use for feed", "Do not use for oil purposes", or "Do not use for food, feed, or oil purposes". This ~~paragraph~~ subsection applies to all chemical substances not within ~~paragraph~~ subsection C except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

Allethrin - 2 p.p.m.

Malthion - 8 p.p.m.

Methoxychlor - 8 p.p.m.

Piperonyl butoxide - 20 p.p.m. except 8 p.p.m. on Oat and Sorghum.

Pyrethrins - 3 p.p.m. except 1 p.p.m. on Oat and Sorghum.

E. Weight of treatment substance.

When the weight of treatment substances added exceed 1.0 percent % of the net weight of seed, the rate of treatment must be given on the analysis tag.

Regulation No. 5.

§ 5. Agricultural seeds.

A. Agricultural seeds are the seed of the following:

Alfalfa - "Medicago sativa"

Barley - "Hordeum vulgare"

Beet, Sugar - "Beta vulgaris"

Bentgrass or:

Bentgrass, Colonial - "Agrostis tenuis"
Bentgrass, Creeping - "Agrostis palustris"
Bentgrass, Velvet - "Agrostis canina"

Bermudagrass - (Except as specified in Regulation No. 2 § 2. of these regulations .

Common - "Cynodon dactylon"
Giant - "Cynodon" sp.

Bluegrass:

Canada - "Poa compressa"
Kentucky - "Poa pratensis"
Rough - "Poa trivialis"
Wood - "Poa nemoralis"

Brome, smooth - "Bromus inermis"

Broomcorn - "Sorghum vulgare" var. "technicum"

Buckwheat - "Fagopyrum esculentum"

Canarygrass, reed - "Phalaris arundinacea"

Carpetgrass - "Axonopus affinis"

Clover:

Alsike - "Trifolium hybridum"
Crimson - "Trifolium incarnatum"
Red - "Trifolium pratense"
Sweet - "(See Sweet Clover)"
White - "Trifolium repens" including the var. Ladino

Corn:

Field - "Zea mays"
Pop - "Zea mays" var. "everta"

Cotton - "Gossypium" spp.

Cowpea - "Vigna sinensis"

Crambe - "Crambe abyssinica"

Crownvetch - "Coronilla varia"

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Dallisgrass - "Paspalum dilatatum"

Fescue:

- Chewings - "Festuca rubra" var. "commutata"
- Hard - "Festuca trachyphylla"
- Meadow - "Festuca elatior"
- Red - "Festuca rubra"
- Sheep - "Festuca ovian"
- Tall - "Festuca arundinacea"

Field Pea - "Pisum sativum" var. "arvense"

Lespedeza:

- Bicolor - "Lespedeza bicolor"
- Korean - "Lespedeza stipulacea"
- Serica - "Lespedeza cuneata"
- Striate - "Lespedeza striata"

Millet, Browntop - "Panicum ranosum"

Millet, Foxtail - "Setaria italica"

Millet, Japanese - "Echinochloa crusgalli" var. "frumentacea"

Millet, Pearl - "Pennisetum glaucum"

Millet, Proso - "Panicum miliaceum"

Oat - "Avena" spp.

Oatgrass, Tall - "Arrhenatherum elatius"

Orchardgrass - "Dactylis glomerata"

Peanut - "Arachis hypogaea"

Rape, Winter - "Brassica napus" va. "biennis"

Redtop - "Agrostis alba"

Rye - "Secale Cereale"

Ryegrass, Annual or Italian - "Lolium multiflorum"

Ryegrass, Intermediate - "Lolium" X "hybridum"

Ryegrass, Perennial - "Lolium perenne"

Sorghum, grain and sweet - "Sorghum vulgare"

Sorghum, Sudangrass hybrid - "S. vulgare" X "S. sudanense"

Soybeans - "Glycine max"

Sudangrass - "Sorghum sudanense"

Sunflower - "Helianthus annuus"

Sweet Clover:

- White - "Melilotus alba"
- Yellow - "Melilotus officinalis"

Timothy - "Phleum pratense"

Tobacco - "Nicotiana tabacum"

Trefoil, Birdsfoot - "Lotus corniculatus"

Triticale - "Triticosecale"

Vetch, hairy - "Vicia villosa" sub. sp. "villosa"

Wheat - "Triticum aestivum"

B. Kinds not listed under subsection A:

Any kind of seed not listed under subsection A above or in Regulation 9- § 9. of these regulations when present incidentally in seed samples of the kinds so listed shall be considered to be a weed seed unless such kind is classified solely as a crop seed by the Association of Official Seed Analysts in its handbook "Uniform Classification of Weed and Crop Seeds".

Regulation No. 6:

§ 6. Weed seeds.

As provided by § 3.1-265 (a) (6) of the Code of Virginia, agricultural seed of the following kinds may contain weed seeds not to exceed the following limitations:

- A. Korean Lespedeza - "Lespedeza stipulacea" 1.50 per-cent %
- B. Orchardgrass - "Dactylis glomerata" (Hulled) 1.50 per-cent %
- C. Oatgrass, tall - "Arrhenatherum elatius" 1.50 per-cent %
- D. Redtop - "Agrostis alba" 1.50 per-cent %

Regulation No. 7:

§ 7. Code designation.

As provided by § 3.1-264, subsections B paragraph (12) (b) and I (10) (b) of the Code of Virginia, any Virginia seed dealer may request from the commissioner a code designation to be used in lieu of his name and address for use on seed labeled for intrastate shipment provided; however, such shipments must be labeled to show the name and address of the consignee. Such designation will bear the prefix VDA followed by an appropriate assigned number; however, a bona fide AMS (C&MS) number may be used in lieu of the VDA code designation provided it is recorded with the commissioner by the seed dealer.

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Squash - "Cucurbita pepo"	75
Swiss chard - "Beta vulgaris" var. "cicla"	65
Tomato - "Lycopersicon esculentum"	75
Turnip - "Brassica rapa"	80
Watermelon - "Citrullus vulgaris"	70

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet minimum standards without benefit of tolerance.

Regulation No. 10: Labeling of Lawn Seed Mixtures.

A. When labeling lawn and turf seed mixtures with the headings "Fine Textured Grasses" and "Coarse Kinds" as provided by Section 3.1-264 (1) (1), the format demonstrated by the following example shall be used:

Grass Seed Mixture Lot C-49M

Fine Textured Grasses:	Germination
41.40% Merion Kentucky Bluegrass	75%
19.25% Creeping Red Fescue	85%
18.45% Kentucky Bluegrass	80%
10.40% Chewings Fescue	85%
Coarse Kinds:	
5.73% Redtop	85%
..... Tested August 1966	

Other Ingredients:

- 1.60% Other Crop Seed
- 2.67% Inert Matter
- .50% Weed Seeds

Packed by Acme Products, Inc. Alleyoak, Va.

NET WEIGHT 5 POUNDS

B. When so labeled, the following may be claimed as fine textured. All other kinds claimed must be listed as coarse kinds:

Colonial Bentgrass (*Agrostis tenuis*); Creeping Bentgrass
ermudagrass (*Cynodon dactylon*); Canada Bluegrass (*Poa
compressa*); Kentucky Bluegrass (*Poa pratensis*); Rough
Bluegrass (*Poa trivialis*); Wood Bluegrass (*Poa nemoralis*);

Chewings Fescue (*Festuca rubra* var. *commutata*); Red
Fescue (*Festuca rubra*); and Sheep Fescue (*Festuca
ovina*).

Regulation No. 11:

§ 10. Origin.

Origin as required by § 3.1-264 (B) (4) of this Law the
Code of Virginia shall not apply to seed in lawn or turf
grass mixtures in prepacked containers of fifty pounds or
less; however, the formulator of such mixtures shall
maintain origin records as required by § 3.1-266 of the
Code of Virginia.

Regulation No. 12:

§ 11. Flower seed and minimum germination standards.

A. The kinds of flower seeds listed below are those for
which standard testing procedures have been prescribed
and which are, therefore, required to be labeled in
accordance with the germination labeling provisions of §
3.1-263 and § 3.1-264 of the *Virginia Seed Law Code of
Virginia*. The percentage listed opposite each kind is the
germination standard for that kind. For the kinds marked
with an asterisk, this percentage is the total of percentage
germination and percentage hard seed. For other kinds, it
is the percentage germination.

Kind	Minimum Germination Standard
African daisy - "Dimorphotheca aurantiaca"	55
Ageratum - "Ageratum mexicanum"	60
Alyssum - "Alyssum compactum, A. maritimum, A. procumbens, A. saxatile"	60
Anemone - "Alemone coronaria, A. pulsatilla"	55
Angel's trumpet - "Datura arborea"	60
Arabis - "Arabis alpina"	60
Aster, China - "Callistephus chinensis" except Pompon, Powderpuff, and Princess types	55
Aster, China - "Callistephus chinensis", Pompon, Powderpuff and Princess types	50
Aubrietia - "Aubrietia deltoides"	45
Balsam - "Impatiens balsamina"	70
Calendula - "Calendula officinalis"	65
California poppy - "Eschscholtzia californica"	60

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Calliopsis - "Coreopsis bicolor, C. drummondii, C. elegans"	65	English daisy - "Bellis perennis"	55
Campanula:		Foxglove - "Digitalis" spp.	60
Canterbury bells - "Campanula medium"	60	Gaillardia, annual - "Gaillardia pulchella, G. picta";	
Cup and Saucer bellflower - "Campanula medium		perennial - "G. grandiflora"	45
calycanthema"	60	Geum - "Geum" spp.	55
Carpathian bellflower - "Campanula carpatica"	50	Gilia - "Gilia" spp.	65
Peach bellflower - "Campanula persicifolia"	50	Godetia - "Godetia amoena, G. Grandiflora"	65
Candytuft, annual - "Iberis amara, I. umbellata"	65	Gourds: Yellow flowered - "Cucurbita pepo";	
Candytuft, perennial - "Iberis gibraltarica, I. sempervirens"		White-flowered - "Lagenaria sisceraria"; Dishcloth - "Luffa	
.....	55	cylindrica"	70
*Castor bean - "Ricinus communis"	60	Gypsophila: annual baby's breath - "Gypsophila elegans";	
Cathedral bells - "Cobaea scandens"	65	perennial baby's breath - "G. paniculata, G. pacifica, G.	
Celosia - "Celosia argentea"	65	repens"	70
Centaurea: Basked Flower - "Centaurea americana",		Helichrysum - "Helichrysum monstrosum"	60
Cornflower - "C. cyanus", Dusty Miller - "C. candidissima",		*Hollyhock - "Althea rosea"	65
Royal centaurea - "C. moschata", Velvet centaurea - "C.		*Ipomea: Cypress vine - "Ipomea quamoclit"; Moonflower -	
gymnocarpa"	60	"I. noctiflora"; Morning glories, Cardinal climber, Hearts	
Chinese forget-me-not - "Cynoglossum amabile"	55	and Honey vine - "Ipomea" spp.	75
Chrysanthemum, annual - "Chrysanthemum carinatum, C.,		Job's tears - "Coix Lacryma-jobi"	70
coronarium, C. segetum"	40	Kochia - "Kochia childsii"	55
Clarkia - "Clarkia elegans"	65	Larkspur, annual - "Delphinium ajacis"	60
Cleome - "Cleome gigantea"	65	Lantana - "Lantana camera, L. (hybrida)"	35
Columbine - "Aquilegia" spp.	50	Linaria - "Linaria" spp.	65
Coral bells - "Heuchera sanguinea"	55	Lobelia, annual - "Lobelia erinus"	65
Coreopsis, perennial - "Coreopsis lanceolata"	40	Lunaria, annual - "Lunaria annua"	65
Cosmos: Sensation, Mammoth and Crested type - "Cosmos		*Lupine - "Lupinus" spp.	65
bipinnatus"; Klondyke type - "C. sulphureus"	65	Marigold - "Tagetes" spp.	65
Dahlia - "Dahlia" spp.	55	Marvel of Peru - "Mirabilis jalapa"	60
Delphinium, perennial; Belladonna and Bellanosum types;		Mignonette - "Reseda odorata"	55
Cardinal larkspur - "Delphinium cardinale"; Chinensis		Myosotis - "Myosotis alpestris, M. oblongata, M. pulastris"	
types; Pacific Giant, Gold Metal and other hybrids of "D.		50
elatum"	55	Nasturtium - "Tropaeolum" spp.	60
Dianthus:		Nemesia - "Nemesia" spp.	65
Carnation - "Dianthus caryophyllus"	60	Nemophila - "Nemophila insignis"	70
China pinks - "Dianthus Chinensis, Heddeewigi,		Nicotiana - "Nicotiana affinis, N. sanderae, N. sylvestris"	
Heddensis"	70		
Grass pinks - "Dianthus plumarius"	60		
Maiden pinks - "Dianthus deltoides"	60		
Sweet William - "Dianthus barbatus"	70		
Sweet Wivelsfield - "Dianthus allwoodii"	60		
Dracena - "Dracena indivisa"	55		

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<p>..... 65</p> <p>Nierembergia - "Nierembergia" spp. 55</p> <p>Nigella - "Nigella damascena" 55</p> <p>Pansy - "Viola tricolor" 60</p> <p>Penstemon - "Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pupescens" 60</p> <p>Petunia - "Petunia" spp. 45</p> <p>Phacelia - "Phacelia campanularis, P. minor, P. tanacetifolia" 65</p> <p>Phlox, annual - "Phlox drummondii" all types and varieties 55</p> <p>Physalis - "Physalis" spp. 60</p> <p>Poppy: Shirley poppy - "Papaver rhoeas"; Iceland poppy - "P. nudicaule"; Oriental poppy - "P. orientale"; Tulip poppy - "P. glaucum" 60</p> <p>Portulaca - "Portulaca grandiflora" 55</p> <p>Salpiglossis - "Salpiglossis gloxinaeflora, S. sinuata" 60</p> <p>Salvia - Scarlet Sage - "Salvia splendens"; Mealycup Sage (blue bedder) - "Salvia farinacea" 50</p> <p>Saponaria - "Saponaria ocymoides, S. vaccaria" 60</p> <p>Scabiosa, annual - "Scabiosa atropurpurea" 50</p> <p>Scabiosa, perennial - "Scabiosa caucasica" 40</p> <p>Schizanthus - "Schizanthus" spp. 60</p> <p>Shasta Daisy - "Chrysanthemum maximum, C. leucanthemum" 65</p> <p>Snapdragon - "Antirrhinum" spp. 55</p> <p>Solanum - "Solanum" spp. 60</p> <p>Stocks: "Common-Matthiola incana"; Evening Scented - "Matthiola bicornis" 65</p> <p>Sunflower - "Helianthus" spp. 65</p> <p>*Sweet pea, annual and perennial other than dwarf bush - "Lathyrus odoratus, L. latifolius" 75</p> <p>*Sweet pea, dwarf bush - "Lathyrus odoratus" 65</p> <p>Thunbergia - "Thunbergia alata" 60</p> <p>Torch flower - "Tithonia speciosa" 70</p>	<p>Tritoma - "Kniphofia" spp. 65</p> <p>Verbena, annual - "Verbena hybrida" 35</p> <p>Vinca - "Vinca rosea" 60</p> <p>Viola - "Viola cornuta" 55</p> <p>Wallflower - "Cheiranthus allioni" 65</p> <p>Zinnia (except linearis and creeping) - "Zinnia linearis"; "Salvitalia procumbens" 50</p> <p style="padding-left: 20px;">B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet the minimum standards without benefit of tolerance.</p> <p>Regulation No. 13:</p> <p>§ 12. Labeling of flower seed.</p> <p style="padding-left: 20px;">Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by § 3.1-264 (F) and (G) of the Code of Virginia .</p> <p style="padding-left: 20px;">A. For seeds of plants grown primarily for their blooms:</p> <ol style="list-style-type: none"> 1. Seeds of a single name variety shall be labeled to show the kind and variety name. For example - "Marigold, Butterball". 2. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type and color of bloom. For example - "Scabiosa, Tall, Large Flowered, Double, Pink". 3. Seeds consisting of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors". 4. Seeds consisting of an assortment or mixture of kinds, shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated. For example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "Wild Flower Mixture", "General Purpose Mixture", "Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated. <p style="padding-left: 20px;">B. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and</p>
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variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example - "Ornamental Gourds, Small Fruited, Mixed".

Regulation No. 14:

§ 13. Application of germination standards to mixture of kinds of flower seed.

A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25 per cent % or more of the mixture by number is below standard for the kind or kinds involved.

Regulation No. 15:

§ 14. Tree and shrub seeds.

Tree and shrub seeds are seeds of the following:

"Abies balsamea" (L.) Mill. - Balsam Fir
"Abies fraseri" (Pursh.) Poir - Fraser Fir
"Acer rubrum" L. - Red Maple
"Acer saccharum" Marsh. - Sugar Maple
"Aesculus glabra" - Ohio Buckeye
"Aesculus octandra" - Sweet Buckeye
"Ailanthus altissima" (Mill.) Swingle - Tree of Heaven, Ailanthus
"Amelanchier canadensis" - Service Berry
"Betula lenta" L. - Sweet Birch
"Betula alleghaniensis" Britton - Yellow Birch
"Betula nigra" L. - River Birch
"Carya tomentosa" - Mockernut Hickory
"Carya glabra" - Pignut Hickory
"Carya ovata" - Shagbark Hickory
"Carya laciniosa" - Shellbark Hickory
"Castanea dentata" - American Chestnut
"Catalpa bignonioides" Walt. - Southern Catalpa
"Cedrus deodara" (Roxb.) Loud. - Deodar Cedar
"Cedrus libani" Loud. - Cedar of Lebanon
"Celtis occidentalis" - Hackberry

"Chamaecyparis thyoides" - Southern White Cedar or Atlantic White Cedar

"Cornus florida" - Flowering Dogwood

"Diospyros virginiana" - Persimmon

"Fagus grandifolia" - American Beech

"Fraxinus americana" - White Ash

"Fraxinus pennsylvanica" Marsh. - Green Ash

"Fraxinus pennsylvanica" var. "lanceolata" (Borkh.) Sarg. - Green Ash

"Gleditsia triacanthos" L. - Honey Locust

"Ilex opaca" - American Holly

"Juglans cinerea" - Butternut

"Juglans nigra" - Black Walnut

"Juniperus virginiana" - Eastern Red Cedar

"Larix decidua Mill." - European Larch

"Larix leptolepis" (Sieb. & Zucc.) Gord. - Japanese Larch

"Liquidambar styraciflua" L. - Sweetgum

"Liriodendron tulipifera" - Yellow Poplar

"Magnolia acuminata" - Cucumber

"Malus" spp. - Apple

"Malus" spp. - Crabapple

"Maclura pomifera" - Osage Orange

"Morus rubra" - Red Mulberry

"Nyssa aquatica" - Tupelo Gum

"Nyssa sylvatica" var. "sylvatica" - Black Gum

"Nyssa sylvatica" var. "biflora" - Swamp Black Gum

"Picea abies" (L.) Karst. - Norway Spruce

"Picea glauca" (Moench.) Voss - White Spruce

"Picea pungens" Engelm. - Blue Spruce, Colorado Spruce

"Picea pungens" var. "glauca" Reg. - Colorado Blue Spruce

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- "*Picea rubens*" Sarg. - Red Spruce
"Pinus banksiana" Lamb. - Jack Pine
"Pinus densiflora" Sieb. & Zucc. - Japanese Red Pine
"Pinus echinata" Mill. - Shortleaf Pine
"Pinus elliottii" Engelm. - Slash Pine
"Pinus mugo" Turra. - Mountain Pine
"Pinus nigra" Arnold - Austrian Pine
"Pinus nigra Poretiana" (Ant.) Aschers & Graebn. - Corsican Pine
"Pinus palustris" Mill. - Longleaf Pine
"Pinus resinosa" Ait. - Red pine, Norway Pine
"Pinus rigida" Mill. - Pitch Pine
"Pinus serotina" - Pond Pine
"Pinus strobus" L. - Eastern White Pine
"Pinus sylvestris" L. - Scotch Pine
"Pinus taeda" L. - Loblolly Pine
"Pinus thunbergii" Parl. - Japanese Black Pine
"Pinus virginiana" Mill. - Virginia Pine, Scrub Pine
"Platanus occidentalis" - Sycamore
"Populus balsamifera" - Eastern Cotton Wood
"Populus tremuloides" - Quaking Aspen
"Prunus avium" (L.) - Cherry
"Prunus serotina" - Black Cherry
"Pseudotsuga menziesii" var. "glauca" (Beissn.) Franco - Blue Douglas Fir
"Pseudotsuga menziesii" var. "caesia" (Beissn.) Franco - Gray Douglas Fir
"Pseudotsuga menziessi" var. "viridis" - Green Douglas Fir
"Pyrus communis" L. - Pear
"Quercus alba" - White Oak
"Quercus borealis" - Northern Red Oak
"Quercus coccinea" - Scarlet Oak
"Quercus falcata" - Southern Red Oak
"Quercus falcata" var. "pagodaefolia" - Cherrybark Oak
"Quercus lyrata" - Swamp White Oak
"Quercus macrocarpa" - Bur Oak
"Quercus montana" - Chestnut Oak
"Quercus nigra" - Water Oak
"Quercus palustris" - Pin Oak
"Quercus phellos" - Willow Oak
"Quercus rubra" - Red Oak
"Quercus veketina" - Black Oak
"Quercus virginiana" - Live Oak
"Robinia pseudoacacia" L. - Black Locust
"Salix nigra" - Black Willow
"Sassafras verifolium" - Sassafras
"Syringa vulgaris" L. - Common Lilac
"Taxodium distichum" - Bald Cypress
"Thuja occidentalis" L. - Northern White Cedar, Eastern Arborvitae
"Tilia americana" - Basswood
"Tsuga canadensis" (L.) Carr. - Eastern Hemlock, Canada Hemlock
"Ulmus americana" L. - American Elm
"Ulmus parvifolia" Jacq. - Chinese Elm
- ~~Regulation No. 16.~~
- § 15. Zone for labeling origin from which tree and shrub seeds were collected in Virginia.
- The Virginia zone designations for labeling of tree and shrub seeds shall be as follows:
- A. Mountain - The Blue Ridge Mountains and Westward.
- B. Piedmont - East of the Blue Ridge Mountains and west of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.
- C. Coastal Plains - East of U.S. No. 1 from North

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Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

D. Eastern Shore - Northampton and Accomack Counties.

Regulation No. 17:

§ 16. Maximum percentage of inert matter.

Seed or seed mixtures as defined by § 3.1-263 of the Code of Virginia shall not contain more than 15% by weight of inert matter, excluding coating material which has been added to enhance the planting value.

Regulation No. 18:

§ 17. Minimum size of peanut seed.

Shelled peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall be a size of which 97% by weight of whole seed shall pass over a 16/64 inch screen and none shall pass through a 14/64 inch screen.

Regulation No. 19:

§ 18. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Adopted September 27, 1966

* * * * *

Title of Regulation: VR 115-04-11. Rules and Regulations for the Enforcement of the Virginia Agricultural Liming Materials Law.

Statutory Authority: § 3.1-126.12 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation was adopted in 1975 pursuant to § 3.1-126.12 of the Code of Virginia, to prescribe minimum standards and classification of liming materials by fineness; minimum calcium carbonate equivalents for Burnt Lime, Hydrated Lime, Limestone, Shells and Burnt Shells. The regulation prescribes investigational allowances and penalties for deficiencies in neutralizing value, fineness, calcium, magnesium and potash in lime potash mixtures, establishes test methods by reference to those published in the "Book of Methods" by the Association

of Official Analytical Chemist, and requires that the results of official samples be reported annually to all registrants of agricultural liming materials.

Pursuant to the Governor's Regulatory Review Process, these regulations were reviewed and 10 changes were made to improve clarity. No additional requirements have been added.

One provision of the 1975 regulations has been deleted. Regulation VI provided for an exemption of up to two years for a limestone producer to comply with the 95% fineness standard. Since the period for this provision has expired, it has been deleted from these regulations.

VR 115-04-11. Rules and Regulations for the Enforcement of the Virginia Agricultural Liming Materials Law.

Regulation I:

§ 1. ~~Definitions and Classification~~ minimum screening standards.

All agricultural liming materials shall be labeled in terms of fineness by one of the following standards:

A. 1. Pulverized limestone:

Mesh screen	Minimum guaranteed to pass
20	90%
100	70%

B. 2. Ground limestone:

Mesh screen	Minimum guaranteed to pass
20	90%
60	50%
100	30%

Adopted by the State Board of Agriculture and Consumer Services, May 8, 1979.

Regulation II:

§ 2. Minimum calcium carbonate equivalent.

A. Agricultural liming materials shall be labeled to show a minimum Calcium Carbonate equivalent as listed below:

Material	Calcium carbonate equivalent
Burnt lime	Not less than 140%
Hydrated lime	Not less than 110%
Limestone	Not less than 85%
Shells	Not less than 85%
Burnt Shell	Not less than 100%

Regulation III:

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§ 3. Investigational allowances ~~or Tolerances~~ and penalties.

A. A penalty shall be assessed against the registrant when the Virginia Department of Agriculture and ~~Commerce Consumer Services~~ analysis indicates a deficiency of ~~five percent (5%)~~ 5.0% or more of the label statement for neutralizing value. The registrant shall refund to the purchaser a penalty equal to two times the actual cash value of the deficiency based on the delivered retail price. The minimum penalty shall be .50 cents per ton.

B. A penalty of .50 cents per ton shall be assessed against the registrant for each 5.0% variation below the labeled screen size. The registrant shall refund these penalties to the purchasers.

C. A penalty shall be assessed against the registrant when the Virginia Department of Agriculture and ~~Commerce Consumer Services~~ analysis of available potash, in lime potash mixtures, indicates a variation of ~~ten percent (10%)~~ or more below the label statement. The registrant shall refund to the purchaser a penalty equal to two times the actual cash value of the deficiency based on delivered retail price. The minimum penalty shall be .50 cents per ton.

D. A penalty shall be assessed against the registrant when the Virginia Department of Agriculture and ~~Commerce Consumer Services~~ analysis indicates a variation of ~~ten percent (10%)~~ or more below the label statement for one or more of the following: Calcium Oxide, Magnesium Oxide, Calcium Carbonate, or Magnesium Carbonate. The registrant shall refund the purchaser at the rate of ~~one dollar~~ \$1.00 per ton.

Regulation IV:

§ 4. Methods of analysis and sampling.

Test methods shall be those published in the latest edition of the Association of Official Analytical Chemist "Book of Methods".

AOAC Test Method

A. Sampling Procedures	§ 1. Method No. 1.00 2 1
B. Screen Analysis	§ 1. Method No. 1.002
C. Magnesium Analysis	§ 2. Method No. 2-097 2.109 thru 2.113
D. Calcium Analysis	§ 1. Method No. 1.01 8 9
E. Calcium Carbonate Equivalent	§ 1. Method No. 1.004 and No. 1.005

Regulation V:

§ 5. Results of official agricultural liming materials analysis.

A. The Commissioner shall report annually to all registrants of agricultural liming materials the results of

~~official samples~~ The Commissioner of the Department of Agriculture and Consumer Services shall report the results of official samples to all registrants of agricultural liming materials annually .

Regulation VI: Exemption.

A. Any producer of agricultural liming materials existing as of January 1, 1975, who cannot meet the 20 mesh, 95% standards on ground limestone may be granted an exemption by the Commissioner for up to two (2) years provided he:

1. Files an acceptable plan of future compliance.
2. Agrees to meet at least an 95% guaranteed to pass through a 20 mesh screen subject to Regulation III Section 3.B. and so labels all products.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

Association of Official Analytical Chemists
1111 North 29th Street
Suite 210
Arlington, Virginia 22209

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Title of Regulation: VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Public Hearing Date: February 26, 1985 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations were adopted in 1969 pursuant to §§ 59.1-153 and 59.1-156 of the Code of Virginia to prescribe minimum specifications for distillation, Reid vapor pressure, water and sediment and gum in gasoline; flash point, water and sediment, sulfur, cetane, distillation and corrosion in diesel fuel. They (i) provide the requirements for registration and labeling of gasoline and diesel fuel; (ii) prescribe the regulatory action to be taken when motor fuels are found not to conform to minimum specifications, and (iii) require the publication of information filed in connection with registration and results of tests of official samples.

Pursuant to the Governor's Regulatory Review Process, these regulations were reviewed and 52 changes were made to improve clarity.

Four specifications included in the 1969 regulations

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have been deleted. "Pour Point", "Viscosity", "Carbon Residue" and "Ash" specifications for diesel fuel have historically been found to present no problems in Virginia. Two requirements have been added: (i) motor fuel registrants must include on their application for registration and post on all retail dispensing devices the percent of ethanol, and (ii) methanol in the fuel if it is 1.0% or more of the mixture.

VR 115-04-112. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

Scope of Rules and Regulations.

Section 59.1-149 of the Gasoline Law, Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia, defines gasoline as follows: "Gasoline shall be construed to include naphtha, benzine, and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene."

The term "gasoline" as defined in the Gasoline Law § 59.1-149 of the Code of Virginia, includes all liquids and fluids used for power purposes; except kerosene, whether intended for highway or nonhighway use.

Nothing in these specifications and rules and regulations shall affect the distribution for sale, offering for sale or sale of gasoline or diesel fuel intended for nonhighway use except as provided in Regulation III subsection C of § 3 of these regulations for labeling every dispensing device used in the retail of gasoline or diesel fuel.

Regulation I:

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Diesel fuel" means For the purpose of these Specifications and Rules and Regulations the term "Diesel Fuel"; except as provided in Regulation III, apply only to liquids and fluids used, or intended to be used, for power purposes in automative internal combustion compression ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use for power purposes in automotive internal combustion compression ignition engines.

"Gasoline" means For the purpose of these Specifications and Rules and Regulations the term "Gasoline" shall, except as provided in Regulation III, C, apply only to liquids and fluids used, or intended to be

used, as carburants for power purposes in automotive internal combustion spark ignition engines, except as provided in subsection C of § 3 of these regulations, liquids used or intended for use as carburants for power purposes in automotive internal combustion spark ignition engines.

"Virginia Gasoline Law" or "Law" means Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia.

Regulation II:

§ 2. Specifications for gasoline and diesel fuel.

A. Gasoline.

Gasoline shall meet the requirements of the following specification; specifications when tested in accordance compliance with the latest version of the American Society for Testing and Materials Methods of Tests (ASTM) specified below, with the exception of the test for water and sediment.

Test	ASTM Method
1. Distillation.	D86
Percent evaporated at 70°C (158°F)	
Percent evaporated during months of:	
January, February, November, and December at 50°C (122°F)	
Minimum	10%
March, April, and October at 55°C (131°F)	
Minimum	10%
May, June, July, August, and September at 60°C (140°F)	
Minimum	10%
Percent evaporated at 140°C (284°F)	
Percent evaporated during months of:	
January, February, November, and December at 110°C (230°F)	
Minimum	50%
March, April, and October at 113°C (235°F)	
Minimum	50%
May, June, July, August, and September at 116°C (240°F)	
Minimum	50%

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<p>Percent evaporated at 200°C (392°F)</p> <p>Percent evaporated at 185°C (365°F) Minimum</p> <p>End point, maximum 225°C (437°F)</p> <p>Residue, percent maximum</p> <p>2. Reid Vapor Pressure at 100°F, PSI</p> <p>Maximum during the months of November, December, January, and February</p> <p>Maximum during the months of November and March</p> <p>Maximum during the months of September, October, April, and May March, April, and October</p> <p>Maximum during the months of May, June, July, August, and September</p> <p>3. Sulfur, maximum percent by weight</p> <p>4. Corrosion, ASTM Copper Strip</p> <p>Corrosion Scale, maximum</p> <p>5 3. Undissolved water and sediment, percent by volume, maximum</p> <p>6 4. Existent Gum, mg. per 100 ml., maximum</p> <p>7 5. The octane number shall not be more than one octane number below the octane number filed in connection with registration.</p> <p>8 6. Gasoline labeled as "unleaded" "no lead" or "lead free" shall not contain more than 0.05 grams lead per gallon and not more than 0.005 grams of phosphorus per gallon.</p>	<p>90%</p> <p>2%</p> <p>D323</p> <p>15.0</p> <p>14.0</p> <p>13.0 13.5</p> <p>10.5 11.5</p> <p>.15 D2622 (D1266 shall be the referee method)</p> <p>D130 122°F.</p> <p>No. 1 Strip</p> <p>0.01 % VDACS Method of Test</p> <p>5 D381</p> <p>D2699 or D2722 and D2700</p> <p>Lead: D3237 Phos: D3231</p>	<p>the latest version of the American Society for Testing and Materials Methods of Tests specified below.</p> <p>Test</p> <p>1. Flash Point, deg. F minimum</p> <p style="text-align: center;">(If registered and labeled as #1 Diesel) 100°F (If registered and labeled as #2 Diesel) 125°F</p> <p>2. Pour Point, deg. F. maximum</p> <p>3. Viscosity, Saybolt Universal at 100°F., maximum</p> <p>4 2. Water and Sediment, percent by volume, maximum</p> <p>5 3. Sulfur, percent by weight maximum</p> <p>6. Carbon Residue on 10 percent residuum, per cent maximum</p> <p>7. Ash, per cent maximum</p> <p>8 4. Cetane Number, minimum</p> <p>9 5. 90 percent Distillation Point, deg. F maximum</p> <p>10 6. Corrosion - ASTM Copper Strip Scale, maximum</p> <p>Regulation III.</p> <p>§ 3. Labeling.</p> <p style="padding-left: 20px;">A. Gasoline.</p> <p style="padding-left: 20px;">Each and Every dispensing pump or other dispensing device used in the retail sale of gasoline shall be plainly and conspicuously labeled with the brand ; name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.</p> <p style="padding-left: 20px;">B. Diesel fuel.</p> <p style="padding-left: 20px;">Each and Every dispensing device used in the retail of diesel fuel shall be plainly and conspicuously labeled with , in letters not less than one inch in height , with the words "Diesel fuel" and . The device shall also be labeled with the brand name ; or trade name of the diesel fuel being dispensed therefrom . Labeling of said dispensing device with the brand, name or trade name of the diesel fuel being dispensed there from when the word "diesel" appears as part of said brand; name or trade name shall be deemed full compliance with the provision herein</p>	<p>ASTM Method</p> <p>110 D93</p> <p>+20 D97</p> <p>45 D88 seconds</p> <p>0.05 % D1796 0.5 % D2622</p> <p>(D129 shall be the referee method)</p> <p>.35 D524</p> <p>0.01 D482</p> <p>40 D613</p> <p>675°F 640°F D86</p> <p>No. 3 D130 3 hrs. at 50°C</p>
<p style="text-align: center;">B. Diesel fuel.</p> <p>Diesel fuel shall meet the requirements of the following specifications ; when tested in accordance compliance with</p>			

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requiring the use of the words "Diesel Fuel" provided the word "Diesel" is spelled out with letters not less the one (1) inch in height. When the word "diesel" appears in letters at least one inch high as part of the brand name or trade name on the dispenser, this labeling shall be considered sufficient compliance with the requirements of this provision .

C. Power fuels for nonhighway use.

Each and Every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the 1950 Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled with , in letters not less than one inch in height , "Aviation Gasoline", "Marine Gasoline", "Marine Diesel Fuel" or a another term approved by the commissioner ; which clearly identifying identifies the product.

Regulation IV.

§ 4. Registration of gasoline and diesel fuel.

A. All manufacturers, wholesalers and jobbers before selling or offering for sale in this state any gasoline or diesel fuel shall file the following information with the Commissioner upon forms furnished by the Commissioner. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

1. The name and address of the registrant.
2. The brand ; name or trade name under which the gasoline or diesel fuel will be offered for sale or sold.
3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D908 or D1656, whichever is applicable D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods $(R+M)/2$.
4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia Gasoline Law and the specifications and , rules , and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia .
5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A above ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registration.

Regulation V.

§ 5. Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law, Chapter 12 of Title 59.1 of the Code of Virginia (1950) as amended and the specifications and , rules and regulations adopted under §§ 59.1-153 and 59.1-156 of the said Law Code of Virginia , a Stop Sale, Use or Removal Order shall be issued and . The fill cap, pump, delivery line , or any other means for of withdrawing the contents of the tank or affected container from which said sample was drawn may be sealed by an inspector ; and . The contents shall not be removed except under the following conditions:

A. Age or staleness.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and Specifications and Rules and Regulations due to age or staleness and not by the addition or substitution of any other material including gasoline or diesel fuel of a lower quality, when requested, the Commissioner shall grant permission to the owner to blend it with a gasoline or diesel fuel of such quality as will bring it within the requirements of the Law and the Specifications and Rules and Regulations and request that an Inspector take another sample and if the gasoline or diesel fuel is then found to meet the requirements of the Virginia Gasoline Law and the Specifications and Rules and Regulations the Commissioner shall release the gasoline or diesel fuel for sale in Virginia. The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia .

B. Adulteration.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and the specifications and , rules and regulations due to adulteration by substituting other materials , including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant ; or his local representative ; of the said gasoline or diesel fuel and request his cooperation in determining how such the source of the adulteration was accomplished .

The said gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner , or to be disposed of in a manner approved by the commissioner provided that . Prior to its release of the gasoline or diesel fuel , the commissioner shall be furnished given an affidavit stating that the gasoline or diesel fuel will not be distributed for sale, offered for sale or sold in Virginia for use as a fuel in internal combustion engines , and further also stating the disposition of the gasoline or diesel fuel.

Proposed Regulations

Regulation VI.

§ 6. Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall ; from time to time, publish in a bulletin of the Department of Agriculture and Commerce Consumer Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation , and other data ; as will which may be of information useful to consumers of gasoline and diesel fuel.

Board of Agriculture and Consumer Services

Adopted April 22, 1969

NOTE: These rules and regulations replace those heretofore in effect entitled "Specifications, Rules and Regulations of Gasoline and Diesel Fuels" adopted by the Board on September 28, 1964 and which were repealed upon the effective date of these rules and regulations.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from:

American Society for Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103

* * * * *

Title of Regulation: VR 115-04-13. Rules and Regulations for the Enforcement of the Virginia Industrial Ethanol Act.

Statutory Authority: §§ 3.1-1052 and 3.1-1054 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These regulations were adopted in 1981 pursuant to § 3.1-1052 of the Code of Virginia to prescribe the requirements and conditions under which a permit may be issued. It prescribes record keeping requirements for permittees; production reporting requirements; and security measures to deter unauthorized use of equipment or removal of ethanol. It also clarifies denaturing requirements for industrial ethanol; prescribes warning statements for denatured ethanol; prescribes minimum size containers; prescribes conditions for transporting undenatured ethanol; and requires an identifying mark on any distilling apparatus existing under the authority of the Virginia Industrial Ethanol Act. Pursuant to the

Governors Regulatory Review Process, these regulations were reviewed and 59 changes were made to improve clarity. No substantial changes were made.

VR 115-04-13. Rules and Regulations for the Enforcement of the Virginia Industrial Ethanol Act.

Regulation I.

§ 1. Definition.

"Industrial ethanol" shall mean means all ethyl produced by any means under a permit issued pursuant according to § 3.1-1051 ; of the Code of Virginia. and shall It does not include ethyl alcohol produced or distributed for beverage purposes subject to the control of the Department of Alcoholic Beverage Control.

"Virginia Industrial Ethanol Act" means Chapter 41 (§ 3.1-1050 et seq.) of Title 3.1 of the Code of Virginia.

Regulation II.

§ 2. Permit to manufacture industrial ethanol.

Any person or corporation that desires to manufacture ethanol for industrial use as industrial ethanol shall file an application , under oath , on forms provided by the Department of Agriculture and Consumer Services. The application shall include:

A. 1. A copy of the federal permit issued by the United States Bureau of Alcohol, Tobacco and Firearms , and all documents filed to obtain such the permit.

B. 2 The application shall set forth The names and address of all parties having an interest in the proposed industrial ethanol - producing plant ; or if it is a corporation, shall set forth the names and addresses of its principal officers and directors , and of the individuals owning 5.0% or more of the stock.

C. 3 The application shall state with specificity Each and every specific location at which the manufacture and storage is to occur.

D. 4 The application shall include An accurate plan of the plant premises, identifying roads, streams, building buildings , and other structures, including any ethanol fuel facilities. The plan must be in sufficient detail to locate the operation. There shall also be furnished A description of the type of still, still manufacturer, serial number of the still and capacity in proof gallons per 24-hour period shall also be given . Further, if the ethanol is to be denatured on the premises, the kind and quantity of materials which will be added to each lot must be specified.

E. 5 The application shall set forth The names and addresses of the chief executive officer or other

Proposed Regulations

person charged with management of the firm's activities involving industrial ethanol.

The Department of Agriculture and Consumer Services may deny a permit to a person or to a corporation whose officers have been convicted of a felony ; or of a violation of the State Alcoholic Beverage Control laws involving the manufacture, transportation, possession, use or sale of alcoholic beverages ; or of any crime or offense involving moral turpitude within the last five years. A permit granted under these regulations shall be a continuing , one conditioned upon compliance with all applicable state and federal laws and regulations.

Regulation III.

§ 3. Record keeping.

For each production run, or for each 24-hour period in the case of continuous operation in the production of ethanol, the ~~permittee~~ *permit holder* shall maintain a record showing the date of production, quantity and proof of ethanol produced; the proof gallons of ethanol on hand and quantities of any undenatured ethanol received; the quantities and types of denaturants used; the date and manner of disposition (including names and addresses of recipients) ; ; and the proof gallons of ethanol disposed of. ~~Such~~ *The* records shall be maintained for a period of three years from the date of the last entry ~~made thereon~~ , and shall be subject to examination ~~in accordance with~~ *according to* § 3.1-1053 of the ~~Industrial Ethanol Act Code of Virginia~~ .

Regulation IV.

§ 4. Reports.

~~All permittees shall report annually on forms provided by the Department or in lieu thereof a copy of the report required by the federal Bureau of Alcohol, Tobacco and Firearms showing the quantity of ethanol produced and the manner of disposition of all production. Failure to file such a report within 30 days of the end of the calendar year shall be grounds for suspending or revoking the permit. All permit holders shall file an annual report of the quantity of ethanol produced and the manner of disposition of all production. The report may be either a copy of the report required by the Federal Bureau of Alcohol, Tobacco, and Firearms, or on forms provided by the Department of Agriculture and Consumer Services. Failure to file the report within 30 days of the end of the calendar year shall be grounds for suspending or revoking the permit .~~

Regulation V.

§ 5. Security.

Proprietors shall provide security adequate to deter the unauthorized use of equipment or removal of ethanol. The proprietor shall store ethanol either in a building, a

storage tank , or within an enclosure which the proprietor will ~~keep~~ *be kept* locked when operations are not being conducted. Under no circumstance shall the still be moved without approval by the Department of Agriculture and Consumer Services.

~~All ethanol produced must be denatured before being removed from the plant premises according to a formula approved by the federal Bureau of Alcohol, Tobacco and Firearms, except as provided in Regulation VI. Before being removed from the plant premises, all ethanol produced must be denatured according to a formula approved by the Federal Bureau of Alcohol, Tobacco, and Firearms, except as provided in § 6 .~~

The proprietor shall conspicuously and permanently mark or securely label each container of ethanol as follows: WARNING - FUEL ALCOHOL - MAY BE HARMFUL OR FATAL IF SWALLOWED.

The mark or label shall be placed on the head or side of the container, and shall be in plain, legible letters. Proprietors may place other marks or labels on containers so long as they do not obscure the required mark.

Undenatured ethanol may not be ~~filled at ethanol plants~~ *dispensed* into containers holding less than five gallons ~~at ethanol plants~~ , except ~~that~~ *that* smaller containers may be used for bona fide samples for testing or analysis , provided ~~that~~ *that* the containers are marked as for samples.

Regulation VI.

§ 6. Sale, delivery, or removal of undenatured ethanol.

No person shall sell, deliver, transport, or remove ~~from the property on which the still is located~~ *from the still property* any undenatured ethanol ~~from the still property~~ without first having received a permit issued for that purpose by the Department of Agriculture and Consumer Services. Justification for issuance of the permit shall be evidence submitted by the applicant that denaturing the ethanol would render it unfit for the intended legal use. ~~The permit shall be issued only if the applicant submits satisfactory evidence that denaturing the ethanol would make it unfit for its intended legal use .~~

The ~~permittee~~ *permit holder* shall prepare ; at least ~~in triplicate, three copies~~ *three* copies of a commercial invoice or shipping document to cover each shipment of undenatured ethanol. ~~The permittee shall enter on~~ *The document shall show* the consignee's name and address, the quantity of undenatured ethanol transferred, a description of the shipment (for example, number and size of drums or barrels, tank truck, etc.), the name and address of the ~~permittee~~ *permit holder* , and the serial numbers of any seals, locks, or other devices used to secure the conveyance. The ~~permittee~~ *permit holder* shall forward the original and one copy of the document to the consignee with the shipment, and ~~retain~~ *keep* a copy as a record. The consignee shall determine the quantity of ethanol received , and record

Proposed Regulations

the quantity and the date received on both copies of the document covering the shipment. The consignee shall return one receipted copy to the permittee permit holder and retain keep one copy as a record of receipt required by the Federal Bureau of Alcohol, Tobacco and Firearms.

Anyone transporting industrial ethanol, as defined in these regulations, shall comply with Title 40, Code of Federal Regulations, Part 172.400 (administered by the United States Department of Transportation) governing the transportation of hazardous materials, and all other applicable state and federal laws and regulations.

Regulation VII.

§ 7. Identification of distilling apparatus.

Any distilling apparatus used or existing under the authority of the Virginia Industrial Ethanol Act shall be marked by the Virginia Department of Agriculture and Consumer Services with an identifying mark or etching for the purpose of maintaining the identify of such device, except in cases where the distilling apparatus it bears a manufacturer's permanent serial number or other appropriate identifying markings.

* * * * *

Title of Regulation: VR 115-04-15. Rules and Regulations Relating to the Virginia Plants and Plant Products Inspection Law.

Statutory Authority: § 3.1-188.35 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Virginia is a producer of *Narcissus* plants, *Narcissus* bulbs and vegetable transplants for shipment to other states and countries. Some importing states and countries legally require pest-free certification of *Narcissus* plants, *Narcissus* bulbs, and vegetable transplants. This regulation provides for certification of these products to states and countries requiring such certifications. The regulation also regulates the movement of the alternate host, European black currant, of the disease affecting White Pine, (White Pine Blister Rust). It also requires nurseries to display a copy of their license at each sales location.

VR 115-04-15. Rules and Regulations Relating to the Virginia Plants and Plant Products Inspection Law.

Regulation 1.

A certificate of registration issued by the Commissioner pursuant to Section 3-1-143 shall be conspicuously displayed to the public at the location where nursery stock is being

offered for sale.

Regulation 2.

§ 1. Nursery registration.

A registered nursery with one or more sales locations separated from the parent nursery shall not be required to register each separate sales location, but shall have a copy of the registration certificate displayed available at each separate sales location.

Regulation 3.

§ 2. Nursery shipments out of the state Commonwealth.

Pursuant to Section 3-1-236 (6) As authorized by Article 7 (§ 3.1-188.32 et seq.) of Chapter 13 of Title 3.1 of the Code of Virginia, known as the Plants and Plant Products Inspection Law, *Narcissus* plants, and bulbs, and vegetable transplants destined for shipment out of the state Commonwealth are nursery stock. *Narcissus* bulbs inspected during the growing season, and again after they are dug and cleaned, may be eligible for certification.

Regulation 4.

Narcissus bulbs inspected during the growing season and again after they are dug and cleaned may be eligible for certification.

Regulation 5.

§ 3. Field-grown vegetable transplants.

Field-grown vegetable transplants inspected during the growing season, and again when pulled and packed, may be eligible for certification.

§ 4. European black currant plants.

Since European black currant plants, "*Ribes nigrum*", are capable of harboring and disseminating the destructive disease of white pine, commonly known as White Pine Blister Rust, "*Cronartium ribicola*", European black currant plants may not be moved to any destination in Virginia.

* * * * *

Title of Regulation: VR 115-04-16. Rules and Regulations for the Enforcement of the Virginia Petroleum Products Franchise Act.

Statutory Authority: § 59.1-21.16:2 of the Code of Virginia.

Public Hearing Date: February 26, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

Proposed Regulations

These regulations were adopted in 1979, pursuant to § 59.1-21.16:2 of the Code of Virginia, to prescribe the conditions under which producer/refiners may operate previously dealer-operated retail outlets or to rebuild or relocate producer/refiner operated retail outlets which were in operation prior to July 1, 1979. The regulation also prescribes filing requirements for franchise dealers as well as producer/refiner operated retail outlets in Virginia.

Pursuant to the Governor's Regulatory Review Process, these regulations were reviewed and 36 changes were made to improve clarity. No substantial changes were made.

VR 115-04-16. Rules and Regulations for the Enforcement of the Virginia Petroleum Franchise Act.

Regulation I.

§ 1. Conditions under which a producer/refiner may temporarily operate a franchised retail outlet.

A. A producer or refiner may temporarily operate a previously franchised dealer-operated retail outlet which is within one and one-half miles of any franchised dealer-operated outlet for a period not to exceed 60 days ; provided *that* the franchise is lawfully terminated or not renewed under any provisions of the Virginia Petroleum Products Franchise Act, § 59.1-21.14, Chapter 22, §§ 59.1-28.8 through 59.1-21.18:1 of the Code of Virginia, or the Petroleum Marketing Practices Act, 15 U.S.C. § 2801 ; ~~or~~ . In the case of illness or personal injury of the franchised dealer, a producer/refiner may operate the franchised outlet when mutually agreed by both parties for a period up to ~~1~~ one year , subject to certification upon the request of the Secretary ~~or the agency delegated to administer these regulations~~ *commissioner* .

B. A producer/refiner may operate ~~such the~~ outlet for additional 30-day periods , provided *that* he can show that a good faith effort has been made and no new franchise can be found. A good faith effort shall be ~~not less than~~ *considered* advertising in a newspaper of general circulation in the area where the establishment is located for three consecutive days during each 30-day period ~~of operation by the producer/refiner~~ . The producer/refiner shall document the advertising and maintain a file or respondents or other potential franchisees ~~and further shall upon request of the Secretary or the Agency delegated to administer these regulations~~ . *He shall also certify upon request that no acceptable franchisees responded during each 30-day period of operation.*

Regulation II.

§ 2. Rebuilding and relocating of producer or refiner operated retail outlets.

A. Relocating:

A retail outlet lawfully operated by a producer/refiner on or before July 1, 1979, ~~may relocate such operation at a distance not to exceed 10 miles, but not closer than may be relocated at a distance of not more than 10 miles; but it must be at least one and one-half miles of from any other franchised retail outlet of the same brand .~~ (All distance shall be measured by the nearest primary road or street) ~~provided the~~ . *This move shall be allowed if the retail outlet location is lost through :*

1. Involuntary condemnation by state or other political subdivision for any reason;

2. The nonrenewal by the owner of the property lease under which the station was operating , and ~~such this~~ nonrenewal can be certified by the property owner; or

3. Denial of building permit or prohibited zoning by any political subdivision.

B. Rebuilding:

Producer/refiner locations may be rebuilt at the same location , or in reasonable proximity ~~thereto~~ , when the station is lost ~~to~~ fire, other disasters, or ~~remodeling being remodeled or renewing renewed~~ . For the purposes of this section , reasonable proximity shall not be more than 1000 feet in any direction from the current property line.

Regulation III.

§ 3. Producer/refiner and franchise dealers shall file a listing of retail outlets operated.

A. Each producer/refiner and each franchised dealer shall, for each outlet operated on July 1, 1979, provide on forms furnished by the Department of Agriculture and Consumer Services, the name under which the location is operated, the street address ~~or such other designation which identifies the exact location of the outlet and the correct mailing address including the zip code.~~ Such forms shall be certified by a responsible persons who is authorized to represent the producer/refiner or the franchised dealer *For each outlet operating on July 1, 1979, each producer/refiner and each franchised dealer shall provide the name under which the location is operated, the street address or other designation which identifies the exact location, and the correct mailing address including the zip code. Forms shall be provided by the Department of Agriculture and Consumer Services. These forms shall be certified by a responsible person who is authorized to represent the producer/refiner or the franchised dealer .*

1. All retail outlets existing July 1, 1979 shall be reported to the Virginia Department of Agriculture and Consumer Services (VDACS) not later than August 31, 1979.

2. Any retail outlets newly created after July 1, 1979 , shall be reported to VDACS as outlined above within

10-days by of:

- a. Any franchisee entering into an agreement with a producer/refiner ~~or within 10 days of~~ ;
- b. The issuance of a building permit to any producer/refiner for any new location ; or
- c. The acquisition of any current facility by a producer/refiner to be operated by the producer/refiner as a retail outlet.

B. The transfer or assignment of a franchise by a dealer to a qualified transferee shall be filed with the Virginia Department of Agriculture and Consumer Services by the new franchisee within 30 days after the normal contractual transfer.

C. Failure to register as provided required may mean loss of protection provided by the Virginia Petroleum Products Franchise Act, § 59.1-21.16:2 and/ of the Code of Virginia or the rules and regulations for the enforcement of said that Act.

Regulation IV. Delegation of Administration to the Commissioner of the Virginia Department of Agriculture and Consumer Services

The duties and responsibilities for implementing and administering these regulations are hereby delegated to the Commissioner of the Virginia Department of Agriculture and Consumer Services and his authorized agents. The Commissioner shall make information from the list filed under these regulations available to the public during normal business hours for inspection and copying.

This is a certified full, true, and correctly dated copy.

Division of Product and Industry Regulation
201 R. Governor Street
Richmond VA 23270

VIRGINIA PETROLEUM PRODUCTS RETAIL LOCATIONS

The following information is being filed in accordance with the requirements of Section 59.1-21.16:2 of the Code of Virginia and the Rules and Regulations for the Enforcement of the Virginia Petroleum Products Franchise Act.

I. Producer/Refiner - Name: _____ phone: _____
Operator Retail Outlet - Address: _____

II. Franchise Dealer - Name: _____ phone: _____
Operator Retail Outlet - Address: _____
Name of Producer/Refiner with whom Dealer has franchise relationship: _____

III. Name Under Which Location is Operated: _____
Exact Location of Outlet: _____
Mailing Address: _____ (Street or P. O. Box) (City) (State) (Zip Code)

IV. If this location has been previously operated under another person, company or corporation name, please provide the following information: (Applicable only to location changing operation after August 31, 1979)
Name Previously Operated Under: _____

V. Certification: I hereby swear and affirm under penalty of perjury this to be a full and correct report.
Signature: _____ Representing: _____ Date: _____
(Title)

NOTE: Use one form for each retail outlet
Fill in either I or II but not both
Mail to address shown at top of form
Examples of exact location: (a) North East Corner of Broadway and Boulevard
(b) 3/10 mile west of town limits of Appomattox on US Route 460

RECEIVED AND FILED BY VDRCS ON: _____ (date)
BY: _____

Proposed Regulations

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8511. Regulations for Titling and Registering Foreign Market Vehicles.

Statutory Authority: §§ 46.1-26 and 46.1-56 of the Code of Virginia.

Public Hearing Date: February 7, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

These proposed regulations will be used by the Department of Motor Vehicles to formalize and standardize the processing of title and registration applications being received for motor vehicles originally manufactured outside the United States and not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act which are being imported into Virginia. The regulation provides procedures to enable the foreign market vehicles to be transported from a port of entry to the owner's home or to a converter and further provide for temporary registration after proper conversion and preceding release from the U. S. Department of Transportation.

VR 485-60-8511. Regulations for Titling and Registering Foreign Market Vehicles.

The Department of Motor Vehicles proposes the following regulations pursuant to §§ 46.1-26 and 46.1-56 of the Code of Virginia.

§ 1. Definitions.

Except as otherwise indicated, all words, terms and phrases used in these regulations shall have the meanings as ascribed to them in § 46.1-1 of the Code of Virginia.

"Federal safety requirements" means the applicable provisions of: (i) the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. § 1381 et seq.; and (ii) administrative regulations and policies adopted pursuant to the statutes referenced in subparagraph (i) above.

"Foreign market vehicle" means any motor vehicle: (i) originally manufactured outside the United States; (ii) not manufactured in accordance with the National Traffic and Motor Vehicle Safety Act (15 U.S.C. § 1381 et seq.) and the policies and regulations adopted pursuant to the Act; and (iii) for which a Virginia title and/or registration are sought.

§ 2. Titling foreign market vehicles.

A. The Department of Motor Vehicles (DMV) will not issue a permanent title or registration for a foreign market vehicle until the applicant submits proof that the

vehicle complies with federal safety requirements. DMV will accept the following proof that a foreign market vehicle complies with federal safety requirements:

1. Written certification from the U.S. Customs Service that the foreign market vehicle complies with federal safety requirements; or
2. Documentation issued by the U.S. Department of Transportation verifying the foreign market vehicles complies with federal safety requirements.

B. Any foreign market vehicle which is titled under § 2 of these regulations shall contain on the face of the certificate of title the words, "PROOF OF COMPLIANCE WITH FEDERAL SAFETY REQUIREMENTS SUBMITTED TO DMV."

§ 3. Exceptions to § 2 subsection A of these regulations.

A. Any foreign market vehicle previously titled in this Commonwealth shall be titled and registered without further proof of compliance with federal safety requirements. If, however, proof of compliance is not submitted to the DMV, the certificate of title shall contain on the face of the title the words, "NO PROOF OF COMPLIANCE WITH FEDERAL SAFETY REQUIREMENTS SUBMITTED TO DMV."

B. No foreign market vehicle manufactured prior to 1968 shall be subject to the provisions of these regulations.

§ 4. Non-negotiable title.

A. Notwithstanding the provisions of § 2 of these regulations, DMV will issue a non-negotiable title for a foreign market vehicle upon submission of a complete application for a title including all necessary documents of ownership. A negotiable title will be issued upon proof of compliance as provided in § 2 of these regulations.

B. DMV will show on the face of such title, security interests in the motor vehicle as provided in §§ 46.1-68.1 through 46.1-76 of the Code of Virginia.

C. DMV will not transfer the title to a foreign market vehicle if ownership of the vehicle is evidenced by a non-negotiable title, unless the non-negotiable title owner is deceased. In the event the non-negotiable title owner is deceased, a new, non-negotiable title may be issued to the legatee or distributee in accordance with §§ 46.1-93 and 46.1-94 of the Code of Virginia.

D. The following notation shall be printed on the face of all non-negotiable titles:

"THIS TITLE IS NON-NEGOTIABLE AND MAY NOT BE TRANSFERRED. A NEGOTIABLE CERTIFICATE OF TITLE WILL BE ISSUED UPON PROOF OF COMPLIANCE WITH FEDERAL SAFETY REQUIREMENTS."

§ 5. Conditional registration.

A. Notwithstanding the provisions of § 2 of these regulations, DMV will issue upon application, a temporary, nonrenewable 180-day registration to a foreign vehicle upon:

1. Proof that the vehicle has been brought into compliance with all federal safety requirements and that the applicant is merely waiting for documentary releases from the Department of Transportation (DOT);
2. Proof of satisfactory passage of a Virginia safety inspection; and
3. Submission of a complete application for a title, including all necessary documents of ownership.

B. DMV will withhold delivery of the Virginia Certificate of Title during the 180-day period of conditional registration and will not issue the permanent title until the requirements of § 2 have been met.

§ 6. Temporary one trip permit.

Upon application DMV will issue a temporary one-trip permit for the purpose of transporting a foreign market vehicle from the port of entry to the applicant's home or to a conversion facility. The one-trip permit will be issued in accordance with § 46.1-42.1 of the Code of Virginia.

§ 7. Severability.

Each provision of these regulations is severable from the remaining provisions of the regulations. If any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: Limited General Quarantine Order No. 1985-1.

Statutory Authority: §§ 3.1-723 through 3.1-741 of the Code of Virginia.

Effective Date: December 9, 1985

Limited General Quarantine Order No. 1985-1.

The following Limited General Quarantine Order No. 1985-1 is issued for the protection of domestic animals and poultry against infectious and contagious diseases.

The State Veterinarian, by virtue of the authority contained in §§ 3.1-723 through and including 3.1-741 of the Code of Virginia, hereby issues the Limited General Quarantine Order set forth below, to become effective at midnight December 9, 1985.

1. All llamas (animals of the genus *lama*) over four months of age shall be negative to standard approved brucellosis test and tuberculosis test within 30 days of importation.

2. All llamas over four months of age shall have a prior entrance permit issued by the Virginia State Veterinarian's office. Permits may be obtained by calling (804) 786-2483, 8 a.m. to 5 p.m. Monday through Friday.

3. All llamas over four months of age shall be negative to a bluetongue test within 30 days of importation or have a special permit issued by the Virginia State Veterinarian's office granting importation without a bluetongue test.

4. All llamas shall be individually identified by either eartag or tattoo and the identification listed on the state of origin health certificate.

Done in Richmond, Virginia on this 15th day of November, 1985.

/s/ William D. Miller
State Veterinarian

STATE BOARD OF CORRECTIONS

Title of Regulation: VR 230-01-001. Public Participation Guidelines.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Effective Date: January 8, 1986

Summary:

These regulations establish guidelines for participation by interested parties in the formation, development, and adoption of regulations that the State Board of Corrections and the Director of the Department of Corrections are required to promulgate by state law.

VR 230-01-001. Public Participation Guidelines.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Agency" means any authority, instrumentality, officers of the Department of Corrections, and members of the Board of Corrections, or other unit of the state government empowered by the basic laws to make regulations or decide cases but excluding (i) the General Assembly, (ii) courts, and any agency which by the Constitution of Virginia is expressly granted any of the powers of a court of record, (iii) municipal corporations, counties, and other local or regional governmental authorities including sanitary or other districts, and joint State Federal inter-state, or intermunicipal authorities.

"Agency regulatory coordinator" means the individual appointed by the director to provide technical assistance to the operating units and to coordinate regulations.

"Basic law" or "Basic laws" means provisions of the Constitution and statutes of the Commonwealth of Virginia authorizing an agency to make regulations or decide cases or containing procedural requirements thereof.

"Board" means the Board of Corrections.

"Department" means the Virginia Department of Corrections.

"Director" means the State Corrections Director.

"Operating unit" means the offices of the director, deputy directors, Assistant Directors administrators or other offices within the department that will develop, draft and promulgate a regulation.

"Regulation" "Rule or regulation" means any statement of law, policy, right, requirement, or prohibition formulated and promulgated by an agency as a rule, standard, or guide for public or private observance or for the decision of cases thereafter by the agency or by any other agency, authority, or court. general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws. Exemptions to this requirement are those listed in § 9-6.14:10 and 9-6.14:20 9-6.14:4.1 of the Code of Virginia or as determined by the Attorney General's office.

§ 1.2. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia, deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 53.1-5 of the Code of Virginia empowers the Board of Corrections to make, adopt and promulgate rules and regulations.

§ 1.3. Purpose.

These guidelines are designed to provide consistent, written procedures that will ensure input from interested parties during the development, review and final stages of the regulatory process.

§ 1.4. Administration.

A. The State Board of Corrections has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

B. The State Corrections Director is the chief executive officer of the Department of Corrections and is responsible for implementing the standards and goals of the board.

§ 1.5. Application of regulations.

These regulations have general application throughout the Commonwealth.

§ 1.6. Effective Date. - April 1, 1985 [December 1, 1985 January 8, 1986] .

§ 1.7. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia , shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals. All hearings on

such regulations shall be conducted in accordance with § 9-6.14:7.1.

§ 1.8. Severability.

If any provision of these regulations or the application of them to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

PART II. PUBLIC PARTICIPATION.

§ 2.1. Identification of interested parties.

Each operating unit within the department which is responsible for rule making will develop and maintain a current list of those persons, organizations, and agencies that have demonstrated an interest in specific program regulations in the past through written comments or attendance at public hearings.

§ 2.2. Notification of interested parties.

A. Individual mailings.

When an operating unit of the department determines that specific regulations need to be developed or substantially modified, the operating unit will so notify by mail the individuals, organizations, and agencies identified as interested parties in § 2.1 of these regulations. This notice will invite those interested in providing input to notify the agency of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. In addition, known parties having interest and expertise will be advised through a special mailing of the agency's desire to develop a regulation and will be invited to assist the operating unit in developing the regulation or in providing input.

B. Notice of intent.

When an operating unit of the department determines that specific regulations that are covered by the ~~Administration~~ Administrative Process Act need to be developed or substantially modified, the operating unit will publish a notice of intent in The Virginia Register [of Regulations]. This notice will invite those interested in providing input to notify the operating unit of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, and telephone number; and the date by which a notice of a desire to comment must be received. All notices will be coordinated through the agency regulatory coordinator before being forwarded for

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publication.

§ 2.3. Solicitation of input from interested parties.

A. Advisory panels.

Whenever an operating unit proposes to develop or substantially modify a regulation, it may create an advisory panel to assist in this development or modification. Advisory panels will be established on an ad hoc basis.

1. Members of advisory panels will consist of a balanced representation of individuals and representatives of organization and agencies identified as interested in § 2.1 of these regulations and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel will consist of no less than three members.

2. Individual panels will establish their own operating procedure, but in no case will a panel meet less than twice. All comments on proposed regulations will be documented by the operating unit and a response will be developed for each comment.

B. Other comments.

All persons, organizations, and agencies who respond to the individual mailings and the notice of intent shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the operating unit. The operating unit will document the receipt of these comments and will respond to each commentor. The operating unit shall consider all input received as a result of responses to notifications mailed to interested parties as listed in § 2.2 of these regulations in formulating and drafting proposed regulations.

§ 2.4. Administrative Process Act procedures.

After regulations have been developed according to these guidelines, they will be submitted for public comment under § 9-6.14 of the Code of Virginia, and promulgated finally under this section of the Code.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Title of Regulation: VR 469-02-2. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.

Statutory Authority: §§ 37.1-10 and 37.1-179.1 of the Code of Virginia.

Effective Date: February 1, 1986.

Summary:

The Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (Mandatory Standards) are designed to work in conjunction with the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children (Core Standards). The State Departments of Corrections, Education, Mental Health and Mental Retardation, and Social Services are responsible under the Code of Virginia for the licensure, certification and/or approval of public and private residential facilities for children. Residential facilities for children because of whom they serve, the sources of funds or the types of services they provided are subject to the authority of one and often more than one of the four departments. To better coordinate their efforts, the four departments have entered into an interdepartmental agreement that provides for joint development and application of common standards for residential care that must be met by all residential facilities for children in order to qualify for licensure/certification by one or more of these four departments.

The Mandatory Standards are a treatment module that delineate the areas necessary for programs to become certified/licensed as providing treatment or training for the mentally ill, mentally retarded or substance abusing client in 24-hour residential care. The mandatory standards were originally promulgated in February, 1981. These regulations establish minimum requirements for treatment programs in residential facilities for children (except those in private psychiatric hospitals licensed by the department) in the areas of the residential environment, an organized management structure, qualifications of personnel, admission and discharge procedures, an individual program of care and a system record keeping.

VR 469-02-2. Mandatory Standards for Certification/Licensure for Treatment Programs for Residential Facilities for Children.

PART I. INTRODUCTION.

These Mandatory Program Certification/ Licensure Standards for Treatment Programs for Residential Facilities for Children were developed to work in conjunction with the interagency licensure and certification of children's residential facilities. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. These mandatory standards delineate the areas necessary for programs to become certified as providing treatment or training for the mentally ill, mentally retarded, or substance abusing client in 24-hour residential care setting. The compliance level for these standards is 100%. Programs which fail to achieve the stated 100% compliance rate may, however, follow the remediation procedures as specified in Section

3.C.12 of the policies and procedures for the certification of community programs.

SERVICE DEVELOPMENT

One of the assumptions underlying the development of the service related standards is that all child caring treatment programs and training programs must be systematically developed and include prescribed assessment procedures, defined treatment objectives, recommended intervention strategies and evaluation procedures. Standards have been included which reflect this orientation and which require programs to have clearly defined treatment and training programs.

Another assumption reflected in the standards is that integration of services and service delivery is essential for quality programming. Further assumptions are that youth should be placed in the least restrictive environment as soon as possible, that generic services should be used as frequently as possible, and that effective service delivery is dependent upon the development of a comprehensive and carefully developed individualized service plan.

INDIVIDUALIZED TREATMENT PLANNING

An individualized treatment plan is a written, detailed formulation of action that should be used for, and/or by, the client to change behavior, knowledge, attitudes or values.

An individualized treatment plan should be developed for each individual accepted for service. The plan should be based on individual assessment data and on other data that assist in understanding the individual's situation. It should be developed by the relevant staff of the agency serving the individual, and with the participation of the individual, and, as appropriate, the placing agency, the family, and any significant others. A plan developed by another agency prior to the onset of services should be reviewed and updated, in order to determine its relevancy to the current needs of the individual.

LETTERING SYSTEM

All standards listed in this document do not apply to each category of residential programs. A lettering system is utilized to indicate the categories of programs to which a standard applies. In the left hand margin opposite each standard are letters indicating the categories of the program that must comply with that standard. A program is only responsible for complying with those standards which bear the corresponding code letter. The following letters represent the different program categories:

G. - Group Homes for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

R. - Group Residences for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

F. - Self contained residential treatment or training facilities which are non-hospital based for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

H. - Self contained public residential treatment facilities which are hospital based for Mentally Ill, Mentally Retarded, or Substance Abusing Youth.

NUMBERING SYSTEM

The standards are organized in six major treatment areas: (1) Services Policies and Procedures; (2) Clinical Records; (3) Health and Pharmaceutical; (4) Service Development and Delivery; (5) Individual Treatment Planning; and (6) Review Procedures. The standards are sequenced using a four-digit indexing system. The first number represents the heading or functional area; the second digit refers to the policies and procedures under the particular functional area; the third digit refers to the specific standards under the functional area and policies and procedures; and the fourth pinpoints the specific standards even further. These mandatory standards have been selected from a larger group of standards, the complete Treatment Module. As a result, the mandatory standards are not numbered consecutively.

INDICATORS

The standards are presented in operational terms and as specific as possible. Each standard is followed by an indicator. The indicators are used in judging compliance with the standard. The indicator may either have one or two sections:

Usually, the single section indicator is concerned with the development of program policies and procedures. An example drawn from the standards would be:

2.2.5. There shall be a tracking system to ensure knowledge of the location of records at all times.

Indicator

Criteria: Presence of policies and procedures for tracking of client records.

Source: Written copy of policies and procedures.

The criteria is a brief summary statement of the standard and the specification of the basis for determining whether or not the program is in compliance with that standard. The source indicates the reference of data point for making that decision.

The double section indicator is concerned with both the development of program policies and procedures and their implementation.

An example taken from the standards would be the following:

3-1. There shall be written policies and procedures for the treatment of minor medical injuries. This shall include:

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3.2.1. All appropriate direct service staff shall be trained to administer first aid.

3.1.3. A record shall be kept of all client injuries requiring first aid.

Indicator 1

Criteria: Presence of policies and procedures, including criteria 2.3 above, for the treatment of minor medical injuries.

GLOSSARY

Article 1. Definitions.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

Case Coordinator: "Case coordinator" means The the person responsible for ensuring continuity of services. This may be a staff member designated to manage the service plan of a particular child and coordinate the delivery of services to meet the needs of the resident. Case coordination service may be provided from outside the program if appropriate. *The case coordinator shall serve as the liaison between the program and the client's family or legally authorized representative.*

Chemotherapy: "Chemotherapy" means The the use of psychotropic and seizure medication *for controlling aberrant mental/emotional functioning the stabilization of symptoms and behavior. The goal of chemotherapy shall be to stabilize and maintain neurophysiological functioning with the intent of reduction as appropriate.*

Client: "Client" means A a mentally retarded, emotionally ill or substance abusing youth from 0-17 years of age receiving services from a residential treatment facility for children and/or adolescents or group residence.

"Client data base" means the written information necessary for the initial and continued diagnosis or assessment of strengths and problems/needs in order to adequately justify and plan for services.

Client Goal: "Client goal" means A general statement of intention expressed in terms of a client objective. means expected results or conditions that usually involve a long period of time and which are written in behavioral terms in a statement of relatively broad scope. Goals provide guidance in establishing specific short-term objectives directed toward the attainment of the goal.

Client Objective: "Client objective" A specific statement of intention which is expressed in terms of a client and includes a measurable outcome. The client objective includes the standard of achievement that is to be obtained and is time limited. means expected short-term results or conditions that must be met in order to attain a

goal. Objectives are stated in measurable terms and have a specified time for achievement.

"Core Standards" mean Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

Counseling: "Counseling/psychotherapy" means a relationship in which one person endeavors to help another to understand and to solve his or her adjustment problems. means all formal treatment interventions such as individual, family and group modalities which provide for support and problem solving. Such interventions take place between program staff and client(s) and are aimed at enhancing appropriate psycho-social functioning or personal sense of well-being and ameliorating psychological disorders.

"Crisis intervention" means activities aimed at the rapid intervention and management of psychosocial and social distress caused by acute mental illness or acute substance abuse related problems.

Direct Services: "Direct services" means Services services that are provided directly by the program and are an integrated part of the overall service delivery system.

Generic Services: "Generic services" means Services services that are not provided directly by the program but which are available in the community for any resident of that community. These services are also referred to as indirect services.

"Growth services" means activities aimed at developing and maintaining personal, interpersonal and instrumental skills.

Individual Treatment Plan: "Individual treatment plan" means A a plan for the treatment and/or training for each client that specifies short an/or long term goals, objectives to achieve the goals, the strategies to reach these goals objectives, the individual responsible for carrying out these strategies, and the time frames for the obtainment of these goals objectives. An individualized treatment plan shall be considered the same as individualized service plans as defined in the Core Standards.

Intrinsic Risk: Intrinsic risk shall include any treatment procedures (medical, surgical, pharmaceutical or psychological) that involve the possibility of appreciable risk or harm to the client.

"On-site training" means activities provided in the natural environment aimed at increasing interpersonal and/or instrumental skills.

"Preplacement services" /identification services" means services aimed at determining the need for, or the establishment of, a service relationship between, the youth and the responsible adult(s) and the child caring facility.

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(service provider), parent(s) or legal guardian, the referring agency and the facility where services will be provided.

Psychotherapy/Psychosocial Treatment: Psychotherapeutic interventions such as individual, family, and group modalities which provide for exploration and problem solving, and which are aimed at changing and enhancing intrapsychic, psychosocial and familial functioning, as well as ameliorating psychological disorders.

Qualified Mental Health and/or Mental Retardation Professionals: Qualified Mental Health or Mental Retardation Professionals means any person with appropriate training or experience in the field of the care of the mentally ill, alcoholic, drug or other substance abuser, or any person with appropriate training or experience in the field of care of mentally retarded persons, and shall include:

1. A physician licensed to practice in the State of Virginia with specialized training or one year's experience in treating mentally ill or mentally retarded individuals;
2. A psychologist with a doctorate or master's degree from an accredited program and with specialized training or one year's experience in treating the mentally ill, or mentally retarded;
3. An educator with a master's degree in special education from an accredited program or an educator with specialized training or one year's experience in dealing with mentally ill or mentally retarded persons;
4. A social worker with a master's degree from an accredited program and with specialized training or one year's experience in working with mentally ill or mentally retarded persons;
5. A physical or occupational therapist or rehabilitation counselor licensed or registered to practice in the State of Virginia who is a graduate of an accredited program in physical or occupational therapy or rehabilitation counseling and with specialized training or one year's experience in treating mentally ill or mentally retarded persons.

"Seclusion" means the placing of a client in a room with the door secured in any manner that will not permit the client to open it.

"Social skill training" means activities aimed at developing and maintaining interpersonal skills.

"Stabilization services" means activities aimed at the reduction of acute emotional disabilities and their physical and social manifestations.

"Task and skill training" means activities aimed at developing non-employment and preemployment related

instrumental skills, and maintaining knowledge, skills and actions related to community living.

"Time-out procedure" means a systematic behavior management technique designed to reduce or eliminate inappropriate behavior by temporarily removing a client from contact with people or other reinforcing stimuli through confining the child alone to a special time-out room that is unfurnished or sparsely furnished, and which contains few reinforcing environmental stimuli. The time-out room shall not be locked nor the door secured in any manner that will prohibit the client from opening it.

Article 2. Allowable Variance.

§ 1.2. When, in the opinion of the department, the enforcement of one or more of the following regulations creates an undue hardship, the department shall have the authority to waive, either temporarily or permanently, the enforcement of one or more of the following regulations, provided client care is not adversely affected.

1. PART II. SERVICES POLICIES AND PROCEDURES.

Article 1. Client Rights.

The following sections are additional requirements to the Core Standards, Part II, Article 9 and Part V, Articles 26 and 27.

1.1. Each program shall have written policies and procedures covering the following functions: screening, admissions, service planning, case management, case review, termination, and follow-up. These policies and procedures may vary as a function of the type of program and facility.

G.R.T.H.

1.1.1. There shall be a written description of the screening and admissions policies and procedures from initial client contact to actual implementation of services or referral to a more appropriate program. This description shall include, define, and/or provide for:

1.1.1.1. Compliance with 1964 Civil Rights Act.

1.1.1.4. Use of an application form.

1.1.1.9. Data necessary for the program which shall include and be related to:

A. Psychological functioning.

C. Social/developmental history.

E. Intellectual functioning.

G. Current emotional status.

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H. Social competence.

J. Vocational skills (if appropriate).

L. Information from other professionals, who have been involved with the client.

1.1.1.10. Procedures and forms to obtain such information.

1.1.1.16. A. Emergency admissions require that the facility provide stabilization services.

Indicator 1

Criteria: Presence of screening and admission policies and procedures.

Source: Written copy of screening and admissions policies and procedures.

Indicator 2

Criteria: 100% of client screening and admissions completed in compliance with written policies and procedures.

Source: Client records.

1.2. Each residential child caring facility shall have written policies and procedures to ensure the general welfare of its clients.

G.R.T.H.

1.2.1. All treatment procedures which involve an intrinsic risk shall require the prior written informed consent of the client or the client's legally authorized representative after consultation with the client and/or the client's legally authorized representative.

Indicator 1

Criteria: Presence of written guidelines to ensure prior written informed consent for all procedures involving intrinsic risk.

Source: Written copy of guidelines for prior written informed consent and procedures involving intrinsic risk.

Indicator 2

Criteria: Evidence that procedures involving intrinsic risk were performed in accordance with written policies.

Source: Records of informed prior consent.

G.R.T.H.

1.2.2. Each program shall have written policies and procedures to ensure client rights which address the following:

1.2.2.1. § 2.1. Each program operated, funded or licensed by the Department of Mental Health and Mental Retardation shall guarantee client rights as outlined in Virginia Code of Virginia, § 37.1-84.1 ; as amended and the applicable regulations promulgated pursuant thereto: on the rights of clients in community programs.

1.2.2.2. Each program shall have written policies regarding the participation of clients in research projects and

experimental treatment procedures which ensure and provide that: as outlined in the Virginia Code, Section 37.1-234 through 37.1-238 and the applicable DMH/MR regulations promulgated.

A. All research proposals shall be reviewed by an interdisciplinary research committee to ensure the project is in compliance with all relevant State and Federal guidelines for research with human subjects.

B. Subjects and their families or legally authorized representatives shall be informed of any potential risk associated with participation in the research.

C. The written informed consent of a client (or the client's legally authorized representative) shall be obtained before participation in any research project.

D. The client or the client's legally authorized representative shall have the right to refuse to participate in or to withdraw from any research project or experimental treatment procedure at any time.

Indicator 1

Criteria: Presence of written policies and procedures for the participation of clients in research projects which include criteria A-D above.

Source: Written copy of the policies and procedures for the participation of clients in research programs.

1.2.2.3. § 2.2. Each program shall have written policies and procedures regarding the photographing and audio or audio-video recordings of clients which shall ensure and provide for:

A. 1. The written consent of the client or the client's legally authorized representative shall be obtained before the client is photographed or recorded for research or program publicity purposes.

B. 2. No photographing or recording by program personnel shall take place without the client and/or the client's family or legally authorized representative being informed.

C. 3. All photographs and recordings shall be used in a manner that respects the dignity and confidentiality of the client.

Indicator 1

Criteria: Presence of policies and procedures for the photographing and recording of clients which includes criteria A-C above.

Source: Written copies of policies and procedures for the photographing and recording of clients.

Indicator 2

Criteria: 100% of clients who are photographed and recorded in compliance with written policies and procedures.

Source: Client records and program records.

~~1-2.2.4.~~ § 2.3. Each program shall have written policies and procedures for managing all inappropriate or dangerous client behavior. These policies shall include: ~~and ensure that:~~

~~B. The right to receive and/or send mail and communicate with family or advocates, or other rights guaranteed in Virginia Code, Section 37.1-84.1, as amended, and the applicable regulations promulgated pursuant thereto, shall not be withheld from clients as a form of discipline.~~

~~C. 1. Seclusion or restraints shall only be used in accordance with Virginia Statute § 37.1-84.1 ; as amended, of the Code of Virginia and the applicable regulations promulgated thereto: on the rights of clients in community programs.~~

~~2. Time-out , is a behavioral strategy for reducing the occurrence of inappropriate or disruptive behavior. Time-out involves placing a child in a dull, isolated setting, devoid of environmental stimuli. which shall only be used in accordance with § 37.1-84.1 of the Code of Virginia and the applicable regulations promulgated on the rights of clients in community programs.~~

- ~~1. a. Time-out shall not exceed 15 minutes at any one time.~~
- ~~2. Time-out shall not be in a locked setting.~~
- ~~3. Time-out shall be documented.~~

~~3. Program staff shall neither abuse a client verbally nor physically.~~

Indicator 1

Criteria: Presence of policies and procedures governing the management of inappropriate behavior which includes criteria B-D above.

Source: Written copy of policies and procedures for managing inappropriate and dangerous client behavior.

Indicator 2

Criteria: All inappropriate and dangerous client behavior managed in compliance with written policies and procedures.

Source: Client records.

~~1-2.2.5.~~ § 2.4. Each client shall be placed in the least restrictive level of programming appropriate to their functioning and available services.

Indicator

Criteria: Presence of policies and procedures to ensure each client is in the least restrictive environment.

Article 2. Medication.

The following sections are additional requirements to the Core Standards, Part V, Article 19.

G.R.T.H.

~~3-1.~~ § 2.5. There shall be written policies and procedures regarding the delivery and administration of prescription and nonprescription medications used by clients. ~~which shall include, require, or provide for:~~

~~3-2.1.~~ § 2.6. In accordance with Virginia Code Section § 54-524.65 of the Code of Virginia , Drug Control Act, prescription medications can only be administered by physician, dentist, nurse, pharmacist, or medication technician or a person authorized by a physician in writing under the supervision of the physician or pharmacist.

~~3-2.2.~~ § 2.7. In accordance with Virginia Code Section § 54-524.65 of the Code of Virginia , Drug Control Act, prescription medication may be delivered by any designated employee for self-administration by the client, under the supervision of the program director, and only by the order of a physician. *The designated employee shall have satisfactorily completed a medication assistance training program for this purpose approved by the Board of Nursing.*

~~3-2.3.~~ § 2.8. Only those clients judged by the program staff to have an adequate level of functioning shall be allowed to self-administer nonprescription medication.

~~3-2.4.~~ § 2.9. Controlled substances brought into the program by clients shall not be administered unless they are identified and a written order to administer them has been given by a physician or dentist. *shall be stored in a safe, appropriate and secure place.*

~~3-2.5.~~ All medications in unlabeled containers shall be removed from the client's possession.

~~3-2.6.~~ § 2.10. *Procedures There shall be written policies and procedures for documenting the administration of medication, medication errors and drug reactions.*

~~D. A. Drugs prescribed following admission which shall include:~~

1. The date prescribed,
2. Drug product name,
3. Dosage,
4. Strength,
5. Route,
6. Schedule,
7. Dates medication discontinued or changed.

~~3-2.10.~~ § 2.11. *Provisions There shall be written policies and procedures for informing clients, families, and/or legally authorized representatives of the potential side*

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effects of prescribed medications.

Indicator 1

Criteria: Presence of policies and procedures, including criteria 1-10 above.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of clients in need receive treatment for minor medical injuries in compliance with policies and procedures.

Source: Client records.

4.1.5.4. §2.12. Each program shall have written policies and procedures regarding the quarterly review of chemotherapy which shall insure and provide for by a physician (in conjunction with program staff if needed) to include:

A. Quarterly review of the chemotherapy plan by a physician in conjunction with program staff.

B. 1. Documentation of the need for continued use of chemotherapy with Evidence evidence of that alternative treatment strategies other than chemotherapy are under consideration with documentation for continued use of chemotherapy at least quarterly.

B. 2. Documentation of all counter-indications and unusual effects of medication as they relate to a particular client.

3. ~~Justification~~ Documentation of multiple drug usage and effects for specific clients (when appropriate).

2. PART III.

CLIENT INFORMATION, CLIENT RECORDS AND CONFIDENTIALITY.

Article 1.

Client Records.

The following sections are additional requirements to the Core Standards, Part V, Article 4.

§ 3.1. The facility shall have written policies and procedures that ~~Provision~~ provide that a record be maintained for each client and which shall include:

2.2.1. Provision that a record be maintained for each client and include:

2.2.1.1. 1. Completed admissions and screening procedures and forms and an admissions client data base which shall include:

a. Psychological functioning;

b. Family history/relationships;

c. Social/development history;

d. Current behavioral functioning/social competence;

e. Current emotional status;

f. Educational/vocational skills;

g. Medical history, including past or present significant medical problems and use of psychotropic or anti-convulsant medication;

h. History of previous treatment for mental health, mental retardation, substance abuse and behavior problems.

2.2.1.2. 2. Necessary release forms.

2.2.1.3. Documentation of need for service.

2.2.1.4. Individualized Treatment Plans.

2.2.1.5. Results of case review (i.e., progress notes, status reports, etc.);

2.2.1.6. 3. Drug use profile which shall include:

a. History of prescription and nonprescription drugs being taken at the time of admission and for the previous six months;

b. Drug allergies, idiosyncratic and other adverse drug reactions;

c. Ineffective chemotherapy.

2.2.1.7. Discharge forms (when appropriate).

2.2.1.8. Documentation of follow up (when appropriate).

Indicator 1

Criteria: Presence of a complete record which includes criteria 1-8 above for each client.

Source: Written copy of policy on content of client records.

Indicator 2

Criteria: 100% of clients with a complete record.

Source: Client records.

2.2.2. A provision for releasing copies of clients records from the program jurisdiction and safekeeping. Such copies can be released by court order, subpoena, statute, and/or after record release forms have been signed by the client.

Indicator 1

Criteria: Presence of policy for release of client records.

Source: Written copy of policy for the release of client records.

Indicator 2

Criteria: 100% of client records released in compliance with written policies.
Source: Client records.

2.2.5. There shall be a tracking system to ensure knowledge of location of records at all times.

Indicator 1

Criteria: Presence of policies and procedures for the tracking of client records.
Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of client records that have been signed out and returned in compliance with written policies.
Source: Sign out sheet.

2.2.6. There shall be a list stating which staff positions shall have access to client records.

Indicator

Criteria: Presence of policies stating which staff positions shall have access to client records.
Source: Written copy of policies.

Article 2.

Client Information and Confidentiality.

The following sections are additional requirements to the Core Standards, Part II, Article 10 through 13.

G.R.T.H.

2.1. § 3.2. Each program shall have a complete set of written policies and procedures with respect to protecting, disseminating, and acquiring client information which shall be in compliance with § 37.1-84.1 of the Code of Virginia, and the applicable regulations promulgated on the rights of clients in community programs which shall include:

2.1.2. 1. Procedures for securing information about clients from other agencies and for the subsequent confidentiality of that information.

2.1.3. 2. A sample of each type of release of information form used by the program. These forms shall specify to whom the information will be released and the conditions or time at which the release form will become ineffective.

2.1.4. 3. A provision that originals or all approved release of information forms received shall be stored in administrative files and copies of forms will be stored in individual case folders.

2.1.6. 4. A provision regarding the length of time that records of terminated clients shall be retained and how those records will be destroyed.

2.1.8. 5. A provision that clients shall be informed about privileged communications, including the types of information to be released and the condition under

which that information must be released and to whom it will be released.

Indicator 1

Criteria: Presence of policies and procedures for the protection, dissemination, and acquisition of client information which include criteria 2-8 above.
Source: Written copy of client information, policies and procedures.

Indicator 2

Criteria: 100% of operations involving the acquisition and release of client information in compliance with written policies.
Source: Client records.

G.R.T.H.

2.2. Each program shall have a written policy for client records which shall include and provide for:

Article 3.

Treatment Planning.

The following sections are additional requirements to the Core Standards, Part V, Articles 12 through 14.

G.R.T.H.

1.1.3. § 3.3. There shall be a complete, written description of policies and procedures the program staff uses in treatment planning. These policies shall include

1.1.3.1. 1. A description of the procedures staff uses in treatment planning, which includes provisions for written client assessments, identification of goals, planning of intervention programs by multi-disciplinary teams (if appropriate), and involving the client and family and/or legally authorized representative in developing service intervention plans.

1.1.3.2. A provision to ensure protection of clients' rights.

G.R.T.H.

5.1.2. § 3.4. The Individualized Treatment Plans individualized treatment plans shall include:

5.1.2.2. 1. Individual client objectives which are based on congruent with and justified by the client Base data base.

5.1.2.6. 2. Individual client objectives that are written so that client behaviors, psychosocial functioning and intrapsychic conflicts are explicit. Individual client objectives which include the degree of competency or standards of achievement which the client must attain.

5.1.2.7. 3. Individual client objectives that are time related.

5.1.2.8. 4. Prescribed strategies that which are appropriate for developing achieving client objectives.

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~~5.1.2.10.~~ 5. Resources to accomplish client objectives which are readily available to staff.

~~5.1.2.11.~~ 6. Appropriate service providers are specified for each part of the program plan.

~~5.1.2.12.~~ 7. Documentation that the client receives program services congruent with those prescribed under the **Individual Treatment Plan: individual treatment plan.**

~~H.~~ 8. *Modification of client objectives when appropriate.*

1.1.3.5. § 3.5. The initial treatment plan shall be developed within two weeks after admission and shall reflect criteria for determining client's acceptability into the program on a permanent basis.

1.1.3.6. § 3.6. An ongoing individualized treatment plan shall be developed and completed within ~~60~~ 30 days from the date of admission.

B: The ongoing service plan shall reflect changes in treatment needs and plans for discharge.

1.1.3.7. § 3.7. For services provided in a hospital setting where the intended length of stay is seven days or less a stabilization plan shall be developed within 24-hours after admission.

Indicator 1

Criteria: Presence of policies and procedures for service planning which include criteria 1-7 above.

Source: Written copy of policies and procedures for service planning.

Indicator 2

Criteria: 100% of clients for whom services have been planned in compliance with written policies.

Source: Client records.

G.R.T.H.

1.1.4. Written policies and procedures for case coordination shall exist and shall provide for:

1.1.4.1. Assignment of a case coordinator to each client by the second service contact. The case coordinator shall serve as liaison between the program and client's family or legally authorized representative.

Indicator 1

Criteria: Presence of policies and procedures for case coordinator which includes criteria 1 above.

Source: Written copy of policies and procedures for case coordination.

Indicator 2

Criteria: Written identification of the assigned case coordinator and evidence of case coordination activities in client records.

Source: Client records.

G.R.T.H.

1.1.5. § 3.8. Complete, written policies and procedures for case review shall be developed and implemented and which shall include provisions for:

1.1.5.1. 1. Ongoing review to determine whether records contain all the service documentation and release of information documents required by the program.

1.1.5.2. 2. Review and update of the appropriateness of the treatment goals.

~~D.~~ 3. Review and update of contact with parent(s) or legally authorized representative.

Indicator 1

Criteria: Presence of policies and procedures for case review which include 1-2 above.

Source: Copy of written policies and procedures for client case record review.

Indicator 2

Criteria: Written evidence that cases have been reviewed in compliance with written policies.

Source: Client records.

G.R.T.H.

1.1.6. Written policies for voluntary termination and client discharge shall be available to the public and shall include:

1.1.6.3. A. Specification of levels of functioning necessary to move on to a less restrictive program, back to parent(s) or legally authorized representative or to independent living.

B. Specification of the violations of program rules and other offenses that can lead to separation from the program.

1.1.6.8. Documentation of aftercare services. Aftercare services shall include, but not be limited to the following activities:

B. Linkage of the client to an ongoing person or agency in the community at the time of discharge or termination.

Indicator 1

Criteria: Presence of written policy for client termination and discharge which includes criteria 3 and 8, above.

Source: Written copy of policy for client discharge.

Indicator 2

Criteria: Written evidence that discharge or termination is being carried out in accordance with written policies and procedures.

Source: Client records.

5. INDIVIDUALIZED TREATMENT PLANS

include:

G.R.T.H.

5.1.1. The treatment plan shall be developed from information gathered in a Data Base data base which includes:

5.1.1.1. Necessary identifying information.

5.1.1.2. Information concerning family and other significant support systems.

5.1.1.7. Observations of client behavior.

5.1.1.8. History of previous treatment for mental health and behavioral problems.

Indicator

Criteria: Presence of complete Data Base in each Individualized Treatment Plan.

Source: Client records with written copies of service plans.

5.1.2.16. § 3.9. There shall be Documentation of Treatment Plan documentation of treatment plan reviews which shall include:

5.1.2.21. 1. Identification of person responsible for case coordination.

5.1.2.22. 2. Documentation of client needs being addressed by services procured from outside the program network including resources utilized, times, places, and duration of treatment intervention being provided.

5.1.2.23. 3. Documentation of both services being rendered from within the program boundary and of services being offered elsewhere in the system.

Indicator

Criteria: Presence of complete Individualized Treatment Plans including criteria .2, .6-11, .13, .16, and .20-23 above for each client.

Source: Client records.

3. HEALTH AND PHARMACEUTICAL

G.R.T.H.

3.1. There shall be written policies and procedures for the treatment of minor medical injuries. This shall include:

3.1.2. All appropriate direct service staff shall be trained to administer first aid.

Detoxification Programs

3.3. For Substance Abuse Programs only: Programs offering detoxification treatment services shall have written policies and procedures that shall include, provide for

and/or require:

3.3.1. Supervision of the detoxification procedures by a licensed physician with either formal training or demonstrated experience in the medical treatment of substance abusers.

3.3.2. An individual plan which is:

3.3.2.1. Developed and signed by a physician.

3.3.2.2. Integrated into the client's overall treatment plan.

3.3.7. Definitions of the types of detoxification services made available to clients.

3.3.8. A review of the implementation of the detoxification policies and procedures at least semi-annually by the detoxification supervisor.

3.3.5. Physical examinations shall be provided immediately prior to the beginning of the detoxification procedures for acute drug detoxification, alcohol detoxification, and methadone detoxification.

3.3.4. The availability of staff during all operating hours who have knowledge of complications associated with withdrawal and who are legally permitted to administer drugs.

3.3.3. In detoxification programs longer than 21 days, the weekly review of client's progress, but more frequently if deemed appropriate by the attending physician.

3.3.6. In detoxification programs of less than 21 days there shall be daily review of the clients progress.

3.3.9. At least one direct staff member per shift shall be trained to administer Cardiopulmonary Resuscitation.

Indicator 1

Criteria: Presence of written policies and procedures regarding detoxification services including criteria .1-.9 A-I above.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of clients who have been detoxified in compliance with written policies.

Source: Client records.

4. PART IV. SERVICES.

Article 1. Placement Services.

The following sections are additional requirements to the Core Standards, Part V, Article 5.

4.1. Services provided by residential child caring programs

Final Regulations

should be carefully developed, individually oriented, and designed to maximize client psychosocial functioning. The types of services provided by the program shall be adequate to meet needs and shall include, but not be limited to:

Direct
G.R.T.H.

4.1.1. § 4.1. There shall be *Preplacement Services/Identification Services* - Activities aimed at determining the need for, or the establishment of, a service relationship between the youth and responsible adult(s) and the child caring facility (service provider). These activities shall preplacement services including which shall include:

4.1.1.1. 1. Establishing formal, ongoing arrangements with referring agencies or people to provide for continuity and coordination of referrals.

4.1.1.7. 2. Dissemination of information regarding the program and required participation by client, referral service, parent(s) or legally authorized representative.

Indicator 1

Criteria: Description of identification services/preplacement services including 1 and 7 above.

Source: Written description of services.

Indicator 2

Criteria: Evidence of clients receiving identification and preplacement services.

Source: Client records.

4.1.2. The facility shall have written policies and procedures that provide for stabilization services. Stabilization services Activities aimed at the reduction of acute emotional disabilities and their physical and social manifestations. The objective of stabilization is emotional or physical equilibrium. Stabilization services shall include:

Article 2. Stabilization Services.

§ 4.2. The facility shall have written policies and procedures for stabilization services. Stabilization services shall include:

4.1.2.1. There shall be written policies and procedures for the provision of Mental Health Crisis Services - crisis intervention services each program shall provide directly or indirectly for the immediate evaluation and treatment of clients in need of crisis intervention including:

Crisis Intervention - Activities aimed at the rapid intervention and management of the psychological and/or social distress caused by acute mental illness or acute substance abuse related problems.

1. Crisis intervention activities which shall include: but not be limited to:

- a. Telephone counseling
- b. Face-to-face counseling.
- c. Referral and transfer to other agencies, as appropriate.
- d. Follow-up, as appropriate.

2. Program policies and procedures which shall be designed to permit rapid response to client problems: crisis.

3. Services which shall be available 24-hours a day, seven days a week.

4. Staff shall have demonstrated competence and knowledge in the following areas:

- a. Interviewing and responding to clients.
- b. Gathering mental health or substance abuse history and obtaining information about significant medical and emotional problems.
- c. All direct service staff shall be trained to administer first aid.
- d. Program staff shall be trained in cardiopulmonary resuscitation.
- e. The identification of observable manifestations of substance abuse and mental illness.
- f. Referral sources and community resources.

5. 4. There shall be arrangements Arrangements for referring or receiving clients with:

- a. Hospitals,
- b. Law-enforcement officials,
- c. Physicians, clergy and schools,
- d. Mental health facilities.

5. Emergency medical services which shall only be provided within a hospital setting.

6. Stabilization programs in nonhospital settings which shall have the capability for arranging transportation to a local hospital or other emergency service.

6. Delivery of services to clients having conditions that by federal, state and local requirements must be reported and include:

- a. Those dead on arrival or dying during stabilization care.

b. Those with communicable disease.

Direct

H.

Generic

Emergency Medical Services

G.R.T.

4.1.2.2. B. There shall be written policies and procedures that the Emergency Medical Services - Activities beyond first aid resulting from mental illness or substance abuse related medical emergencies. (This definition excludes routine detoxification procedures.) The provision of emergency medical services shall adhere to the following conditions:

Indicator 1

Criteria: The presence of a written description of stabilization services which include criteria 1-2 above.

Source: Written description of services.

Indicator 2

Criteria: 100% of clients in need receiving stabilization services in accordance with the program description.

Source: Client records.

*Article 3.
Growth Services.*

4.1.3. *Growth Services* - Activities aimed at developing and maintaining personal, interpersonal, and instrumental skills. All growth services shall be provided by or directly supervised by a qualified mental health professional. The Growth Services are:

§ 4.3. There shall be written policies and procedures for the provision of growth services which shall include:

Direct

G.R.T.H.

4.1.3.1. 1. *Social Skill Training* - Activities aimed at developing and maintaining interpersonal skills. *Social skill training.*

Indicator 1

Criteria: Presence of a written description of Social Skills Training.

Source: Program description.

Indicator 2

Criteria: Evidence that clients in need are receiving Social Skills Training as defined in the program description.

Source: Surveyor observations and client records.

Direct

G.R.T.H.

4.1.3.2. 2. *Task and Skill Training* - Activities aimed at developing non-employment and preemployment related instrumental skills and includes: *Task and skill training including On-site Training* - activities provided in the natural environment aimed at increasing

interpersonal and/or instrumental skills. *on-site training.*

3. The content of social skills, and task and skill training shall provide for, but not be limited to:

a. *Self-care skills,*

b. *Educational function skills,*

c. *Family and interpersonal skills,*

d. *Decision-making and problem-solving skills,*

e. *Independent living skills.*

Indicator 1

Criteria: Presence of a written description of Task and Skill Training.

Source: Program description.

Indicator 2

Criteria: Evidence that clients in need are receiving Task and Skill Training as defined in the program description.

Source: Surveyor observations and client records.

*Article 4.
Counseling/Psychotherapy.*

Direct The following sections are additional requirements to the Cord Standards, Part V, Article 15.

T.H.

Generic

C.R.

4.1.3.3. *Counseling/Psychotherapy* - All formal counseling or psychotherapeutic interventions such as individual, family, and group activities, which provide for support, exploration, and problem solving. Such interventions take place between program staff and client(s). Such interventions are aimed at changing and enhancing appropriate psycho-social functioning, a personal sense of well-being, and ameliorating psychological disorders.

§ 4.4. There shall be written policies and procedures for the delivery of counseling and psychotherapeutic services.

A. The provision of counseling and psychotherapeutic services shall be in compliance with all state statutes regarding these services.

B. The use of these services shall be based on an assessment of the intensity and frequency of the problem behavior, and/or the severity of the emotional problem experienced by the youth.

C. Each program shall have formal arrangements for the evaluation, assessment, and treatment of the mental health needs of their clients.

Indicator 1

Final Regulations

Criteria: Presence of a written description of counseling and/or psychotherapy services including criteria A-C above.

Source: Program description.

Indicator 2

Criteria: Evidence that qualified staff are performing counseling and/or psychotherapy in conformance with A-C above.

Source: Staff interviews and client records.

4.1.7. Article 5. Case Coordination.

Direct

or

Generic

G.R.T.H.

4.1.7.1. § 4.5. Each program shall have written policies and procedures for the provision of shall provide for activities aimed at linking the service system to the client and coordinating the various system components in order to achieve a successful outcome. These activities shall include:

A- 1. The assignment of a case coordinator to each client prior to treatment planning.

A- 2. The ongoing process of assessing client's general needs through the use of program reports and evaluation information provided by each service.

3. Overseeing the continuity and range of services delivered to ensure systematic and individualized treatment plans.

4. Developing and reviewing the specific individualized treatment plans with additions and deletions in service delivery on a quarterly basis.

D- 5. Coordination and referral linkage at the time of discharge to all direct and generic services, with the program and outside the program.

E- 6. Identification of individual or agency responsible for follow-up and aftercare.

D. Maintenance and intervention with the social network, including both the folk support system and the professional service system.

E. Maintaining an ongoing relationship with the client and assisting in crisis-provoking situations.

Indicator 1

Criteria: Written description of care coordination activities including A-H above.

Source: Written description of program services.

Indicator 2

Criteria: Evidence that case coordination services are

being provided in accordance with written program description.

Source: Client records.

4.1.5. Health Services

Direct

G.R.H.T.

4.1.5.1. Each program shall have a formal written plan for treating medical emergencies and for assuring access to acute medical care facilities.

A. Emergency medical treatment beyond the provision of first-aid shall be provided by the client's personal physician, the agency designated physician, or other emergency medical personnel.

Indicator 1

Criteria: Presence of written policies and procedures for emergency medical services which include criteria A above.

Source: Written copy of policies and procedures for emergency medical services.

Indicator 2

Criteria: 100% of clients receiving emergency medical services in compliance with written policies.

Source: Surveyor judgment.

Direct

H.

Generic

G.R.T.

4.1.5.2. A. Medical and dental examinations may be performed by the practitioner of the client's choice or by a physician or dentist designated by the program.

Indicator 1

Criteria: Policies and procedures to ensure clients have medical and dental examinations on an annual basis.

Source: Written copy of policies and procedures.

Indicator 2

Criteria: 100% of all clients receiving medical and dental screening on an annual basis.

Source: Client records.

Direct

G.R.T.H.

4.1.5.4. Each program shall have written policies and procedures regarding the review of chemotherapy which shall ensure and provide for:

A. Quarterly review of the chemotherapy plan by a physician in conjunction with program staff.

B. Evidence of alternative strategies under consideration with documentation for continued use of chemotherapy at least quarterly.

C. Documentation of all counter-indications and effects of medications as they relate to a particular client.

D. Justification of multiple drug usage and effects for specific clients.

Indicator 1

Criteria: Written description of program policies and procedures, including A-D above, for chemotherapy.

Source: Program records.

Indicator 2

Criteria: Written evidence that clients receiving chemotherapy are receiving it in accordance with written policies and procedures.

Source: Client records.

Direct

or

Generic

G.R.T.H.

4.1.6. *Recreational Services*

4.1.6.1. Field trips and participation in community activities which are appropriate to the developmental level of each client.

Indicator 1

Criteria: Presence of policies and procedures for recreational activities which include criteria C above.

Source: Written copy of policies and procedures for recreational activities.

Indicator 2

Criteria: Evidence that clients participate in appropriate recreational activities in accordance with policies and procedures.

Source: Program records and client records.

4.2. All services offered by the program shall be systematically developed and integrated.

G.R.T.H.

4.2.1. Each program shall have a written description of each of its service components, both those provided directly and those obtained generically, including:

4.2.1.1. The goals/objectives of each service component.

4.2.1.2. A description of the activities and procedures utilized to meet the goals/objectives of each service component.

4.2.1.3. The location where these activities are carried out.

4.2.1.4. The number and category of staff regularly involved in each service component.

4.2.1.5. A description of how each service component is evaluated.

Indicator:

Criteria: Presence of description of service components which include criteria .1-5.

Source: Written copies of description of service components and surveyor judgment.

4.2.2. Each program shall describe how all services offered by the program are integrated. Such a description shall include:

4.2.2.1. A definition of how services are functionally related to the program's overall philosophy.

4.2.2.2. A definition of how services are functionally related to each other.

Indicator

Criteria: Presence of description including criteria .1 and .2 above.

Source: Surveyor judgment.

6. *REVIEW PROCEDURES*

G.R.T.H.

6.1. All program and administrative policies and procedures shall be reviewed and updated at least once a year.

Indicator 1

Criteria: Presence of policies for reviewing and updating the program and administrative policies and procedures on a yearly basis.

Source: Written copy of all policies.

Indicator 2

Criteria: Annual review and updating of programmatic and administrative policies and procedures manual.

Source: Programmatic and administrative policies and procedures manual.

EMERGENCY REGULATION

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulation: VR 394-01-21. Virginia Uniform
Statewide Building Code, 1981 Edition.

Statutory Authority: § 36-98 of the Code of Virginia.

Effective Date: November 18, 1985 through December 31,
1986

Preamble:

The recent floods in Virginia caused damage to a number of buildings housing citizens that rendered the buildings unsafe or unfit for occupancy. There is an urgent and immediate need for housing for persons so displaced which, in some cases, can only be met by the conversion of other buildings or by the installation of temporary, movable structures.

The time consumed in the normal plans review and field inspection processes required for compliance with the Virginia Uniform Statewide Building Code for such conversions and installations may delay the use of needed housing by displaced persons. The Board of Housing and Community Development has therefore amended the current edition of the Virginia Uniform Statewide Building Code to allow the building official to waive the issuance of these permits when necessary to permit immediate occupancy of such structures.

The current flood-caused emergency precludes promulgation under the usual procedures of the Virginia Administrative Process Act, Code of Virginia, § 9-6.14:1 et seq., and is permitted as an exclusion to the Act under § 9-6.14:4.1 C.5 of the Code of Virginia.

The order of the Board amending the Virginia Uniform Statewide Building Code adopts the following new sections:

109.10. Exception for emergencies: When there is an urgent and immediate need for housing for persons who have been displaced by a natural or man-made disaster, the requirement for a building permit before erection, repair or reconstruction of such housing may be waived by the building official for a period not to exceed 60 days.

117.1.1. Exception for emergencies: When there is an urgent and immediate need for housing for persons who have been displaced by a natural or man-made disaster, the requirement for a certificate of use and occupancy before such housing may be occupied may be waived by the building official for a period not to exceed 60 days.

The Board of Housing and Community Development will receive, consider, and respond to petitions at any time for reconsideration or revision of these emergency regulations.

The approval of the Governor will allow the Board of

Housing and Community Development to dispense with the public procedures prescribed in the Administrative Process Act with respect to regulations. The emergency regulation will expire on December 31, 1986, before which time new regulations will be developed under the Administrative Process Act provisions.

11/18/85 /s/ Neal J. Barber, Director
Department of Housing and Community Development

Approval of emergency regulation
11/19/85 /s/ Charles S. Robb, Governor

Filed: 11/20/85 12 noon
/s/ Joan W. Smith, Registrar of Regulations

GOVERNOR

EXECUTIVE ORDER NUMBER 64 (85)

DECLARATION OF A STATE OF EMERGENCY FOR THE TOWN OF BIG STONE GAP, WISE COUNTY, VIRGINIA

During the early morning hours of July 19, 1985, a 250,000 gallon water tank ruptured in the Town of Big Stone Gap with resulting loss of most of the water contained therein. The water tank acted as the clear well or holding tank for water distribution in the Big Stone Gap water treatment plant. As a result of the loss of water, and despite temporary measures instituted by the Town to enhance water reserves, a potentially unhealthful situation now exists for the commercial and residential areas served by the treatment plant.

The health, economy and general welfare of the citizens of the affected jurisdiction require that state action be taken to help alleviate the conditions brought about by this situation, which constitutes an emergency as contemplated under the provisions of Section 44-146.16 of the Code of Virginia.

NOW, THEREFORE, I, Charles S. Robb, pursuant to Section 44-146.17 of the Code of Virginia, do hereby proclaim a state of emergency to exist in the affected area of the Commonwealth and direct that all appropriate assistance be rendered by agencies of state and local government to alleviate these conditions.

This executive order shall become effective upon signing and shall remain in full force and effect, unless amended or rescinded, until June 30, 1986.

Given under my hand and under the seal of the Commonwealth of Virginia, at Richmond, this 31st day of October, 1985.

/s/ Charles S. Robb, Governor

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EXECUTIVE ORDER NUMBER 65 (85)

DECLARATION OF A STATE OF EMERGENCY FOR FLASH FLOODING AND MUDSLIDES OCCURRING THROUGHOUT THE COMMONWEALTH OF VIRGINIA

Beginning on the night of November 3, 1985, and continuing through November 4, 1985, torrential rains, generated by a lingering storm system which had already created saturated land, caused flash floods and mudslides to occur in the Virginia Blue Ridge, Shendoan Valley, and Greater Richmond areas. Affected local jurisdictions in these regions have many persons marooned by swollen streams, expected damage to roads and bridges, and possible severe damage to private and public property, agriculture, and commercial businesses.

Accordingly, the health, economy, and general welfare of the citizens of the affected jurisdictions require that state action be taken to help alleviate the conditions brought about by this situation, which constitutes an emergency as contemplated under the provisions of Section 44-146.16 of the Code of Virginia.

NOW, THEREFORE, I, Charles S. Robb, pursuant to Section 44-146.17, do hereby proclaim a state of emergency to exist in the affected areas of the Commonwealth and direct that all appropriate assistance be rendered by agencies of state and local government to alleviate these conditions.

This Executive Order will terminate on June 30, 1986, unless otherwise extended by the Governor.

Given under my hand and under the seal of the Commonwealth of Virginia, at Richmond, this 4th day of November, 1985.

/s/ Charles S. Robb, Governor

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GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

HAZARDOUS WASTE FACILITY SITING COUNCIL

Title of Regulations: Schedule of Fees for Hazardous Waste Facility Site Certification (VR 352-01-2); Technical Assistance Fund Administrative Procedures (VR 352-01-3); Administrative Procedures for Hazardous Waste Facility Site Certification (VR 352-01-4); and Hazardous Waste Facility Siting Criteria (VR 352-01-5).

COMMONWEALTH OF VIRGINIA
Office of the Governor

November 4, 1985

Mr. Harry E. Gregori, Jr., Executive Director
Hazardous Waste Facility Siting Council

I've reviewed the following regulations under the procedures of Executive Order 51 (84):

1. Schedule of Fees for Hazardous Waste Facility Site Certification (VR 352-01-2);
2. Technical Assistance Fund Administrative Procedures (VR 352-01-3);
3. Administrative Procedures for Hazardous Waste Facility Site Certification (VR 352-01-4); and
4. Hazardous Waste Facility Siting Criteria (VR 352-01-5).

Governor

I want to take this opportunity to commend the Hazardous Waste Facility Siting Council for its efforts to establish an open, objective and consistent process for hazardous waste facility site certification in Virginia. The environmental and business communities both recognize the need for these type of procedures and the Council is to be commended for their efforts to implement the Hazardous Waste Facility Siting Act.

I encourage the Council to carefully consider any comments received from the public on these regulations before adopting final regulations and also that the Council consider the comments of the Department of Planning and Budget which are attached.

Once again, I want to thank the Council for all the hard work it is putting into this important effort.

/s/ Charles S. Robb, Governor

BOARD OF HEALTH

Title of Regulation: **Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (VR 355-30-01).**

Governor's Comments:

No objections to the proposed regulations as presented.

/s/ Charles S. Robb
November 15, 1985

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

Title of Regulations: **Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1984 (VR 394-01-21); Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1984 (VR 394-01-22); Virginia Uniform Statewide Building Code, Volume III - Fire Prevention Code/1984 (VR 394-01-23); Virginia Public Building Safety Regulations/1984 (VR 394-01-41); Virginia Industrialized Building and Mobile Home Safety Regulations/1984 (VR 394-01-31); Certification of Tradesmen Standards/1984 (VR 395-01-2); Virginia Liquefied Petroleum Gas Regulations/1984 (VR 394-01-42).**

COMMONWEALTH OF VIRGINIA
Office of the Governor

November 16, 1985

Mr. Neal J. Barber, Acting Director
Department of Housing and Community Development

As indicated in my letter to you of June 14, 1985, I have completed my review of the public comments received and the proposed final regulations that have been developed by the Board of Housing and Community Development on the following regulations:

Virginia Uniform Statewide Building Code
Volume I - New Construction Code, 1984 edition
Volume II - Building Maintenance Code, 1984 edition
Volume III - Fire Prevention Code, 1984 edition

Virginia Public Building Safety Regulations, 1984 edition

Virginia Industrialized Building and Mobile Home Safety Regulations, 1984 edition

Certification of Tradesmen Standards, 1984 edition

Virginia Liquefied Petroleum Gas Regulations, 1984 edition

I want to take this opportunity to commend the Board and Department of Housing and Community Development for the tremendous amount of effort that has gone into the development of these regulations and the extensive steps that have been taken to respond to the public comments received. I have no objection to the proposed final regulations relating to:

1. Virginia Public Building Safety Regulations, 1984 edition; 2. Virginia Industrialized Building and Mobile Home Safety Regulations, 1984 edition; 3. Tradesmen Certification Standards, 1984 edition; 4. Liquefied Petroleum Gas, 1984 edition.

I also want to take this opportunity to commend the Board for the thorough consideration that was given to public comment received relating to its proposals for Volume II of the Virginia Uniform Statewide Building Code - Building Maintenance Code, 1984 edition. I have no objections to the proposed Volume II as presented and commend the Board for its effort to address the concerns that were raised with the initial proposal.

I also have no objection to the proposed final Volume I - New Construction Code 1984 edition. On the issues that have been presented surrounding the availability of housing for the disabled, I am yet to be presented with compelling evidence to indicate that the demand for barrier-free housing exceeds availability in Virginia. Nevertheless, I encourage the Department and Board of Housing and Community Development to work with the appropriate agencies and organizations to help increase public awareness of the availability of barrier-free housing in Virginia in an effort to assist disabled Virginians who are in search of barrier-free housing find it.

Finally, I have also considered the proposed final Volume III - Fire Prevention Code, 1984 edition. Given the fact that legislation has been submitted for my

consideration as part of the Administration package on this issue as well as my understanding that the Board of Housing and Community Development may also propose legislation for introduction in 1986 on this subject, I recommend that the Board of Housing and Community Development delay taking action to finally adopt this regulation pending conclusion of the 1986 General Assembly session. After the conclusion of the session, I believe the Board will be in a better position to determine whether the proposed final regulation on Volume III should be adopted in its present form or whether a different regulation or approach is warranted.

Once again I want to take this opportunity to commend you, your staff and the entire Board of Housing and Community Development for your commitment to improving Virginia's housing and building regulations as well as your commitment to regulatory reform.

/s/ Charles S. Robb

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: **Public Participation Guidelines (VR 560-01-1).**

Governor's Comments:

I approve of the proposed public participation guidelines as presented.

/s/ Charles S. Robb
November 4, 1985

VIRGINIA BOARD OF PSYCHOLOGY

Title of Regulation: **Public Participation Guidelines (VR 365-01-1).**

Governor's Comments:

I approve of the proposed public participation guidelines as presented.

Charles S. Robb
November 4, 1985

VIRGINIA BOARD OF SOCIAL WORK

Title of Regulation: **Public Participation Guidelines (VR 620-01-1).**

Governor's Comments:

I approve of the proposed public participation guidelines

as presented.

/s/ Charles S. Robb
November 4, 1985

VIRGINIA SUBSTANCE ABUSE CERTIFICATION BOARD

Title of Regulation: **Public Participation Guidelines (VR 560-02-1).**

Governor's Comments:

I approve of the proposed public participation guidelines as presented.

/s/ Charles S. Robb
November 4, 1985

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Governing Brucellosis Calfhood Vaccination**. The purpose of the proposed regulations is to require brucellosis calfhood vaccination of all female cattle four months of age or older which enter the Commonwealth of Virginia for feeding and breeding purposes, and to require the same vaccination for female cattle of similar age that are sold at Virginia livestock markets for placement on Virginia farms. Such vaccinations will enhance the prevention, control and eradication of brucellosis from the cattle population within Virginia.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Written comments may be submitted until December 31, 1985.

Contact: Dr. A. J. Roth, Chief, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Agriculture and Consumer Services intends to consider promulgating regulations entitled: **Rules and Regulations Governing the Transportation of Companion Animals and Horses**. The purpose of the proposed regulations is to specify those requirements to be met when transporting live companion animals and horses that will preclude the inhumane treatment of these animals and foster handling and care practices that will enhance their well-being during periods of transit within the state.

Statutory Authority: § 29-213.37 of the Code of Virginia.

Written comments may be submitted until December 31, 1985.

Contact: Dr. Tonya Higgins, Animal Welfare Officer, Bureau of Veterinary Services, Washington Bldg., Suite 600, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2483.

BOARD OF AUDIOLOGY AND SPEECH PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Audiology and Speech Pathology intends to consider promulgating regulations entitled: **"State Board of Examiners for Audiology and Speech Pathology."** The board is considering a provision to its regulations which would allow individuals who have obtained both required education and experience to practice under direct licensed supervision pending results of initial examination. The board notes the need to allow services to be available to the public as a compelling reason to provide temporary permits.

Statutory Authority: § 54.1-28 (5) of the Code of Virginia.

Written comments may be submitted until December 11, 1985.

Contact: Geralde W. Morgan, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8554 (toll-free number 1-800-552-3016).

DEPARTMENT OF COMMERCE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Polygraph Examiners Regulations**. The purpose of the proposed amendments is to amend the license examination procedure and fees charged for license and license renewal in accordance with § 54-1.28:1 of the Code of Virginia, and other changes which may be necessary.

Statutory Authority: § 54-917 of the Code of Virginia.

General Notices/Errata

Written comments may be submitted until January 10, 1986.

Contact: David E. Dick, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800 552-3016 - VA only).

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Private Security Services Business Regulations**. The purpose of the proposed amendments is to revise the fees charged for license, license renewal and registration in accordance with § 54-1.28:1 of the Code of Virginia, and other changes which may be necessary.

Statutory Authority: § 54-729.30 of the Code of Virginia.

Written comments may be submitted until David E. Dick, Assistant Director, Commonwealth of Virginia, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 (toll-free number 1-800 552-3016 - VA only).

BOARD OF EDUCATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Education intends to consider amending regulations entitled: **Regulations of the Board of Education of the Commonwealth of Virginia for Vocational Education**. These regulations govern the operation of all vocational education programs administered by the Department of Education.

Statutory Authority: §§ 22.1-16, 22.1-17, and 22.1-227 of the Code of Virginia.

Written comments may be submitted until December 13, 1985.

Contact: Dr. Ned K. Swartz, Supervisor, Vocational State Planning and Data Management, Virginia Department of Education, P.O. Box 6-Q, Richmond, Va. 23216-2060, telephone (804) 225-2100.

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Mental Health and Mental Retardation intends to consider promulgating regulations entitled: **Rules and Regulations for the Licensure of Private Psychiatric Hospitals, Mental Health, Mental Retardation, and Substance Abuse Treatment and Rehabilitative Facilities**. The purpose of the proposed regulations is to replace existing licensure regulations for private psychiatric hospitals, group homes, halfway houses and substance abuse facilities; and to revise existing regulations pursuant to regulatory review.

Statutory Authority: Title 37.1, Chapter 8 (§ 37.1-179.1) and Chapter 11

Written comments may be submitted until January 20, 1986.

Contact: Mary Dunn Conover, Director, Quality Assurance Support, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-0070.

DEPARTMENT OF MOTOR VEHICLES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Motor Vehicles intends to consider promulgating regulations entitled: **Regulations for Titling and Registering Foreign Market Vehicles**. The Department of Motor Vehicles does not currently have formal, standardized policies or procedures for evaluating the safety features of vehicles manufactured outside the U. S. and not manufactured in accordance with U. S. safety standards, and regulations for processing title and registration applications are required to ensure compliance with applicable safety standards so that such vehicles do not endanger the public health and safety.

Statutory Authority: §§ 9-6.14:1 et seq., 46.1-26 and 46.1-56 of the Code of Virginia.

Written comments may be submitted until December 11, 1985.

Contact: Jerome L. Stein, Manager, Titles and Registration Division, Department of Motor Vehicles, P. O. Box 27412, Richmond, Va. 23269-0001, telephone (804) 257-0510.

General Notices/Errata

BOARD OF REHABILITATIVE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **Participation by Clients in Payment for Services**. The purpose of the proposed regulations is to develop a financial needs test to determine the amount, if any, that clients will be expected to contribute toward cost of services.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until December 11, 1985, to Dr. Leroy Smith, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, P. O. Box 11045, Richmond, Virginia 23230.

Contact: George Meeks, Director, Legislative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-0276 (toll-free number 1-800-552-5019)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **Rights of Clients**. The purpose of the proposed regulation is to ensure that equitable and fair treatment is provided to all individuals who receive services from the Department of Rehabilitative Services.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until December 11, 1985, to Dr. Leroy Smith, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, P. O. Box 11045, Richmond, Virginia 23230.

Contact: George Meeks, Director, Legislative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-0276 (toll-free number 1-800-552-5019)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider promulgating regulations entitled: **Establishing a Reimbursement System**. These regulations are required to institute a reimbursement system to maximize the collection of fees from persons receiving services and from responsible third party payors.

Statutory Authority: § 51.01-5 of the Code of Virginia.

Written comments may be submitted until December 11, 1985, to Dr. Leroy Smith, Department of Rehabilitative Services, 4901 Fitzhugh Avenue, P. O. Box 11045, Richmond, Virginia 23230.

Contact: George Meeks, Director, Legislative Services, 4901 Fitzhugh Ave., Richmond, Va. 23230, telephone (804) 257-0276 (toll-free number 1-800-552-5019)

DEPARTMENT OF SOCIAL SERVICES

The notices printed below were inadvertently omitted from publication in a previous issue.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider promulgating regulations entitled: **Application Fee Scale (VR 615-70-2)**. The purpose of proposing a sliding scale for application fees is to allow people with a lesser income to better afford child support enforcement services.

Statutory Authority: § 63.1-250.2 of the Code of Virginia.

Written comments may be submitted until December 11, 1985, to Jean White, Director, Division of Child Support Enforcement, 8007 Discovery Drive, Richmond, Virginia 23288.

Contact: Jane Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to amend regulations entitled: **Child Protective Services Client Name Information**. The purpose of this amendment is to alter the procedures which determine the maintenance of name information in child protective services cases.

Statutory Authority: § 63.1-248.1 et seq. of the Code of Virginia.

Written comments may be submitted until December 24, 1985.

Contact: Janine Tondrowski, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9081 (toll-free number 1-800 552-7097).

GENERAL NOTICES

NOTICE TO STATE AGENCIES

RE: Forms for filing material on dates for publication in The Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in The Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

- PROPOSED (Transmittal Sheet) - RR01
- FINAL (Transmittal Sheet) - RR02
- NOTICE OF MEETING - RR03
- NOTICE OF INTENDED REGULATORY ACTION - RR04
- NOTICE OF COMMENT PERIOD - RR05
- AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR06

NOTICE TO STATE AGENCIES

A list of major meetings of various trade associations and organizations is maintained in the office of the Registrar of Regulations. Upon request, this list will be made available to you in order that you can avoid conflicts when setting up meetings and hearings.

NOTICE TO TRADE ASSOCIATIONS AND ORGANIZATIONS

The 1985-1986 listing of major meetings of certain organizations and associations is being updated. If you would like your organization's annual or semi-annual meeting listed, please advise the office of the Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Virginia 23208, telephone (804) 786-3591.

ERRATA

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Title of Regulation: **VR 125-01-2. Advertising.**

Issue: 2:3 VA.R., pages 261 through 265, November 11, 1985

Correction to the Final regulation is as follows:

page 264, § 9 A; last sentence in paragraph, remove the word "beer"

sentence should read:

"Wholesale Licenses in Virginia may not put them on the package at the wholesale premises and coupons may not be shipped in the case to retailers."

DEPARTMENT OF TAXATION

Title of Regulation: **VR 630-2-311.1. Individual Income Tax: Net Operating Losses.**

Issue: 2:3 VA.R., pages 355 through 360, November 11, 1985

Corrections to the Final regulation are as follows:

page 358, NET OPERATING LOSS MODIFICATION WORKSHEET 1981

d) Total State Tax Adjustment	[555 380]
e) Other
Total Net Modifications	[470 (645)]

6. Amount of Virginia Loss Year Modifications to be Applied to Carryback or Carryforward Year (Line 5 X Line 4) [~~164.50~~ (225.75)]

page 359, § 6 paragraph B

B. When taxpayers elect a different Virginia filing status.

Taxpayers may elect a different Virginia filing status in the loss year then they elected in the carryback or carryforward year. Section 58.1-341 of the Code of Virginia allows Virginia taxpayers who file a joint federal income tax return to file either a joint Virginia income tax return, separate Virginia income tax returns or [to file either a joint Virginia income tax return, separate Virginia income tax returns or] to file separately on a combined return. (See VR 630-2-341(C))

CALENDAR OF EVENTS

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICE: Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

STATEMENT

Cotton boll weevil, Anthonomus grandis, has been described as the most costly insect in the history of American agriculture. It is thought to have crossed the Rio Grande at Brownsville, Texas in 1892, and was first detected in Virginia in 1922. The adult feeds on cotton bolls and leaves and the larva feeds only on the cotton bolls. Egg punctures on the bolls cause bolls to flare, turn yellow, and fall to the ground.

The regulations amend the current Cotton Boll Weevil Quarantine so Virginia can participate in a continued multistate cooperative effort to monitor and eradicate, if necessary, cotton boll weevil from Virginia, North Carolina, and South Carolina by requiring: (i) cotton growers to declare their intentions of acreage in cotton to be grown each year; and (ii) require a payment of \$10 per acre of cotton grown to defray the cost of the program.

The requested amendments were part of the original boll weevil quarantine adopted December 14, 1977, but were deleted on February 26, 1981, when eradication was achieved. Additional efforts are now needed to keep Virginia free of cotton boll weevil.

Statutory Authority: §§ 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Written comments may be submitted until December 10, 1985.

Contact: Raymond D. Vaughan, Secretary, Board of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-3501

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† **February 26, 1986 - 10 a.m. - Public Hearing**
Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

The Department will hear comments on all of the proposed regulations listed below.

Written comments on all proposed regulations may be submitted until February 25, 1986, to Raymond D. Vaughan, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia 23209.

THE VIRGINIA CODE COMMISSION

EXECUTIVE

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

December 11-12, 1985 - 9 a.m. - Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. (Location accessible to handicapped.)

An official meeting of the State Board of Agriculture and Consumer Services.

Contact: Raymond D. Vaughan, Room 210, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3501

VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

December 11, 1985 - 10 a.m. - Public Hearing
Virginia Department of Agriculture and Consumer Services, Washington Building, 1100 East Bank Street, Board Room, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to amend regulations entitled: **Rules and Regulations for Enforcement of The Virginia Pest Law - Cotton Boll Weevil Quarantine**. The Cotton Boll Weevil Quarantine declares Anthonomus grandis as a pest and provides rules and regulations to monitor for and eradicate this pest when found.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to amend the following regulations:

Title: Rules and Regulations for Enforcement of the Virginia Pesticide Law. This regulation ensures that pesticides sold and used in Virginia are effective and can be used without causing unreasonable adverse effects to humans and the environment.

STATEMENT

Statement of Basis: 1. The original rules and regulations were written to regulate the manufacture, sale, and transportation of economic poisons (pesticides) and devices, including insecticides, fungicides, rodenticides, herbicides, disinfectants, pest repellents, lures, wood preservatives, and mildew controls.

In 1975 the rules and regulations were amended to provide for enforcement of the Virginia Pesticide Use and Application Act of 1975. This act provided for the certification and licensing of both private and commercial applicators using restricted use pesticides in Virginia. In addition, this act provides for monitoring use or conducting misuse investigations on the use of any pesticide or container inconsistent with the label directions or regulations of the board.

2. The rules and regulations adopted under the Virginia Pesticide Law were considered in accordance with the Governor's Regulation Review Process to determine if the requirements were needed and to assure that they were clearly and simply stated as well as requirements not needed.

3. The continued economic production of food and fiber in Virginia is, in a large measure, dependent on the effective control of the various pests e.g. insects, diseases, weeds etc. affecting these commodities. Chemical pesticides are expected to continue playing a major role in effective pest control. In addition, it is equally essential that these materials be applied in such a manner as to assure a minimum adverse impact on humans and the environment. An effective program of regulating these important chemicals is essential to this effort.

Purpose: The primary purpose of this regulation is to aid in assuring the continued availability of pesticide chemicals essential to the production of food and fiber and the protection of health and property in Virginia. It also provides assurance that these products are adequately labeled to ensure that they are effective for their intended use and can be used without unreasonable adverse effects to the applicator, the public or to the environment.

Impact: Number or types of regulated entities or persons affected. All citizens of Virginia have a vested interest in the effective regulation of pesticide chemicals. The entities include 13,000 farmers, 400 dealers, homeowners, 3,000

commercial applicators, 898 manufacturers and others.

Statutory Authority: §§ 3.1-217 and 3.1-217.1 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist, Bureau Chief, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations for the Enforcement of the Virginia Commission Merchant Law. The regulation establishes industry-wide rules to provide for the orderly marketing of and proper accounting for tobacco sold at auction in licensed warehouses. The regulation prescribes sales records to be kept, identifies persons that can alter records or reject a sale, and provides authorization from consignor for licensee to buy tobacco for his own account.

STATEMENT

Statement of Basis: The Virginia Commission Merchants Law provides for licensing Commission Merchants and sets forth certain requirements for record keeping for the orderly marketing and proper accounting of tobacco sold at auction in licensed warehouses. Section 3.1-921 of the Code of Virginia provides for the State Board of Agriculture and Consumer Services to adopt needed rules and regulations for the enforcement of this chapter. Regulations have been adopted to further assure the orderly marketing and proper accounting of tobacco sold at auction in licensed warehouses.

Nontechnical changes were made to improve sentence structure and clarity to the rules.

The regulation specifies information required on a "Ticket", "Tobacco Sale Bill", and "Buyers Bill". It further specifies what records must be kept and made available for inspection and who is authorized to make changes to the required documents.

Purpose: To provide for the orderly marketing of and proper accounting for tobacco sold at auction in licensed warehouses.

Impact: This regulation affects 44 tobacco warehouses licensed under the Commission Merchants Law and all companies/persons buying tobacco at these licensed warehouses.

Statutory Authority: § 3.1-721 of the Code of Virginia.

Contact: J. F. Lyles, Chief, Virginia Department of Agriculture and Consumer Services, Weights and Measures Bureau, Washington Bldg., Room 402, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-2476

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Calendar of Events

Title: Rules and Regulations Governing the Virginia Animal Remedies Law. These regulations establish a method of determining if an animal remedy manufacturer has proper equipment and qualified personnel, criteria for storage of biologicals and specifies the methods of analysis to be used.

STATEMENT

Statement of basis: The health programs for livestock and poultry are based on prevention and treatment of diseases. Accurate and complete labeling of animal remedies is necessary to protect the purchasers and users of animal remedies in the production of meat, milk and eggs for human consumption.

Purpose: To establish a method of determining if an animal remedy manufacturer has proper equipment and qualified personnel, criteria for storage of biologicals and specifies the methods of analysis to be used.

The health programs for livestock and poultry are based on prevention and treatment of diseases. Accurate and complete labeling of animal remedies is necessary to protect the purchasers and users of animal remedies in the production of meat, milk and eggs for human consumption.

Impact: These regulations affect all firms or persons who manufacture and offer for sale or purchase and use animal remedies in the production of meat, milk and eggs for human consumption.

Statutory Authority: § 3.1-839 of the Code of Virginia.

Contact: G. A. Pearson, Supervisor, Feed and Animal Remedies Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, P. O. Box 1163, 1100 Bank St., Room 403, Richmond, Va. 23209, telephone (804) 786-3514

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Title: Rules and Regulations for Enforcement of the Virginia Agricultural Products Dealers Licensing and Bonding Law. This regulation (i) requires the licensee to declare the conditions under which he intends to operate; (ii) requires the license to be conspicuously posted in the licensee's place of business; (iii) requires "Conditional Buyers" to provide additional information to the producer when shipment is rejected; (iv) requires proper accounting for receipt and delivery of products; (v) requires all contracts be filed with the Department of Agriculture and Consumer Services; and (vi) prescribes rules for filing complaints of violations of §§ 3 and 4 of the regulation.

STATEMENT

Basis: During the early 1960's, it was determined that some Virginia produce growers were not receiving proper accounting of and prompt payment for produce sold to

produce dealers located in state as well as out of state. Thus, the Virginia Agricultural Products Dealers Licensing and Bonding Law was enacted in 1966 and the Rules and Regulations for the Enforcement of the Law were adopted in April of 1977.

Preventing misunderstanding between produce growers and produce buyers is essential in maintaining a wholesome marketing atmosphere. These regulations are essential in ensuring Virginia's agricultural producers that sales of produce will be properly accounted for and that they will receive prompt payment.

Purpose: The purpose of this regulation is to require the licensee to declare, at the time application is made for a license, the conditions under which the licensee intends to operate; require the license to be conspicuously posted in the licensee's place of business; require "Conditional Buyers" to provide additional information to the producer when shipment is rejected; require proper accounting of receipt and delivery of products; require all contracts be filed with the Department of Agriculture and Consumer Services; and prescribe rules for filing complaints of violations of §§ 3 and 4 of the regulation. Changes were made to improve sentence structure and clarity.

Impact: This regulation affects 58 (number of 1985 licensees) persons or firms purchasing Virginia agricultural produce directly from the producer and not exempted in the Dealers in Agricultural Products Law § 3.1-722.1 of the Code of Virginia.

Projected cost to regulated entities for implementation and compliance - None.

Statutory Authority: § 3.1-722.13 of the Code of Virginia.

Contact: J. Bentley Crichton, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of Product and Industry Regulation, 1100 Bank St., Room 403, Richmond, Va. 23219, telephone (804) 786-3542

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Agricultural Liming Materials Law.

STATEMENT

Statement of basis and purpose: This regulation is essential to assure consumers that agricultural liming materials are accurately and conspicuously labeled. The regulation prescribes minimum standards and classification of liming materials by fineness; minimum calcium carbonate equivalents for Burnt Lime, Hydrated Lime, Limestone, Shells and Burnt Shells. The regulation prescribes investigational allowance and penalties for deficiencies in neutralizing value, fineness; calcium, magnesium and potash in lime potash mixtures. It establishes test methods by reference to those published in the "Book of Methods" by the Association of Official Analytical Chemist. It

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requires that the results of official samples be reported annually to all registrants of agricultural liming materials.

Impact: The regulation affects 62 registrants doing business in Virginia. No new burden is imposed by these regulations.

Statutory Authority: § 3.1-126.12 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Fertilizer Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Gasoline and Motor Fuels Law.

STATEMENT

Statement of basis and purpose: This regulation is essential to ensure that all motor fuel offered for sale is accurately labeled and meets established minimum specifications. It (i) prescribes minimum specification for distillation, Reid vapor pressure, water and sediment and gum in gasoline; flash point, water and sediment, sulfur cetane, distillation and corrosion in diesel fuel; (ii) provides the requirement for registration and labeling of gasoline and diesel fuel; (iii) prescribes the regulatory action to be taken when motor fuels are found not to conform to minimum specifications and (iv) requires the publication of information filed in connection with registration and results of tests of official samples.

Impact: The regulation affect approximately 600 motor fuel registrants and 14,400 retail outlets in Virginia.

Cost to industry will be minimal since current requirements are that the kind of alcohol blended must be posted on retail pumps, this regulation requires that the percentage be added.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

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Title: Rules and Regulations for the Enforcement of the Virginia Industrial Ethanol Act.

STATEMENT

Statement of basis: This regulation is necessary to clearly define the requirements and conditions under which a permit may be issued; to (i) prescribe record keeping

requirements for permittees; (ii) production reporting requirements; (iii) security measures to deter unauthorized use of equipment or removal of ethanol; to clarify denaturing requirements for industrial ethanol; to prescribe (i) warning statements for denatured ethanol; (ii) minimum size containers; (iii) conditions for transporting undenatured ethanol; and to require an indentifying mark on any distilling apparatus existing under the authority of the Virginia Industrial Ethanol Act.

Statement of purpose: This regulation is necessary to preclude the diversion of fuel alcohol to beverage use and to create a climate that will foster the growth and development of the industry.

Impact: This regulation affects 66 firms producing ethanol in Virginia. No new burden is imposed by the regulation.

Statutory Authority: § 3.1-1052 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505 Richmond, Va. 23219, telephone (804) 786-3511

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Title: Rules and Regulations for Enforcement of the Virginia Petroleum Products Franchise Act.

STATEMENT

Statement of basis: Rules and Regulations are mandated by § 59.1-21.16:2 of the Code of Virginia. The regulation is necessary to clearly define the conditions and terms under which a produce/refiner may operate a retail outlet which was operated by a franchised dealer; to establish and define the conditions and terms under which a producer/refiner may rebuild or relocate a retail outlet operated by the producer/refiner prior to July 1, 1979; and, to establish requirements for reporting locations of retail outlets.

Statement of purpose: This regulation is necessary for the enforcement of § 59.1-21.16:2 of the Code of Virginia, the Petroleum Products Franchise Act. It establishes conditions under which a producer/refiner may temporarily operate a franchised retail outlet, rebuild or relocate retail outlets and outlines the criteria for reporting the locations of retail outlets.

Impact: The regulation affects 358 producer/refiner outlets and 1,073 franchised dealers operating retail outlets in Virginia. No new burden is imposed by these regulations.

Statutory Authority: § 59.1-21.16:2 of the Code of Virginia.

Contact: W. P. Zentmeyer, Supervisor, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3511

Calendar of Events

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Title: Rules and Regulations Relating to the Virginia Plants and Plant Products Inspection Law.

STATEMENT

Statement of basis: Virginia is a producer of Narcissus plants and bulbs and vegetable transplants for shipment to other states and countries. Some importing states and countries legally require pest-free certification of Narcissus plants, Narcissus bulbs and vegetable transplants for importation. For this reason, it is necessary to declare these articles as nursery stock and provide procedures to make them eligible for pest-free certification. No change in this portion of the regulation is necessary.

White pines are widely grown throughout Virginia as an ornamental and as an agricultural commodity for Christmas trees. White pine blister rust, Cronartium ribicola, is a destructive disease of white pines. European black currant, Ribes nigrum, serves as the alternate host to this rust and may harbor and disseminate this disease.

Inspecting a license of nurserymen at satellite retail locations by Virginia Department of Agriculture and Consumer Services personnel serves as a check for parent nursery affiliations and responsibility. However, it is not necessary for this copy to be displayed; it need only be available for inspection by field personnel when requested for verification. Therefore, the part of this regulation requiring display of a license by satellite retail stores should be repealed.

Purpose: To declare Narcissus plants, Narcissus bulbs, and vegetable transplants as nursery stock and make them eligible for certification as pest-free for export. It also prohibits the importation of European black currant plants, Ribes nigrum, the alternate host of white pine blister rusts, Cronartium ribicola. Inspecting a license of nurserymen at satellite retail locations by Virginia Department of Agriculture and Consumer Services personnel serves as a check for parent nursery affiliations and responsibility. However, it is not necessary for this copy to be displayed; it need only be available for inspection by field personnel when requested for verification. Therefore, the part of this regulation requiring display of a license by satellite retail stores should be repealed.

Impact: Section 1 affects no more than 100 nurseries having more than one sales location.

Section 2 affects 10 growers producing 15 acres of Narcissus bulbs.

Section 3 affects 3 growers producing 150 acres of vegetable transplants.

Section 4 (European Black Currant Plants) affects all persons in the state in that it prohibits anyone from importing or bringing these plants into Virginia.

Statutory Authority: § 3.1-188.25 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations for Enforcement of the Virginia Commercial Feed Law. The regulations define terms specifically applicable to the Virginia Commercial Feed Law and establish criteria for listing required information on commercial feed labels.

STATEMENT

Statement of basis: Livestock and poultry feeding programs are based on the nutrient needs of the animal. Accurate and complete labeling of commercial feed is necessary in order to protect the purchasers and users of commercial feed in the production of meat, milk and eggs for human consumption.

Purpose: To define terms specifically applicable to the Virginia Commercial Feed Law and establish criteria for listing required information on commercial feed labels. Livestock and poultry feeding programs are based on the nutrient needs of the animal. Accurate and complete labeling of commercial feed is necessary in order to protect the purchasers and users of commercial feed in the production of meat, milk and eggs for human consumption.

Impact: These regulations affect 603 firms or persons who process or manufacture commercial feed ingredients or manufacturers and sell commercial feed and 79,000 livestock and poultry producers who purchase and use commercial feeds in the production of meat, milk and eggs for human consumption in Virginia.

Statutory Authority: § 3.1-813 of the Code of Virginia.

Contact: G. A. Pearson, Supervisor, Feed and Animal Remedies Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, P. O. Box 1163, Room 403, Richmond, Va. 23209, telephone (804) 786-3514

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Title: Rules and Regulations for Enforcement of the Virginia Seed Law. This regulation prescribes the method of inspecting, sampling, and testing of seed; provides applicable tolerances in testing, and prescribes specifications and requirements for labeling.

STATEMENT

Statement of Basis: To ensure that all seed sold, offered for sale, exposed or advertised is truthfully labeled with

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information taken from a laboratory analysis of a test conducted from a representative sample of a lot. Protect agricultural land from the introduction of prohibited noxious weed seed, and inform the purchaser of seed if any restricted noxious weed seed are present and their rate of occurrence. Restrict the sale of seed that contain weed seed in excess of 1.0%. Inform the purchaser if seed have been treated and identify the treatment substance.

For these reasons it is necessary to maintain an inspection, sampling and testing program that will monitor seed that is sold in order that the purchaser of the seed and other agricultural interest will be protected.

Statement of purpose and impact: This regulation is to ensure that all seeds are truthfully labeled within tolerance of the label guarantee and meet established minimum specifications according to standard procedures of inspecting, sampling, testing and the application of tolerance. Also, to name those weed seed which are classified as prohibited noxious (no tolerance permitted) and restricted noxious with limitation as to rate of occurrence. This regulation also establishes the maximum percentage of (common) weed seed and inert matter, and the minimum germination standards of vegetable, flower and peanut seed. Changes were made to improve the sentence structure and clarify. Seven agricultural kinds were added to the existing list. The requirement for labeling the component of lawn and turf seed mixtures under the heading of fine textured and coarse kinds was deleted to conform to the requirement of the Federal Seed Act and the Recommended Uniform State Seed Law.

Impact: This regulation affects all persons in Virginia who label or purchase seed to include 58,000 farmers, 165 seed labelers, 1.1 million home owners, 30 sod producers, 240 golf courses, 800 schools, 80 colleges, 65 federal parks, 31 state parks, and other state agencies.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Contact: D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, Division of PAIR, 1100 Bank St., Room 505, Richmond, Va. 23219, telephone (804) 786-3797

Title: Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Gypsy Moth Quarantine.

STATEMENT

Statement of Basis: Preventing the artificial (long distance) spread of the gypsy moth is dependent upon regulating the movement of articles capable of transporting any life stage of the gypsy moth. For this reason, it is necessary to establish regulated (infested) areas from which articles capable of moving gypsy moth may not be moved without first being certified free of all life stages.

Purpose: To prevent the artificial spread of gypsy moth from regulated (infested) areas to nonregulated (noninfested) areas by requiring that articles capable of transporting life stages of the gypsy moth be inspected and certified free of gypsy moth.

Impact: This regulation affects any person moving regulated articles from the regulated (infested) areas into the nonregulated (noninfested) areas.

Statutory Authority: §§ 3.1-188.23 - 3.1-188.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Agriculture and Consumer Services intends to REPEAL the following regulations:

Title: Rules and Regulations for Enforcement of the Barberry and Black Stem Rust Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: In order to prevent the spread of a destructive disease from certain species of barberry, mahonia and *Mahoberberis* plants to small grain crops, this regulation was enacted. This regulation was enacted to: (i) declare all rust-susceptible species of these plants as a public nuisance; (ii) authorize the State Entomologist to destroy all rust-susceptible species of these plants found in Virginia; (iii) prohibit the movement, planting, and/or growing of any rust-susceptible species of these plants; and (iv) allow movement, planting and/or growing of non-susceptible species of these plants, if labeled properly. This was determined to be the only means of control, since no practical chemical controls were available. Also, this regulation was enacted to enable VDAS to cooperate with the USDA quarantine for the same organism. However, the USDA has not enforced their quarantine for several years, like Virginia, since rust-susceptible varieties of these plants are no longer commercially available. This lack of availability has resulted in minimal hazard disease spread to grain crops in the Commonwealth. Therefore, this regulation is recommended for repeal.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-288.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209,

Calendar of Events

telephone (804) 786-3515

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Title: Rules and Regulations for Enforcement of the Noxious Weed Law.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: During the past 10 years it has been demonstrated that the weed (*Salpichroa organifolia*) can be effectively controlled by readily available herbicides, but eradication is not likely since the plant reproduces vegetatively as well as by seed. Also, this weed has not become a serious problem in Virginia over the last 10 years. The need for the regulation has passed and the regulation should be repealed.

Statutory Authority: §§ 3.1-296.13 - 3.1-296.14 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Bureau of Plant Protection and Pesticide Regulation, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

* * * * *

Title: Rules and Regulations Providing for the White Pine Blister Rust Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: Many years ago, several species of gooseberries and currant plants that are capable of spreading the disease white pine blister rust, were shipped to Virginia and other states. During this period of time, it was felt that the best way to protect commercial stands of which pines in certain areas of the state would be to restrict the movement into those areas of certain disease susceptible varieties of currants and gooseberries. Therefore, 33 counties were described as having the largest stands of white pines, and would be protected from the entrance of disease carrying currants and gooseberries. Over the years, requests for shipment into these protected counties have dwindled. Also, commercial nurseries stopped shipping varieties of the plants capable of spreading white pine blister rust. The regulation is no longer necessary to protect commercial stands of white pines and should be repealed. The complete prohibition of European black currants (the most destructive variety) section of this quarantine is recommended to be added to the regulations under the Virginia Plants and Plant Products Inspection Law under this review process.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-288.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3515

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Title: Rules and Regulations for Enforcement of the Tomato Plant Disease Quarantine.

STATEMENT

Brief statement of subject, substance, issues, basis and purpose: In the past, commercial tomato growers in eight Virginia counties have purchased transplants from Southern states infected with several diseases. This regulation was adopted to assure a continuous supply of healthy tomato transplants for planting. The regulation was designed to: (i) prohibit the movement of plants into or between the protected eight counties unless such plants were accompanied by a certificate of inspection; (ii) allow plants accompanied by an approved certificate to move into or between the counties; (iii) allow tomato growers in the protected counties to call for an inspection by VDACS personnel on any imported plants; (iv) assure that all plants moving into or between the protected counties were subject to inspection by VDACS personnel; and (v) allow plants not accompanied by a valid certificate or found to be infected with any of the listed diseases to be stop sold, seized, destroyed, or returned to the shipper.

Over the last several years, the primary exporting states have employed a good transplant inspection program to assure relative freedom from disease. Also, commercial tomato growers in Virginia have not called for inspection of tomato plants suspected of having a disease problem for two years. In addition, the Virginia Plant and Plant Products Inspection Law would allow VDACS to take action to rectify any disease problems detected on tomato transplants. This regulation has served its purpose and is recommended for repeal.

Statutory Authority: §§ 3.1-188.21, 3.1-188.23 and 3.1-188.24 of the Code of Virginia.

Contact: Donald H. Kludy, State Entomologist and Chief, Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection and Pesticide Regulation, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23219, telephone (804) 786-3515

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

December 17, 1985 - 9:30 a.m. – Open Meeting
2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to receive and discuss reports on activities

Calendar of Events

from staff members. Other matters not yet determined.

- † **January 13-14, 1986 - 9:30 a.m.** – Open Meeting
 - † **January 28, 1986 - 9:30 a.m.** – Open Meeting
 - † **February 10-11, 1986 - 9:30 a.m.** – Open Meeting
 - † **February 25, 1986 - 9:30 a.m.** – Open Meeting
- 2901 Hermitage Road, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Larry E. Gilman, 2901 Hermitage Rd., Richmond, Va., telephone (804) 257-0616

BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS

Virginia State Board of Architects

- † **December 13, 1985 - 8:30 a.m.** – Open Meeting
- Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

Rescheduling of December 6, 1985, meeting.

A section meeting and examination review process.

Contact: Johnsie Williams, Assistant Director, Department of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects, 3600 W. Broad St., Richmond, Va. 23230-4917

VIRGINIA AUCTIONEERS BOARD

- † **January 9, 1986 - 10 a.m.** – Open Meeting
- Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to consider (i) up-date on expenditures and revenue; (ii) discussion of escrow policy; and (iii) discussion of proposed action on regulations.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

BOARD OF BARBER EXAMINERS

- December 9, 1985 - 9 a.m.** – Open Meeting
- Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to (i) review applications for reinstatement of licenses; (ii) review investigative reports of complaints and determine disposition; (iii) consider correspondence pertinent to the operation of the board; and (iv) confer with barber school owners.

Contact: Mrs. Gale G. Moyer, Assistant Director, Virginia Board of Barber Examiners, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

STATE BUILDING CODE TECHNICAL REVIEW BOARD

- † **December 13, 1985 - 10 a.m.** – Open Meeting
- Fourth Street Office Building, 205 North 4th Street, Second Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meeting.

Contact: C. Sutton Mullen, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4751

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Historic Landmarks Board

- † **December 17, 1985 - 2 p.m.** – Open Meeting
- 221 Governor Street, Richmond, Virginia

A general business meeting of the board.

Division of Historic Landmarks

- † **December 17, 1985 - 10 a.m.** – Open Meeting
- 221 Governor Street, Richmond, Virginia

A meeting to consider the addition of the following properties to the Virginia Landmarks Register and their nomination to the National Register of Historic Places: (i) Arbuckle House, Accomack County; (ii) Fairview Farm, Warren County; (iii) Pulaski Commercial Historic District, Pulaski (town); (iv)

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Robert E. Lee Boyhood Home, Alexandria; (v)
Snowville Historic District, Pulaski County; and (vi)
Surry County Courthouse Complex, Surry County.

Contact: Margaret T. Peters, Information Officer, 221
Governor St., Richmond, Va. 23219, telephone (804)
786-3143

Virginia Soil and Water Conservation Board

January 16, 1986 - 9 a.m. - Open Meeting
Farm Credit Office, 6526 Mechanicsville Turnpike,
Mechanicsville, Virginia

A regular bi-monthly business meeting.

Contact: Donald L. Wells, 203 Governor St., Suite 206,
Richmond, Va. 23219-2094, telephone (804) 786-2064

BOARD OF CORRECTIONS

December 11, 1985 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location
accessible to handicapped.)

† January 15, 1986 - 10 a.m. - Open Meeting
† February 12, 1986 - 10 a.m. - Open Meeting
4615 West Broad Street, Richmond, Virginia. (Location
accessible to handicapped.)

A regular monthly meeting to consider such matters
as may be presented to the Board of Corrections.

Contact: Vivian Toler, Secretary to the Board, 4615 W.
Broad St., P. O. Box 26963, Richmond, Va. 23261,
telephone (804) 257-6274

CRIMINAL JUSTICE SERVICES BOARD

† January 8, 1986 - 1:30 p.m. - Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to
handicapped.)

A meeting to consider matters related to the board's
responsibilities for criminal justice training and
improvement of the criminal justice system.

Committee on Training

† January 8, 1986 - 10 a.m. - Open Meeting
Division of Motor Vehicles, 2300 West Broad Street,
Agecroft Room, Richmond, Virginia. (Location accessible to
handicapped.)

A meeting to discuss matters related to training for

criminal justice personnel.

Contact: Jay W. Malcan, Staff Executive, Department of
Criminal Justice Services, 805 E. Broad St., Richmond, Va.
23219, telephone (804) 786-8730

Committee on Criminal Justice Information Systems

January 7, 1986 - 3 p.m. - Public Hearing
805 East Broad Street, 11th Floor Conference Room,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Criminal Justice
Services Board intends to amend regulations entitled:
**Regulations Relating to Criminal History Record
Information - Part I; Criminal History Record
Information Security - Part II.** The purpose of this
amendment is to ensure the completeness, accuracy,
privacy, and security of criminal history record
information, and to allow criminal justice agencies to
establish reasonable fees for search and copying of
criminal records.

STATEMENT

Basis and Purpose: The purpose of the proposed
amendment is to allow criminal justice agencies to charge
a reasonable fee for copying and research time expended
in disseminating criminal history record information to
noncriminal justice agencies/individuals.

Subject and Substance: Criminal history record information
is exempt from the Freedom of Information Act and the
Privacy Protection Act. This amendment will provide
criminal justice agencies with authority to charge for their
record searches, as those agencies whose records are
subject to FOIA and PPA now have.

Impact: An estimated 288 state and local criminal justice
agencies will be authorized by regulations to establish
reasonable fees for search time expended and copying
when criminal history record information is requested by
noncriminal justice agencies/individuals.

Compliance Cost: It is anticipated that there will be no
compliance cost to those agencies who establish reasonable
fees for search time expended and copying costs.

Implementation Costs: None.

Statutory Authority: §§ 9-170(1); 9-170 (20); 9-182 through
9-192 of the Code of Virginia

Written comments may be submitted until January 3, 1986
to J. W. Matthews, Department of Criminal Justice
Services, 805 East Broad Street, Richmond, Virginia 23219

Contact: J. R. Marshall, Executive Assistant, Department of
Criminal Justice Services, 805 E. Broad St., Richmond, Va.

23219, telephone (804) 786-8730

and paid fire departments in the state.

BOARD OF EDUCATION

January 16, 1985 - 8 a.m. - Open Meeting
January 17, 1985 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C and D, 1st Floor, Richmond, Virginia. (Location accessible to handicapped.)

A regularly scheduled business meeting. Business will be conducted according to items listed on the agenda which is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2540

**VIRGINIA WHOLESALE FARMERS' MARKET
FEASIBILITY STUDY**

Steering Committee

December 10, 1985 - 1 p.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to discuss publicly recommendations reached in the Feasibility Study. This Wholesale Farmers' Market Feasibility Study was mandated by H.J.R. No. 337 of the 1985 Session of the Virginia General Assembly.

Contact: R. Duke Burruss, P. O. Box 1163, Richmond, Va. 23209, telephone (804) 786-1949

**VIRGINIA FIRE BOARD AND THE DEPARTMENT OF
FIRE PROGRAMS**

January 31, 1986 - 9:30 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Board and the Department of Fire Programs intends to adopt regulations entitled: **Guidelines for Public Participation in Regulation Development and Promulgation.** This regulation sets forth the manner in which the Virginia Fire Board and the Department of Fire Programs will obtain public input and participation in developing regulations. This regulation will affect training and services provided volunteer

STATEMENT

Statement of Purpose: This regulation sets forth the manner in which the Virginia Fire Board and the Department of Fire Programs will obtain public participation and solicit the input of interested parties in the formation and development of its regulations.

Estimated Impact:

A. Numbers and types of entities or person affected:

This regulation will impact the 600 (approximate) fire departments/companies - paid, volunteer and combination - which exist in the state and the 25,000 firefighters who are members of those departments/companies.

B. Projected cost to regulated entities:

This regulation imposes no mandated costs on regulated entities or the public. If affected entities or persons comment or respond to this published regulation, there will be postage, telephone or travel costs depending on the method the individual elects to use to communicate comments. This agency received no response to its notice of intent to promulgate public participation guidelines. Little response is anticipated to the publication of the regulation for public review and comment.

C. Projected cost to agency:

Printing of regulations copies \$333.00
Mailing of regulations \$266.00
Advertising \$215.00

D. Source of funds:

Agency's general budget.

Need for proposed regulation:

To permit interested and affected parties to participate in developing regulations relative to fire service activities in the state.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until February 7, 1986.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, Va. 23219, telephone (804) 225-2681

Calendar of Events

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† December 20, 1985 - 7:30 p.m. - Open Meeting
† December 21, 1985 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 517 West Grace Street, Main Board Room, Richmond, Virginia. (Location accessible to handicapped.)

A general board meeting.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

DEPARTMENT OF GENERAL SERVICES

State Insurance Advisory Board

December 12, 1985 - 9:30 a.m. - Open Meeting
College of William and Mary, Campus Center, Room C, Williamsburg, Virginia. (Location accessible to handicapped.)

Quarterly meeting of the State Insurance Advisory Board.

Contact: Charles F. Scott, Director, Department of General Services, Office of Risk Management, 805 E. Broad St., Room 117, Richmond, Va. 23219, telephone (804) 786-5968

STATE BOARD OF HEALTH

January 15, 1986 - 7 p.m. - Public Hearings
The Warren/Green Building, 10 Hotel Street, Meeting Room, Warrenton, Virginia
January 16, 1986 - 7 p.m. - Public Hearing
Harrisonburg Electric Commission, 89 West Bruce Street, Community Room, Harrisonburg, Virginia
January 20, 1986 - 7 p.m. - Public Hearing
Central Virginia Community College, Wards Road South (Route 29), Lynchburg, Virginia
January 21, 1986 - 7 p.m. - Public Hearing
Circuit Court Room, Park and Main Streets, 1st Floor, Marion, Virginia
January 23, 1986 - 7 p.m. - Public Hearing
Suffolk Council Chambers, 411 Market Street, Suffolk, Virginia
January 27, 1986 - 7 p.m. - Public Hearing
Henrico Government Center, Parham & Hungary Springs Roads, Henrico County Board Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **Sewage Handling and Disposal Regulations**. The Sewage Handling and Disposal Regulations specifies criteria by which sewage is handled and disposed of in a safe and sanitary manner.

STATEMENT

Basis and Authority: Section 32.1-164B of the Code of Virginia, authorizes the board to promulgate regulations governing sewage disposal. Sections 32.1-164.2 through 32.1-164.4 specifically authorize regulation of septage disposal.

Purpose: The purpose of these regulations is to ensure that all sewage is handled and disposed of in a safe and sanitary manner; to guide the State Health Commissioner in his determination of whether a permit for handling or disposing of sewage should be issued or denied; and to guide the owner in the requirements necessary to receive a permit for handling and disposing of sewage.

Summary and Analysis: The amendments are proposed to implement House Bill 1385 (Ch. 391 of the 1985 Acts of Assembly): Land Disposal of Septage in Certain Counties. The proposed amendments expand the options available for the proper handling and disposal of septage.

Namely, stabilization of septage through lime stabilizations will become an option which can then be followed by the application of the stabilized septage to suitable land. Another option outlined in the proposed amendments includes the shallow injection of septage into suitable land.

Impact: There are approximately 280 septage handlers in Virginia. Current regulations require septage handlers to be permitted to handle septage and before permitting they must demonstrate that they have an approved site for the disposal of septage. Septage disposal sites currently approved include the use of sewage treatment plants and anaerobic lagoons. There are situations where the above options are not available and the proposed amendments were developed to allow other methods by which septage may be disposed.

Statutory Authority: § 32.1-164B of the Code of Virginia.

Written comments may be submitted until January 27, 1986.

Contact: Robert W. Hicks, Director, Division of Sanitarian Services, 522 James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3559

Bureau of Pharmacy Services

January 16, 1986 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Health, Bureau of Pharmacy Services intends to amend regulations entitled: **Virginia Voluntary Formulary**. The purpose of the proposed amendment is to ad'

and delete a list of drugs of accepted therapeutic value, commonly prescribed and available from more than one source of supply.

STATEMENT

Statement of Subject, Substance, Issues, Basis and Purpose:

The purpose of the Virginia Voluntary Formulary is to provide a list of drugs of accepted therapeutic value, commonly prescribed within the state which are available from more than one source of supply, and a list of chemically and therapeutically equivalent drug products which have been determined to be interchangeable. Utilization of the Formulary by practitioners and pharmacists enables citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards.

The proposed revised Virginia Voluntary Formulary adds and deletes drugs and drug products to the Formulary that became effective August 1, 1985. These additions and deletions are based upon recommendations of the Virginia Voluntary Formulary Council following its review of scientific data submitted by pharmaceutical manufacturers. The council makes its recommendations to the State Board of Health.

The Virginia Voluntary Formulary is needed to enable citizens of Virginia to obtain safe and effective drug products at a reasonable price consistent with high quality standards. Without the Formulary physicians, dentists, and pharmacists in Virginia would not have the assurance that those generic drug products that may be substituted for brand name products have been evaluated and judged to be interchangeable with the brand name products.

Statutory Authority: §§ 32.1-12 and 32.1-79 et seq. of the Code of Virginia.

Written comments may be submitted no later than 5 p.m., January 16, 1986.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, James Madison Bldg., 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

Division of Solid and Hazardous Waste Management

December 27, 1985 - 10 a.m. - Public Hearing

Monroe Building, 101 North 14th Street, Meeting Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **Regulations Governing the Transportation of Hazardous Materials.**

STATEMENT

Amendment 5 to the Regulations Governing the Transportation of Hazardous Materials.

Basis and Authority: Regulations Governing the Transportation of Hazardous Materials in the Commonwealth are based on the requirements of § 18.2-278.2 of the Code of Virginia. These statutory requirements reflect federal requirements contained in the Hazardous Materials Transportation Act of 1975 (PL 93-633, 49 USC 1801 et seq.), Federal Motor Carrier Safety Regulations contained in 49 USC 304, Interstate Commerce Act and 49 USC 1655, Department of Transportation Act. The proposed amendment is consistent with the Virginia statute and with the implementing federal regulations contained in Title 49, Code of Federal Regulation, Part 107, Subpart B, Parts 171-179 and Parts 390-397.

Purpose: The purpose of this amendment is to adopt changes made during 1984 in the federal regulations governing all modes of transportation of hazardous materials in commerce.

Summary and Analysis: This amendment revises the regulations adopted on May 4, 1981 governing the manner and method by which hazardous materials are loaded, unloaded, packed, identified, marked, placarded, stored, and transported in Virginia. Changes reflected in this amendment deal with simplifying and clarifying requirements, correcting editorial errors and omissions, and extending dates for compliance with various sections of the regulations.

The major proposed changes include:

A clarification of § 1.04 to include all hazardous materials, hazardous substances and hazardous wastes transported in the Commonwealth as subject to the regulations.

An authorization that certain types of small arms ammunition used in rifles, shotguns and pistols be classed and offered for shipment as an ORM-D, a "consumer commodity," rather than a Class C Explosive. (49 FR No. 102 May 24, 1984, pp. 21933-21936).

A revision concerning the transportation of certain cryogenic liquids (49 FR No. 114 June 12, 1984, pp. 24306-24318).

An amendment to driver qualifications rules and the driving rules to prohibit the transportation, possession and use of drugs and other substances, such as opiates, hallucinogens, depressants, and stimulants (49 FR No. 215 November 5, 1984, pp. 44210-44216).

These proposed changes represent changes to U.S. Department of Transportation regulations proposed during 1984.

The amendment is necessary because compliance with federal regulations is accepted under the applicable Virginia statute (§ 18.278.7). Failure to maintain

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consistency with federal regulations would: (i) promote confusion in the regulated community, especially with regard to those persons engaged in interstate commerce; (ii) require enforcement officials to maintain provisions in two sets of regulations and (iii) undermine the development of standards for the safe transportation of hazardous materials, a situation which would have an adverse impact on emergency response activities.

Contact: Dr. Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free number 1-800-552-2075)

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December 27, 1985 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Meeting Room C, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to amend regulations entitled: **Virginia Hazardous Waste Management Regulations.**

STATEMENT

Amendment 7 to the Virginia Hazardous Waste Management Regulations

Basis and Authority: Section 32.1-178 of the Code of Virginia directs the Board of Health to promulgate regulations as may be necessary. Extensive changes in the federal regulations promulgated in 1984 necessitate an amendment which keeps the Virginia Hazardous Waste Management program consistent with federal requirements, thus preserving the final authorization granted to the Virginia program, and maintaining its independent authority to enforce the Resource Conservation and Recovery Act (RCRA) provisions here in the Commonwealth.

Purpose: The State Board of Health and the State Health Commissioner promulgate these amended regulations in order to effectively monitor the generation, treatment, storage, transportation and disposal of hazardous waste in the Commonwealth. By regulating these activities, the Commonwealth protects life, health, property, and Virginia's environment.

Summary and Analysis: Amendment 7 proposes to incorporate changes in the federal regulations promulgated up to April 30, 1985. Other minor revisions, including editorial changes, additions of reference materials, or clarifying language, have been included for the convenience of the regulated community, and to maintain equivalence with the federal requirements for a hazardous waste management program.

The major changes in Amendment 7 are as follows:

1. Redefinition of what constitutes "solid waste" and "hazardous waste", in §§ 2 and 3.
2. Dioxin becomes a hazardous waste, in § 3.
3. Satellite hazardous waste accumulation points on a generator facility site are exempted from permitting requirements in § 6.
4. Special regulations are specified for certain kinds of hazardous waste.
5. Section 14 establishes special rulemaking and procedures for applying for variances of the regulations.

Contact: Dr. Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, James Monroe Bldg., 11th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2667 (toll-free number 1-800-552-2075)

VIRGINIA BOARD FOR HEARING AID DEALERS AND FITTERS

† **January 6, 1986 - 8:30 a.m. – Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th Floor, Conference Rooms 1, 2 & 3, Richmond, Virginia. (Location accessible to handicapped.)

A board meeting to consider (i) administering of examination; (ii) complaints; and (iii) an up-date on revenue and expenditures.

Contact: Gerald W. Morgan, Assistant Director, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230-4917, telephone (804) 257-8508

STATE HIGHWAY AND TRANSPORTATION BOARD

† **December 19, 1985 - 10 a.m. – Open Meeting**
Virginia Department of Highways and Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A monthly meeting of the State Highway and Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Oscar K. Mabry, Deputy Commissioner, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2703

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Housing Development Authority intends to amend regulations entitled: **Procedures, Instructions and Guidelines For Home Rehabilitation Loans**. This amendment modifies the provisions in the procedures, instruction and guidelines establishing applicable limits for adjusted family income of loan applicants under the authority's Home Rehabilitation Loan Program.

STATEMENT

Purpose: To provide that the limits for adjusted family income under the Home Rehabilitation Loan Program shall be 120% of the median incomes adjusted for family size as established from time to time by the U.S. Department of Housing and Urban Development.

Basis: Rule 103 of the Rules and Regulations of the authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

Subject, Substance and Issues: Under the current provisions of the authority's Procedures, Instructions and Guidelines for Home Rehabilitation Loans, the authority's Board of Commissioners establishes the applicable limits for adjusted family income of loan applicants under this program. The income limit currently in effect for this program is \$18,000.

The U. S. Department of Housing and Urban Development from time to time establishes median incomes, adjusted for family size, for each jurisdiction in the state. The proposed regulation will provide that the income limits under the program shall be 120% of such median incomes. The median incomes presently established by the U. S. Department of Housing and Urban Development are available upon request at the office of the authority.

Impact: By using 120% of the median incomes established by the U. S. Department of Housing and Urban Development, the authority anticipated that an additional 50 mortgage loans will be made each year to persons and families of low and moderate income under this program. The authority does not expect that any significant costs will be incurred for the implementation of and compliance with the proposed regulation.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until December 11, 1985.

Contact: Judson McKellar, General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

Board of Commissioners

† **December 12, 1985 - 10 a.m.** — Open Meeting
3 South 13th Street, Richmond, Virginia. (Location

accessible to handicapped.)

A regular monthly meeting to (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; (iv) consider and, if appropriate, approve the amendment to Procedures, Instructions and Guidelines for Home Rehabilitation Loans; and (v) consider such other matters and take such other actions as they may deem appropriate. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

INNOVATIVE TECHNOLOGY AUTHORITY

December 16, 1985 - 2:30 p.m. — Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the Innovative Technology Authority to conduct business, followed by an annual meeting open to the public.

Contact: Mary P. Currier, Center for Innovative Technology, P. O. Box 15373, Herndon, Va. 22070-9998, telephone (703) 661-8994

VIRGINIA STATE LIBRARY BOARD

December 9, 1985 - 11 a.m. — Open Meeting
Virginia State Library, 11th Street at Capitol Square, State Librarian's Office, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting to discuss administrative matters.

Contact: Jean Reynolds, Virginia State Library, 11th St. at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

December 16, 1985 - 9 a.m. — Open Meeting
Alleghany County Circuit Courtroom, Covington, Virginia

Oral presentations regarding the proposed consolidation of the City of Covington, the City of Clifton Forge, and Alleghany County into the City of Alleghany Highlands.

Calendar of Events

December 16, 1985 - 7 p.m. – Public Hearing
Alleghany County High School, Lowmoor, Virginia

A public hearing regarding the proposed consolidation of the City of Covington, the City of Clifton Forge and Alleghany County into the City of Alleghany Highlands.

December 17, 1985 - 9 a.m. – Open Meeting
Alleghany County Circuit Courtroom, Covington, Virginia

Oral presentations regarding the proposed consolidation of the City of Covington, the City of Clifton Forge and Alleghany County into the City of Alleghany Highlands.

† **January 14, 1986 - 10 a.m. – Open Meeting**
Ninth Street Office Building, Commission on Local Government offices, Room 901, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting to (i) elect officers for 1986; (ii) review of mediation resources; (iii) recognition of past commission members, and (iv) other general agenda items.

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

VIRGINIA MARINE PRODUCTS BOARD

† **December 17, 1985 - 5 p.m. – Open Meeting**
Ramada Inn, Route 17, Room 4, Newport News, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on (i) finance, (ii) marketing, (iii) past and future program planning, (iv) publicity/public relations and (v) old/new business.

Contact: Shirley Estes Berg, 97 Main St., P. O. Box 1248, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

† **December 17, 1985 - 9:30 a.m. – Open Meeting**
2401 West Avenue, Newport News, Virginia

The Marine Resources Commission normally meets on the fourth Tuesday each month, at 9:30 a.m., at the agency office, 24th Street and West Avenue, Newport News, Virginia. It hears and decides cases on fishing licensing; oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes, and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is

empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Virginia S. Chappell, Secretary to the Commission, Marine Resources Commission, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

BOARD OF MEDICAL ASSISTANCE SERVICES

December 10, 1985 - 10 a.m. – Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

The board is to complete its orientation to the State Plan.

Contact: Victoria P. Simmons, Department of Medical Assistance Services, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7933

BOARD OF MEDICINE

January 16, 1986 - 1 p.m. – Public Hearing
Holiday Inn, I-64 West, 6531 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Boards of Medicine and Nursing intend to adopt regulations entitled: **Regulations Governing the Certification of Nurse Practitioners (VR 465-07-1 and VR 495-02-1).**

NOTICE: Please refer to the Notice of Comment Period listed under the Board of Nursing.

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† **December 18, 1985 - 10 a.m. – Open Meeting**
Richmond area (to be announced later)

A regular monthly meeting. The agenda and location of the meeting will be published on December 11, 1985, and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Mental Health and Mental Retardation Board Secretary, Department of Mental Health and Mental Retardation, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

Calendar of Events

STATE MILK COMMISSION

† **December 11, 1985 - 10 a.m.** – Open Meeting
Ninth Street Office Building, Room 1015, Richmond,
Virginia. (Location accessible to handicapped.)

A routine monthly meeting.

Contact: C. H. Coleman, Administrator, Ninth Street Office
Bldg., Room 1015, Richmond, Va. 23219, telephone (804)
786-2013

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

† **February 7, 1986 - 10 a.m.** – Public Hearing
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. (Location accessible to
handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Department
of Motor Vehicles intends to adopt regulations entitled:
**Regulations for Titling and Registering Foreign
Market Vehicles.** The proposed regulations provide a
formal standardized method of processing title and
registration applications for foreign market vehicles
imported into Virginia.

STATEMENT

Statement of basis, purpose and impact: Pursuant to §§
46.1-26 of and 46.1-56 of the Code of Virginia, the
Department of Motor Vehicles proposes new regulations.

The purpose of these regulations is to provide for a
standardized formal method of processing titling and
registration applications for foreign market vehicles
originally manufactured outside the United States, and not
manufactured in accordance with the National Traffic and
Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1381 et seq.)
and the regulations and policies adopted pursuant to that
Act.

Foreign market vehicles are being imported into Virginia
and the United States by private citizens, importers,
brokers and dealers. Regulations affect owners of all
foreign market vehicles and the operation of such vehicles
in Virginia poses a threat to the safety of the driving
public if the vehicles are not modified to meet accepted
U. S. safety standards. The volume of these imports is
increasing.

DMV does not currently have formal, standardized policies
or procedures for evaluating the safety features of those
vehicles and for processing titling and registration
applications for foreign market vehicles. The commissioner
finds that proof of compliance with applicable federal
safety standards is the best available means to ensure that
such vehicles do not endanger the public health and

safety, and that proof of such compliance is a reasonable
prerequisite to titling and registration.

Statutory Authority: §§ 46.1-26 and 46.1-56 of the Code of
Virginia

Written comments may be submitted until February 6,
1986.

Contact: Jerome L. Stein, Manager, Titles and Registration
Division, Department of Motor Vehicles, P. O. Box 27412,
Richmond, Va. 23269-0001, telephone (804) 257-0510

VIRGINIA MUSEUM OF FINE ARTS

Board of Trustees

January 16, 1986 - 11:30 a.m. – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenue, Museum Auditorium, Richmond, Virginia.
(Location accessible to handicapped.)

A general board meeting of the full board of trustees
to receive (i) committee reports; (ii) staff reports; and
(iii) review budget.

Finance Committee

January 16, 1986 - 10:30 a.m. – Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove
Avenue, Payne Room, Members' Suite, Richmond, Virginia.
(Location accessible to handicapped.)

A general meeting to discuss financial matters and
review budget.

Contact: Mrs. Emily C. Robertson, Secretary of the
Museum, Virginia Museum of Fine Arts, Blvd. and Grove
Ave., Richmond, Va. 23221, telephone (804)
257-0553/327-0553 SCATS

STATE BOARD OF NURSING

January 16, 1986 - 1 p.m. – Public Hearing
Holiday Inn, I-64 West, 6531 West Broad Street, Richmond,
Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia State Boards
of Medicine and Nursing intend to adopt regulations
entitled: **Regulations Governing the Certification of
Nurse Practitioners (VR 645-07-1 and VR 495-02-1).**

Calendar of Events

STATEMENT

Purpose: The purpose of these regulations is to regulate the practice of certified nurse practitioners by establishing the requirements for certification of and practice by nurse practitioners and to provide for the Committee of the Joint Boards of Medicine and Nursing to administer the regulations. The regulations also establish and Advisory Committee on the Certification of Nurse Practitioners and establish the fees for certification. In addition, these regulations set the criteria for approval of nurse practitioner education programs and make provision for disciplinary action against those certified who are found to be in violation of the regulations. The regulations establish the basis for the Boards of Medicine and Nursing to fulfill their responsibility to protect the health, safety and welfare of the citizens of the Commonwealth through the certification of nurse practitioners.

Basis: §§ 45.367.11 and 54-274.1 of the Code of Virginia.

Impact: The proposed regulations would affect approximately 1400 certified nurse practitioners. Fees collected from those certified and applying for certification allow the two boards to administer the regulations as required by law. Fees proposed in these regulations will provide the funds necessary to fulfill this duty.

Written comments may be submitted until January 16, 1986.

Contact: Corinne F. Dorsey, Executive Director, P. O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

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January 28, 1986 - 1 p.m. - Public Hearing
Holiday Inn, I-64 West, 6531 West Broad Street, Richmond, Virginia. (Location accessible to handicapped.)

February 12, 1986 - 1 p.m. - Public Hearing
Hotel Roanoke, Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Nursing intends to adopt regulations entitled: **Board of Nursing Regulations.**

STATEMENT

Purpose: These proposed regulations establish the requirements for nursing education programs preparing persons for licensure as registered or licensed practical nurses in Virginia, to regulate the licensure of nurses and discharge the duties required of the board by § 54-367.11 of the Code of Virginia in the protection of the health, safety and welfare of the citizens of the Commonwealth.

Basis: § 54-367.11 of the Code of Virginia.

Impact: The proposed regulations would affect approximately 70,000 registered and licensed practical nurses, 88 nursing education programs and approximately 7,000 annual applicants for licensure. The Board of

Nursing depends on fees from licensees and applicants to fulfill its statutory responsibilities. Proposed changes in fees will allow the board to meet this obligation.

Written comments may be submitted until February 12, 1986.

Contact: Corinne F. Dorsey, Executive Director, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

† **December 12, 1985 - 8:30 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Conference Rooms 1, 2 & 3, Richmond, Virginia. (Location accessible to handicapped.)

A meeting of the board and the nursing home administrators examination.

Contact: Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230-4917, telephone (804) 257-8508

VIRGINIA BOARD OF OPTOMETRY

† **January 20, 1986 - 8:30 a.m. - Open Meeting**
Holiday Inn (Downtown), 301 West Franklin Street, Board Room, 3rd Floor, Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting and a review of the State Board Examination.

† **January 21, 1986 - 8 a.m. - Open Meeting**
Egyptian Building, 1223 East Marshall Street, Baruch Auditorium, Richmond, Virginia. (Location accessible to handicapped.)

The Optometry State Practical Examination and the Diagnostic Pharmaceutical Agents Examination will be administered.

Contact: Charles S. Weiden, Acting Executive Director, Board of Optometry, P. O. Box 27708, Richmond, Va. 23261

VIRGINIA OUTDOORS FOUNDATION

† **December 18, 1985 - 10:30 a.m. - Open Meeting**
Farmer's Delight, Route 745, Loudoun County, Virginia. (Location accessible to handicapped.)

A general administrative meeting.

Calendar of Events

Contact: Tyson B. Van Auken, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539

POLYGRAPH EXAMINERS ADVISORY BOARD

December 12, 1985 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to revise the current Virginia Polygraph Examiner Licensing Examination.

This meeting was previously scheduled for December 4, 1985.

Contact: Iva Frizzell, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8563/8515

PRIVATE SECURITY SERVICES ADVISORY BOARD

† December 11, 1985 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. (Location accessible to handicapped.)

The purpose of the meeting is for the review of responses from the private security industry regarding the notice of intended regulatory action and related regulatory revisions regarding registration of employees and any related matters.

Contact: Iva B. Frizzell, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515/8563

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

December 18, 1985 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. (Location accessible to handicapped.)

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, James Madison Bldg., Room 502, Richmond, Va. 23219, telephone (804) 786-1931

DEPARTMENT OF SOCIAL SERVICES

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **Grant Diversion**. This regulation provides a mechanism by which moneys paid to persons receiving public assistance may be converted into subsidies to employers who hire these persons.

STATEMENT

Basis: This regulation is issued under authority granted by § 63.1-25 of the Code of Virginia and P.L. 98-369 of the Deficit Reduction Act of 1984 which amended § 414 of the Social Security Act.

Subject: Grant diversion is a mechanism by which the moneys paid to persons receiving Aid to Dependent Children (ADC) assistance may be used to provide subsidies to employers who hire those ADC recipients.

Substance: Grant diversion will be a component of the Department of Social Services' Employment Services Program (ESP). The employer subsidies will be funded by the moneys already appropriated for the ADC grants. The administrative costs of the program will require additional state general fund dollars which will be matched by additional federal dollars.

Issues: The employer community will need to be willing to enter into contractual agreements with local welfare/social service agencies to hire ADC recipients they would not otherwise hire in return for cash subsidies.

Purpose: The purpose of the program is to provide time-limited subsidized employment opportunities for ADC recipients who have been unable to obtain subsidized employment.

Statutory Authority: § 63.1-25 of the Code of Virginia and the Deficit Reduction Act of 1984 (P.L. 98-369), § 414 of the Social Security Act.

Written comments may be submitted until January 23, 1986.

Contact: Penelope Boyd Pellow, Assistant State Employment Services Supervisor, Department of Social Services, 8007 Discovery Dr., Blair Bldg., Richmond, Va. 23229-8699, telephone (804) 281-9032 (toll-free number 1-800-552-7091)

Division of Licensing Programs

December 10, 1985 - 11 a.m. - Public Hearing
Henrico Government Center, Parham and Hungry Springs Roads, Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services, Division of Licensing Programs

Calendar of Events

intends to adopt and repeal regulations entitled: **Standards and Regulations for Licensed Adult Day Care Centers.** The areas addressed by the requirements of this regulation include: administration, personnel, supervision, physical environment, programs and services, and emergencies.

STATEMENT

Basis: The statutory basis for these regulations is § 63.1-174 of the Code of Virginia. The Department of Social Services has approved draft standards and regulations for licensed adult day care centers for a 60-day public comment period.

Purpose: The purpose of standards and regulations for adult day care centers is to ensure a minimum level of health, safety, and well-being for the participants receiving care. The proposed revisions are designed to provide protective oversight of participants in group care in a flexible enough manner to accommodate changes during the lifetime of these standards. Emphasis has been placed on clarity and ease of comprehension.

Issues: The document is comprised of the following issues which impact adult care centers subject to licensure by the Department of Social Services: administration, personnel, supervision, physical environment, management of emergencies and programs and services which include: admission policies, health care, management of behavior, nutrition, food service and activities.

Impact: Under the current definition in the Code of Virginia, an adult day care center is a facility, which is either operated for profit or which desires licensure, for four or more aged, infirm or disabled adults which is operated during a part of a day only, which provides supplementary care and protection of individuals who reside elsewhere. Section 63.1-172C of the Code of Virginia exempts a facility or portion of a facility licensed by the State Board of Mental Health and Mental Retardation, and the home or residence of an individual who cares for only persons related to him by blood or marriage from adult day care center licensure.

As of July 1985, 30 centers were licensed for a total capacity of 1,171 participants. Of these, 15 were private, not-for-profit; 11 were public not-for-profit; and 4 were operated for profit.

Statutory Authority: § 63.1-174 of the Code of Virginia.

Written comments may be submitted until December 10, 1985.

Contact: E. Louise Sparrer, Supervisor, Standards/Policy, Adult Programs, Division of Licensing Programs, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9025 (toll-free number 1-800-552-7091).

SOLID WASTE COMMISSION

December 11, 1985 - 10:30 a.m. – Open Meeting
State Capitol Building, Capitol Square, House Room 1,
Richmond, Virginia. (Location accessible to handicapped.)

A general business meeting, and a discussion of low-level radioactive waste management and SJR 105.

Contact: Cheryl Cashman, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-4169

DEPARTMENT OF TAXATION

January 10, 1986 - 10 a.m. – Public Hearing
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. (Location accessible to handicapped.)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **Cigarette Sales Below Wholesale Cost Act: Public Policy; Prohibited Activities; Violation; Enforcement (VR 630-27-286), Definitions (VR 630-27-287), Combination Sales and Concessions (VR 630-27-288), Unfair Method of Competition (VR 630-27-289), Injunction Relief and Damages (VR 630-27-290), Revocation or Suspension of License or Permits for Violations (VR 630-27-291), Exemption or Suspension of Licenses or Permits for Violations (VR 630-27-292), and Special Cost Provisions; Cash and Carry (VR 630-27-293).**

STATEMENT

Purpose: These regulations set forth the policies and procedures relating to the enforcement upon wholesalers of the Cigarette Sales Below Wholesale Cost Act.

Estimated Impact:

Numbers and Type of Regulated Entities: These regulations will affect 175 licensed tobacco wholesalers.

Projected Cost to Regulated Entities: Any cost incurred by the tobacco wholesalers affected by the regulations will be minimal.

Projected Cost to Agency: Cost to the Agency will be affected by the number of complaints filed by tobacco wholesalers and hearings conducted by the department. Total cost should be minimal.

Statutory Authority: §§ 58.1-203 and 59.1-291 of the Code of Virginia.

Written comments may be submitted until January 10, 1986.

Calendar of Events

Contact: Danny M. Payne, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 257-8010

BOARD OF VETERINARY MEDICINE

December 10-11, 1985 - 9 a.m. - Testing

December 12, 1985 - 9 a.m. - Open Meeting

Virginia Polytechnic Institute and State University, Ballroom, Blacksburg, Virginia

The national board examination to veterinarians on December 10, 1985.

The clinical competency test to veterinarians on December 11, 1985.

A general business meeting and informal conferences on December 12, 1985.

Contact: Charles S. Weiden, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

BOARD OF THE VIRGINIA DEPARTMENT FOR THE VISUALLY HANDICAPPED

January 13, 1986 - 1 p.m. - Open Meeting

Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. (Location accessible to handicapped; interpreter for deaf provided if requested.)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped, and to review and approve the department's budget, executive agreement, and operating plan.

Contact: Diane E. Allen, Acting Confidential Secretary, 397 Azalea Ave., Richmond, Va. 23227, telephone (804) 264-3145

STATE WATER CONTROL BOARD

December 13, 1985 - 9 a.m. - Open Meeting

Holiday Inn - 1776, Route 60 By-Pass, Williamsburg, Virginia

A meeting with the State Water Commission to discuss legislative proposals suggested by the State Water Plan Advisory Committee.

Contact: Bernard J. Caton, Director, Office of Policy Analysis, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0120

COUNCIL ON THE STATUS OF WOMEN

December 10, 1985 - 9:30 a.m. - Open Meeting

Department of Social Services, 8007 Discovery Drive, Koger Executive Complex, Blair Building Conference Rooms A & B, Richmond, Virginia. (Location accessible to handicapped.)

A regular meeting of the council to conduct general business and receive reports from the council committees.

Contact: Bonnie H. Robinson, Executive Director, Virginia Council on the Status of Women, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

HOUSE APPROPRIATIONS COMMITTEE

December 15, 1985 - 7 p.m. - Open Meeting

Richmond Quality Inn, Enzain Restaurant, Robin Hood and Hermitage Roads, Richmond, Virginia

A regular business meeting of the Elementary and Secondary Education subcommittee.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Square, 9th Floor, Richmond, Va. 23219, telephone (804) 786-1837

HOUSE APPROPRIATIONS AND SENATE FINANCE COMMITTEES

December 16, 1985 - 9:30 a.m. - Open Meeting

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to handicapped.)

A joint monthly meeting.

Contact: Donna C. Johnson, House Appropriations Committee, General Assembly Bldg., Capitol Square, 9th Floor, Richmond, Va. 23219, telephone (804) 786-1837

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

December 9, 1985 - 9:30 a.m. - Open Meeting

General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. (Location accessible to

Calendar of Events

handicapped.)

A progress report on the cost of funding the SOQ; and other business.

Contact: Ray D. Pethel or Maryann Craven, General Assembly Bldg., Capitol Square, Suite 1100, Richmond, Va. 23219, telephone (804) 786-1258

SAVINGS AND LOAN LAWS INTEREST RATES SUBCOMMITTEE JOINT SUBCOMMITTEE

December 16, 1985 - 2 p.m. - Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. (Location accessible to handicapped.)

A subcommittee meeting to study the interest rate laws of the state of Virginia.

Contact: C. William Cramme', III, Staff Attorney, Division of Legislative Services, General Assembly Bldg., P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST OPEN MEETINGS

December 9, 1985

Barber Examiners, Virginia Board of
Joint Legislative Audit and Review Commission
Library Board, Virginia State

December 10

Farmer's Market Feasibility Study, Virginia
Steering Committee
Medical Assistance Services, Board of
Veterinary Medicine, Board of
Women, Council on the Status of

December 11

Agriculture and Consumer Services, State Board of
Corrections, State Board of
Milk Commission, State
Private Security Services Advisory Board
Solid Waste Commission
Veterinary Medicine, Board of

December 12

Agriculture and Consumer Services, State Board of
General Services, Department of
State Insurance Advisory Board
Housing Development Authority, Virginia
Board of Commissioners
Nursing Home Administrators, State Board
of Examiners for

Polygraph Examiners Advisory Board
Veterinary Medicine, Board of

December 13

Architects, Professional Engineers, Land Surveyors and
Certified Landscape Architects, Board of
Virginia State Board of Architects
Building Code Technical Review Board, State
Water Control Board, State

December 15

Appropriations Committee, House

December 16

Appropriations Committee, House and
Senate Finance Committee
Innovative Technology Authority
Local Government, Commission on
Savings and Loans Laws
Interest Rates Subcommittee
Joint Subcommittee

December 17

Alcoholic Beverage Control Board, Virginia
Conservation and Historic Resources, Department of
Virginia Historic Landmarks Board
Division of Historic Landmarks
Local Government, Commission on
Marine Products Board, Virginia
Marine Resources Commission

December 18

Mental Health and Mental Retardation Board, State
Outdoors Foundation, Virginia
Sewage Handling and Disposal Appeals
Review Board, State

December 19

Highway and Transportation Board, State

December 20

Funeral Directors and Embalmers, Virginia Board of

December 21

Funeral Directors and Embalmers, Virginia Board of

January 6, 1986

Hearing Aid Dealers and Fitters, Virginia Board for

January 8

Criminal Justice Services Board
Criminal Justice Services Board
Committee on Training

January 9

Auctioneers Board, Virginia

January 13

Alcoholic Beverage Control Board, Virginia
Visually Handicapped, Board of Virginia
Department for the

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January 15

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Conservation and Historic Resources, Department of
Virginia Soil and Water Conservations Board
Education, Board of
Museum of Fine Arts, Virginia
Finance Committee

January 17

Education, Board of

January 20

Optometry, Virginia Board

January 21

Optometry, Virginia Board of

January 28

Alcoholic Beverage Control Board, Virginia

February 10

Alcoholic Beverage Control Board, Virginia

February 11

Alcoholic Beverage Control Board, Virginia

February 12

Corrections, Board of

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Alcoholic Beverage Control Board, Virginia

January 10

Taxation, Department of

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Health, Board of

January 16

Health, Board of
Health, Department of
Bureau of Pharmacy Services
Medicine, Board of
Nursing, State Board of

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Health, Board of

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Health, Board of

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Health, Board of

January 31

Fire Board, Virginia and Fire Programs,
Department of

February 7

Motor Vehicles, Virginia Department of

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Agriculture and Consumer Services,
Virginia Department of

PUBLIC HEARINGS

December 10, 1985

Social Services, Virginia Department of
Division of Licensing Programs

December 11

Agriculture and Consumer Services, Virginia
Department of

December 16

Local Government, Commission on

December 27

Health, Virginia Department of

January 7, 1986

Criminal Justice Services Board

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