



**INTRODUCTION and  
REGULATORY REQUIREMENTS  
MODULE ONE**





# DISCLAIMER ABOUT PESTICIDE CONTAINING PRODUCTS

This training program is designed to meet requirements of the Commonwealth of Virginia for persons who apply fertilizers. It is not intended for persons who apply pesticide products that include fertilizers. Pesticide applicators must abide by a separate set of regulations.

Module One covers the following core area of the regulation:

- Recordkeeping and reporting requirements of this regulation (core area ten).

# OUTLINE

- ❑ General Requirements (2VAC5-405-20)
- ❑ Training is Required (2VAC5-405-30)
- ❑ Application Process (2VAC5-405-40)
- ❑ Exemptions from Certification (2VAC5-405-50)
- ❑ General Knowledge Requirements (2VAC5-405-60)
- ❑ Continuing Education Requirement (2VAC5-405-60)
- ❑ Certification Renewal (2VAC5-405-70)
- ❑ Qualifications for Trained Applicators (2VAC-405-80)
- ❑ Recordkeeping Requirements for Trained Applicators (2VAC-405-90)
- ❑ Noncompliance (2VAC5-405-110)
- ❑ Definitions (2VAC5-405-100)

# GENERAL REQUIREMENTS

2VAC5-405-20. General requirements.

A. The board authorizes the commissioner to approve all courses of training required in this regulation.

WHO IS  
SUBJECT TO  
REGULATION

B. All licensees and contractor-applicators who apply fertilizer for commercial purposes to nonagricultural land and all state agencies, localities, or other governmental entities who apply fertilizer to nonagricultural land shall:

1. Employ or retain the services of a certified fertilizer applicator.
2. Apply fertilizer at rates, times, and methods that are consistent with standards and criteria for nutrient management promulgated pursuant to § 10.1-104.2 of the Code of Virginia.
3. Ensure that fertilizer applications are conducted as prescribed by board-approved training or individual applicator training.
4. Comply with all applicable recordkeeping and reporting requirements in this regulation.

FOUR  
REQUIREMENTS

C. Certified fertilizer applicators may apply fertilizer to nonagricultural land for commercial purposes or, if they are public sector applicators, they may apply fertilizer to nonagricultural land as part of their official duties.

D. The following individuals may apply fertilizer to nonagricultural land for commercial purposes or to nonagricultural land as part of their official duties as public sector applicators provided they are under the control and instruction of a certified fertilizer applicator who is responsible for the actions of those individuals:

1. Trained applicators. The certified fertilizer applicator does not need to be physically present on the land upon which trained applicators are applying fertilizer. Trained applicators are not authorized to supervise the application of fertilizer by untrained applicators.
2. Untrained applicators provided that they are under the direct on-site supervision of a certified fertilizer applicator.
3. Individuals engaged in training required for certification as a certified fertilizer applicator provided that the individuals are under the direct on-site supervision of a certified fertilizer applicator.

NON CERTIFIED  
APPLICATORS:  
THREE  
CATEGORIES

Statutory Authority" § [3.2-3602.1](#) of the Code of Virginia. Historical Notes - Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.

# TRAINING IS REQUIRED

VDACS BOARD  
MUST  
APPROVE  
TRAINING

2VAC5-405-30. Qualifications for certification as a certified fertilizer applicator.

All persons desiring certification as certified fertilizer applicators shall successfully complete board-approved training.

Statutory Authority: [§3.2-3602.1](#) of the Code of Virginia. Historical Notes-Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011.

# APPLICATION PROCESS

2VAC5-405-40. Application process.

A. The application to become a certified fertilizer applicator shall be in writing to the commissioner on a form as specified and approved by the commissioner and shall contain:

1. Last name, first name, and middle initial of the applicant;
2. Mailing address; and
3. Documentation of successful completion of board-approved training.

APPLICATION  
PROCESS

B. Any individual desiring certification as a certified fertilizer applicator who has completed a comparable course of training not yet approved by the board may petition the commissioner to approve the course. The petition shall include verifiable documentation of successful course completion.

C. Any individual who is denied certification as a certified fertilizer applicator may appeal the decision to the board through an appeal process that is compliant with the provisions of the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia). The procedure for appealing a decision shall be specified by the commissioner and shall be made available to the person denied certification.

CERTIFICATE  
CARD

D. Upon certification, a card will be issued to the certified fertilizer applicator, which will remain valid for four years from the date of issuance. A certified fertilizer applicator may request a duplicate of the certification card if the card has been lost, stolen, mutilated, or destroyed. The department shall issue a duplicate card to the certified fertilizer applicator upon payment of the costs of duplication.

CERTIFICATION  
LASTS FOUR  
YEARS

Statutory Authority: [§3.2-3602.1](#) of the Code of Virginia. Historical Notes - Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011.

# EXEMPTIONS FROM CERTIFICATION

2VAC5-405-50. Exemptions from certification.

The following individuals are exempt from certification:

WHO IS EXEMPT
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1. Individuals conducting research in laboratories or field test plots involving fertilizers.
2. Individuals who use fertilizer or supervise the use of fertilizer as part of their duties only on nonagricultural land owned or leased by their employers. This exemption does not apply to public sector applicators.
3. Individuals holding turf and landscape certification from the Department of Conservation and Recreation as nutrient management planners.

Statutory Authority: § [3.2-3602.1](#) of the Code of Virginia. Historical Notes - Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.



# GENERAL KNOWLEDGE REQUIREMENTS

## **2VAC5-405-60. General knowledge requirements for certified fertilizer applicators; continuing education.**

KEY PHRASES  
HIGHLIGHTED

A. All applicants for certification as a certified fertilizer applicator shall demonstrate practical knowledge of the principles and practices of the environmentally safe use of fertilizer.

B. Applicants shall be tested on their knowledge and qualifications concerning the use of fertilizer and the handling of fertilizer in the board-approved training. Testing will be based on problems and situations in the following core areas:

TEN CORE  
AREAS

1. Proper nutrient management practices such as allowable rate of application for nutrients for various types of vegetation and determining quantity of product to apply based on nutrient analysis;
2. Timing of application during appropriate seasons for various types of vegetation and restrictions on intervals for reapplication;
3. Soil analysis techniques and interpretation of soil analysis results such as proper frequency and depth of sampling and determining appropriate rates of application based on soil analyses;
4. Equipment calibration techniques and procedures for liquid and dry fertilizer applicators and determination of size of application areas;
5. Understanding and interpreting fertilizer labels;
6. Proper handling and appropriate notification procedures of accidents and incidents;
7. Proper methods of storing, mixing, loading, transporting, handling, applying, and disposing of fertilizer;
8. Managing applications near impervious surfaces such as streets, driveways, sidewalks, or paved ditches, as well as near water bodies to avoid off-target applications;
9. Safety and health, including proper use of personal protective equipment; and
10. Recordkeeping and reporting requirements of this regulation.

# CONTINUING EDUCATION REQUIREMENT

REQUIRED  
HOURS OF  
TRAINING

C. Continuing education requirement. Certified fertilizer applicators shall complete a minimum of two hours of course work every two years on at least one of the following:

1. Proper nutrient management practices;
2. Timing of fertilizer application;
3. Soil analysis techniques and interpretation;
4. Equipment calibration;
5. Understanding and interpreting fertilizer labels; or
6. Management of fertilizer applications near impervious surfaces.

KNOWLEDGE  
AREAS

The courses may be offered by any state agency or private entity recognized by the board.

Statutory Authority: § [3.2-3602.1](#) of the Code of Virginia. Historical Notes - Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.

# CERTIFICATION RENEWAL

2VAC5-405-70. Renewal of certification.

FOUR YEARS

A. Every certification shall be valid for a period of four years. Upon expiration of certification, the certified fertilizer applicator's certificate shall become invalid and the holder shall not be allowed to offer his services as a certified fertilizer applicator.

B. Any certified fertilizer applicator who desires to renew his certification shall submit an application for renewal. The application shall be in writing to the commissioner on a form as specified and approved by the commissioner and shall contain:

1. Last name, first name, and middle initial of the applicant;
2. Mailing address; and
3. Documentation of satisfactory compliance with the continuing education requirements in 2VAC5-405-60.

RENEWAL PROCESS

C. The application for certification renewal shall be submitted within the 60 days immediately prior to or the 60 days immediately following the expiration of the certification. Any certified fertilizer applicator who desires to renew his certification but fails to do so within this timeframe shall be subject to the application process requirements of 2VAC5-405-40. The 60 days following expiration of the certification is a grace period to allow certified fertilizer

applicators to renew their certification. A certified fertilizer applicator whose certification has expired shall not offer his services as a certified fertilizer applicator during this 60-day grace period.

Statutory Authority: §3.2-3602.1 of the Code of Virginia. Historical Notes - Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011.

## QUALIFICATIONS FOR TRAINED APPLICATORS

2VAC5-405-80. Qualifications for trained applicators.

### RESTRICTIONS

All noncertified applicators desiring to apply fertilizer for commercial purposes on nonagricultural land while not under the direct on-site supervision of a certified fertilizer applicator shall successfully complete individual applicator training. All noncertified public sector applicators desiring to apply fertilizer as part of their official duties while not under the direct on-site supervision of a certified fertilizer applicator shall successfully complete individual applicator training.

Statutory Authority: § 3.2-3602.1 of the Code of Virginia. Historical Notes-Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.

## RECORDING REQUIREMENTS FOR TRAINED APPLICATORS

### Training Records

2VAC5-405-90. Recordkeeping requirements for trained applicators.

A. Licensees, contractor-applicators, and state agencies, localities, or other governmental entities subject to this regulation shall maintain training records for each trained applicator employed by the licensee, contractor-applicator, state agency, locality, or other governmental entity.

B. The training record shall include (i) the name of the trained applicator; (ii) the name of the state agency or private entity approved by the board or the name and affiliation of the certified fertilizer applicator providing the training; (iii) the type of training received; and (iv) the date when the trained applicator successfully completed individual applicator training.

C. The training records shall be maintained for as long as the trained applicator continues to apply fertilizer on nonagricultural land on behalf of the licensee, contractor-applicator, or state agency, locality, or other governmental entity and for three years following separation and shall be available for inspection by the commissioner.

## Applicator Records

2VAC5-405-100. Recordkeeping requirements and reporting for the application of fertilizer.

*A. Licensees, contractor-applicators, and state agencies, localities, or other governmental entities subject to this regulation shall maintain records of each application of fertilizer to nonagricultural land for at least three years following the application. These records shall be available for inspection by the commissioner. Each record shall contain the:*

- 1. Name, mailing address, and telephone number of customer, as well as address of application site if different from customer's mailing address;*
- 2. Name of the person making or supervising the application;*
- 3. Day, month, and year of application;*
- 4. Weather conditions at the start of the application;*
- 5. Acreage, area, square footage, or plants treated;*
- 6. Analysis of fertilizer applied;*
- 7. Amount of fertilizer used, by weight or volume; and*
- 8. Type of application equipment used.*

*B. Contractor-applicators and licensees who apply lawn fertilizer and lawn maintenance fertilizer to more than a total of 100 acres of nonagricultural lands annually, and state agencies, localities, or other governmental entities that apply lawn fertilizer and lawn maintenance fertilizer to nonagricultural lands under their control, shall submit an annual report on or before February 1 indicating the total acreage or square footage by zip code of the land receiving lawn fertilizer and lawn maintenance fertilizer in the preceding calendar year. The report shall be submitted on a form prescribed by the commissioner.*

Statutory Authority: § [3.2-3602.1](#) of the Code of Virginia. Historical Notes-Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.

## NONCOMPLIANCE

2VAC5-405-110. Violations and penalties for noncompliance.

A. Any individual who offers his services as a certified fertilizer applicator or who supervises the application of any fertilizer on nonagricultural land without obtaining prior registration certification from the commissioner shall be assessed a penalty of \$250.

B. Violations of the provisions of these regulations shall be handled in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

C. Any penalties assessed for violations of this regulation shall be handled in accordance with a board-approved administrative process.

D. In addition to any monetary penalties provided in this section, certified fertilizer applicators who violate any provision of this regulation may also be subject to the provisions of § 3.2-3621 of the Code of Virginia regarding the cancellation of certification.

Statutory Authority: §3.2-3602.1 of the Code of Virginia. Historical Notes-Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011.

# DEFINITIONS

2VAC5-405-10. Definitions.

The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise.

"Accident" means an unexpected, undesirable event involving the use of fertilizer or the presence of a fertilizer that adversely affects the environment.

"Agricultural activity" means any activity used in the production of agricultural products for commercial purposes, including farming, feedlots, grazing livestock, poultry raising, dairy farming, and aquaculture activities.

"Agricultural products" means any livestock, aquacultural, poultry, horticultural, floricultural, viticultural, silvicultural, or other farm crops produced for commercial purposes.

"Board" means the Board of Agriculture and Consumer Services.

"Board-approved training" means training offered by a state agency or private entity approved by the board that includes, at a minimum, study and review of course material pertaining to the application of fertilizer on nonagricultural land. Such training shall include testing and certification of the individual's successful completion of the training.

"Certificate" means the document issued to a fertilizer applicator upon satisfactory completion of board-approved training.

"Certification" means the recognition granted by the board to a fertilizer applicator upon satisfactory completion of board-approved training.

"Certified fertilizer applicator" means any individual who has successfully completed board-approved training.

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

"Contractor-applicator" means any person required to hold a permit to apply any fertilizer pursuant to § 3.2-3608 of the Code of Virginia.

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

"Distribute" means to import, consign, manufacture, produce, compound, mix, blend, or in any way alter the chemical or physical characteristics of a fertilizer, or to offer for sale, sell, barter, warehouse, or otherwise supply fertilizer in the Commonwealth.

"Fertilizer" means any substance containing one or more recognized plant nutrients that is used for its plant nutrient content and that is designed for use, or claimed to have value, in promoting plant growth. Fertilizer does not include unmanipulated animal and vegetable manures, marl, lime, limestone, and other products exempted by regulation.

"Incident" means a definite and separate occurrence or event involving the use of fertilizer or the presence of a fertilizer that adversely affects the environment.

"Individual applicator training" means training provided to individuals by a certified fertilizer applicator or training offered to individuals by any state agency or private entity approved by the board that includes, at a minimum, a study and review of fertilizer equipment calibration; handling of accidents involving fertilizer; proper methods of storing, mixing, loading, transporting, handling, applying, and disposing of fertilizer; and safety and health concerns related to fertilizer, including proper use of personal protective equipment.

"Label" means the display of all written, printed, or graphic matter upon the immediate container or a statement accompanying a fertilizer, including an invoice.

"Lawn fertilizer" means any fertilizer intended for nonagricultural use on newly established turf areas from sod or seed during the first growing season, turf areas being repaired or renovated, and turf areas where soil tests performed within the past three years indicate a nutrient deficiency.

"Lawn maintenance fertilizer" means any fertilizer intended for the nonagricultural routine maintenance of turf.

"Licensee" means the person who receives a license to distribute any fertilizer under the provisions of § 3.2-3606 of the Code of Virginia.

"Nonagricultural land" means land upon which no agricultural activities are conducted and from which no agricultural products are derived.

"Noncertified fertilizer applicator" means either a trained applicator or an untrained applicator, neither of whom has received certification as a certified fertilizer applicator.

"Public sector applicator" means an employee, representative, or agent of a state agency, locality, or other governmental entity who applies fertilizer to nonagricultural lands.

"Trained applicator" means an individual who is not a certified fertilizer applicator but who has successfully completed individual applicator training.

"Turf" means nonagricultural land that is planted as closely mowed, managed grass and includes golf courses, parks, cemeteries, publicly owned lands, and residential, commercial, or industrial property.

"Under the direct on-site supervision of" means the act or process whereby the application of a fertilizer is made by an individual acting under the instructions and control of a certified fertilizer applicator who is responsible for the actions of that person and who is physically present on the land upon which the fertilizer is being applied.

"Untrained applicator" means an individual who is not seeking or has not successfully completed individual applicator training.

"Use of fertilizer" includes application or mixing and handling, transfer, or any act with respect to a particular fertilizer that is consistent with the label directions for that particular fertilizer. Statutory Authority: § 3.2-3602.1 of the Code of Virginia. Historical Notes-Derived from Virginia Register Volume 28, Issue 1, eff. October 12, 2011; amended, Virginia Register Volume 28, Issue 9, eff. February 1, 2012.