

Virgin Islands Code Annotated Currentness

Title 12. Conservation

Chapter 19. Pesticide Control

12 V.I.C. Notes

Notes

HISTORY

Revision notes.

As approved, this chapter was enacted without sections 810 and 811. Therefore, sections 812 through 850 have been renumbered as sections 810 through 848. Internal references have also been changed throughout the chapter to accommodate for the renumbering of the sections.

Former chapter 19.

Former chapter 19, consisting of sections 801-822 was enacted by Act Oct. 21, 1975, No. 3750, § 1, Sess. L. 1975, p. 163.

12 V.I.C. Notes, VI ST T. 12 Notes

Statutes current through Act 8438, including all code changes through March 1, 2021.

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12 V.I.C. § 801

§ 801 Definitions

As used in this chapter:

(1) ‘Accident’ means an unexpected, undesirable event, caused by the use or presence of a pesticide, which adversely affects humans or the environment.

(2) ‘Active ingredient’ means:

(A) In the case of a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

(B) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or their produce.

(C) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.

(D) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(3) ‘Adulterated’ applies to any pesticide if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part of the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(4) ‘Agency’ means any department or division of the Government of the Virgin Islands, including the University of the Virgin Islands, or of the Government of the United States.

(5) ‘Agricultural commodity’ means any plant, or part thereof, or animal or animal product produced by a person primarily for sale, consumption, propagation, or other use by humans or animals.

(6) ‘Animal’ means a vertebrate or invertebrate species, including man, other mammals, birds, fish, and shellfish.

(7) 'Antidote' means a practical treatment used in preventing or lessening ill effects from poisoning, including first aid.

(8) 'Application of pesticide' means any application of pesticides by ground equipment.

(9) 'Applicator business' means a person or entity that applies a pesticide or restricted use pesticide as defined in this chapter to the land or property of another for compensation and who:

(A) is a licensed commercial applicator; or

(B) employs at least one licensed commercial applicator.

(10) 'Applicator certificates' means a written certificate, issued by the Commissioner authorizing the purchase, possession, or use of 'restricted use pesticides' by private and commercial applicators.

(11) 'Business registration' means the requirement of each person or business providing services of commercial application of pesticides, either entirely or as part of the business, to register with the department.

(12) 'Certification' means the recognition by a certifying agency that person is competent and thus authorized to use or supervise the use of 'restricted pesticides'.

(13) 'Certified applicator' means any person who is certified under this chapter to use or supervise the use of any 'restricted use pesticides' covered by this certification.

(14) 'Commercial application' means any application of any pesticide except as defined in private or residential application of pesticides.

(15) 'Commercial applicator' means an individual (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of a 'private applicator'.

(16) 'Commissioner' means the Commissioner of the Department of Planning and Natural Resources or his designee.

(17) 'Defoliant' means a substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.

(18) 'Degradation' means the decomposition of a compound by stages, exhibiting well-defined intermediate products.

(19) 'Department' means the Department of Planning and Natural Resources.

(20) 'Desiccant' means a substance or mixture of substances intended to artificially accelerate the drying of plant tissue.

(21) 'Development' means natural and normal growth before harvest.

(22) 'Device' means an instrument or contrivance, other than a firearm, that is used to trap, destroy, repel, or mitigate a pest or other form of plant or animal life, other than man or bacteria, virus, or other microorganism on or in living man or other living animals. The term does not include equipment sold separately from a pesticide.

(23) 'Distribute' means offer for sale, hold for sale, sell, barter, or supply.

(24) 'Environment' includes water, ground water, air, land, plants, man, and other animals living in or on water, air, or land, and the interrelationships that exist among them.

(25) 'Equipment' means any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide to land, or to anything that may be inhabiting or growing or stored on or in the land, but shall not include a pressurized hand-sized household apparatus used to apply a pesticide or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy used in making such pesticide application.

(26) 'FIFRA' means the Federal Insecticide, Fungicide, and Rodenticide Act ([7 U.S.C. Section 136 et seq.](#)).

(27) 'Fungus' means a non-chlorophyll-bearing thallophyte, including rust, smut, mildew, mold, yeast, or bacteria, but not including a non-chlorophyll-bearing thallophyte on or in living man or other living animals or on or in a processed food, beverage, or pharmaceutical.

(28) 'Fungicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(29) 'General use pesticide' means a pesticide which does not meet the criteria for a restricted pesticide under this chapter.

(30) 'Ground equipment' means any machine or device (other than aircraft) for use on land or water, designed for, or adaptable to use in applying pesticide as spray, dust, aerosol, fog, or in any other form.

(31) 'Herbicide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

(32) 'Inert ingredient' means an ingredient that is not an active ingredient.

(33) 'Ingredient statement' means:

(A) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; and,

(B) If the pesticide contains arsenic in any form, a statement of the percentage of total and water-soluble arsenic, each calculated as elemental arsenic.

(34) 'Insect' means any of the numerous small invertebrate animals generally having segmented body and for the most part belonging to the class Insecta, comprising of six-legged, usually winged forms such as beetles, bugs, bees, and flies. The term includes allied classes of arthropods, the members of which are wingless and usually have more than six legs, such as spiders, mites, ticks, centipedes, and wood lice except those on or in living man. This term shall also include nematodes.

(35) 'Insecticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever, except those on or in living man.

(36) 'Label' means the written, printed, or graphic matter on or attached to a pesticide or device or any of its containers or wrappers.

(37) 'Labeling' means all labels and other written, printed, or graphic matter:

(A) Upon the pesticide or any of its containers or wrappers;

(B) Accompanying the pesticide at any time;

(C) To which reference is made on the label or in literature accompanying the pesticide, except when accurate, non-misleading reference is made to current official publications of the United States Department of Agriculture or Interior, the United States Public Health Service, state agricultural experiment stations, state colleges of agriculture, or other similar federal institutions or official agencies of the Virgin Islands Government or other states authorized by law to conduct research in the field of pesticides.

(38) 'Land' means all land or water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(39) 'License use category' means a classification of pesticide use based on the subject, method, or place of pesticide application.

(40) 'Major change in labeling' shall mean any new label or labeling or any amended label or labeling for a pesticide product which contains an active ingredient previously registered and which:

(A) results in a major change in the use pattern for the active ingredient;

(B) changes the classification of the active ingredient or the product to general use or restricted use; increases the application rate; changes the percent concentration of an active ingredient other than an increase due to changes in methods of analysis; adds a previously-registered active ingredient or deletes any active ingredient; or

(C) any other change which significantly increases the potential exposure of any non-target organism or which increases the potential for a significant impact to man, property or the environment.

(41) 'Misbranded' applies to any pesticide:

(A) If its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(B) If it is an imitation of or is offered for sale under the name of another pesticide; or if its labeling bears any reference to registration under this chapter;

(C) If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(D) If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to health and the environment;

(E) If the label is not visible and readable on the outside of the marketing package, which is presented or displayed under customary conditions of purchase;

(F) If any word, statement, or other information required by or under the authority of this chapter to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(G) If in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to man or vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(H) If in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to humans or vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide; provided, that physical or physiological effects on plants or parts thereof shall not be deemed injurious, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

(I) If its labeling in any other way fails to conform to the labeling requirements of the Federal Insecticide, Fungicide, and Rodenticide Act of 1972, as amended.

(42) 'Nematode' means an invertebrate animal of the phylum Nematelminthes and class Nematoda (an unsegmented roundworm with an elongated, fusiform, or sac-like body covered with cuticle) inhabiting soil, water, plants, or plant parts.

(43) 'Person' means any individual, organization, partnership, association, fiduciary, corporation, or other entity, including any utility, the Government of the Virgin Islands, the Government of the United States, any department, agency, board, authority, or commission of such governments, any officer or governing body of the foregoing, or any organized group of persons whether incorporated or not.

(44) 'Pest' means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganisms (except viruses, bacteria, or other microorganisms on or living in man or other living animals) which is declared to be a pest by the Commissioner.

(45) 'Pesticide' means (a) a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or (b) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. For the purposes of this chapter, the definition includes herbicides regulated under FIFRA.

(46) 'Pesticide business' means any person providing commercial application of pesticides for hire.

(47) 'Plant regulator' means a substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation, or otherwise to alter the behavior of an ornamental or crop plant or the product of an ornamental or crop plant, but does not include a substance to the extent that it is intended as a plant nutrient, trace element, nutritional chemical, plant inoculants, or soil amendment.

(48) 'Private applicator' means an individual who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any 'agricultural commodity' on property owned or rented by him or his employer or, if applied without compensation other than trading on personal services between producers of agricultural commodities on the property of another person.

(49) 'Registrant' means a person who has registered a pesticide under this chapter.

(50) 'Regulatory agency' means the Department of Planning and Natural Resources, the agency with responsibility for certifying applicators under this chapter.

(51) 'Residential lawn application' means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this chapter, the following shall not be considered residential lawn application:

(A) the application of pesticide for the purpose of producing an agricultural commodity;

(B) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;

(C) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and

(D) the application of pesticides on golf courses or other turf surfaces.

(52) 'Restricted-use pesticide' means any pesticide or pesticide use classified by the Commissioner under the provisions of this chapter or regulations promulgated thereunder for use by certified applicators or persons working under their direct supervision, and any pesticide or pesticide use so classified by the Federal Environmental Protection Agency Administrator.

(53) 'Rodenticide' means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animals that the Commissioner shall declare to be a pest.

(54) 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(55) 'Target organisms' means those organisms that the pesticide is intended to inhibit or destroy pursuant to its registered labeled usage.

(56) 'Thallophyte' means a non-chlorophyll-bearing plant of a lower order other than mosses and liverworts.

(57) 'Unreasonable adverse effects on the environment' means any unreasonable risk to humans or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide.

(58) 'Weed' means any plant that grows where not wanted.

(59) 'Worker protection standard' means the federal worker protection standard as found in the Code of Federal Regulations, 40 C.F.R. Parts 156 and 170.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 173-181.

HISTORY

Revision notes.

As approved, this section contained two subdivisions (46). Therefore, the second one was renumbered as 47, and former (47) through (58) was renumbered as (48) through (59).

12 V.I.C. § 801, VI ST T. 12 § 801

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12 V.I.C. § 802

§ 802 Exemptions

(a) The provisions of this chapter do not apply to:

(1) Any carrier while lawfully engaged in transporting a pesticide within the Virgin Islands, if such carrier shall, upon request, permit the Commissioner or his designee to copy all records showing the transactions in and the movement [of] the pesticides;

(2) The manufacturer or shipper of a pesticide for experimental use only:

(A) By or under the supervision of an agency of the Government of the Virgin Islands or of the federal government authorized by law to conduct research in the field of pesticides and which has a valid experimental permit issued by the Commissioner, or

(B) By others having a valid experimental permit issued by the Commissioner if the pesticide is not sold and if the container thereof is plainly and conspicuously marked 'For experimental use only-Not to be sold,' together with the manufacturer's name and address. However, if such a written permit has been obtained from the Commissioner, pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

(b) An article is not in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all of the provisions of this chapter shall apply.

(c) Notwithstanding any other provision of this chapter, registration is not required in the case of a pesticide shipped from one plant within the Virgin Islands to another plant within the Virgin Islands operated by the same person.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 181, 182.

12 V.I.C. § 802, VI ST T. 12 § 802

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12 V.I.C. § 803

§ 803 Powers and duties of the Commissioner

(a) Jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides, is by this chapter, vested exclusively in the Commissioner.

(b) All authority vested in the Commissioner by this chapter may be executed with like force by employees of the department designated by the Commissioner; however, all hearings held under this chapter must be conducted by the Commissioner or by a person designated by the Commissioner for that purpose, and any decision rendered after any such hearing must be made by the Commissioner.

(c) The Commissioner may, after a hearing:

(1) Declare as a pest any form of plant or animal life or virus that is injurious to plants, men, domestic animals, articles, or substances;

(2) Determine whether pesticides are highly toxic to humans, and to promulgate a list of such pesticides;

(3) Determine standards of coloring or discoloring for pesticides;

(4) Promulgate a list of restricted use pesticides and the usages of such pesticides which may be permitted subject to whatever conditions or limitations that the Commissioner considers appropriate to protect the public interest fully; except that no hearing is required on individual additions to the list unless requested sixty days after notice by the applicant or an interested party; and

(5) Adopt, promulgate and issue such rules and regulations as the commissioner considers necessary to carry out the provisions of this chapter. However, rules and regulations regarding business registration and certification may be adopted only after a public hearing. Such rules and regulations may prescribe methods to be used in the application of pesticides, including the time, place, manner and method of application and equipment used, and may restrict or prohibit use of materials in designated areas during specified periods of time, and shall encompass all reasonable factors which he deems necessary to prevent damage or injury to health, property and wildlife. Rules and regulations shall be filed in accordance with Title 3, Chapter 35 of Virgin Islands Code and open for public inspection at the offices of the department. The Commissioner shall promulgate a regulation authorizing the use of alternative containers for pesticides by pesticide users.

(d) The Commissioner may, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this chapter, as have been or may be prescribed with respect to pesticides by departments or agencies of the United States Government.

(e) The Commissioner may require the submission of the complete formula of any pesticide whenever he deems it necessary in the administration of this chapter. The Commissioner, of his own motion or upon complaint, may cause an examination to be made to determine whether any pesticide complies with the requirements of this chapter. If it appears from such examination that a pesticide fails to comply with the provisions of this chapter, the Commissioner shall cause notice to be given to the offending person, and the proceedings shall be as provided in such chapter, provided that pesticides may be seized and confiscated as provided in sections 838 and 839 of this chapter.

(f) The Commissioner may cooperate with any other agency of Virgin Islands or its districts or with any agency of any other state or the federal government for the purpose of carrying out the provisions of this chapter and of securing uniformity of regulations.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 182, 183.

12 V.I.C. § 803, VI ST T. 12 § 803

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12 V.I.C. § 804

§ 804 Fees

All fees collected pursuant to this chapter and all fines collected through enforcement must be deposited into the Pesticide Control Program Account, which shall be established for this purpose.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 183.

12 V.I.C. § 804, VI ST T. 12 § 804

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12 V.I.C. § 805

§ 805 Testing of pesticide samples

- (a) The Commissioner shall take and seal samples of pesticides in the presence of at least one witness and shall tender, and, if accepted, deliver to the person in charge of the pesticide one of such samples.
- (b) The department shall examine, analyze, or test, or cause to be examined, analyzed or tested the pesticide samples taken under the provisions of this chapter.
- (c) At least every two years the department shall make public the results of examinations, analyses, trials, and tests of any sample or samples so procured, together with such additional information as circumstances advise. These published results shall be the property of the Virgin Islands and shall not be used for advertising or regulatory purposes by any person or agency, government or otherwise without the Commissioner's permission.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 183, 184.

12 V.I.C. § 805, VI ST T. 12 § 805

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12 V.I.C. § 806

§ 806 Scope of registration

Every pesticide that is used, distributed, sold, or offered for sale within the Virgin Islands or delivered for transportation shall be registered every two years with the Office of the Commissioner; provided that any pesticide imported into the Virgin Islands, which is registered under the provisions of any federal act providing for the registration of pesticides may, in the discretion of the Commissioner, be exempted from registration under this chapter, when sold or distributed in the unbroken immediate container in which it was originally shipped.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 184.

12 V.I.C. § 806, VI ST T. 12 § 806

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12 V.I.C. § 807

§ 807 Financial responsibility

The Commissioner may not issue a certificate until the applicator business has furnished evidence of financial responsibility consisting of either a surety bond or a liability insurance policy or certification thereof protecting persons who may suffer damages as a result of the pesticide operations of the applicator business, its employees and its agents. The Commissioner has the power to promulgate the rules and regulations necessary and appropriate to carry out the purposes of this section.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 184.

12 V.I.C. § 807, VI ST T. 12 § 807

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12 V.I.C. § 808

§ 808 Application for registration

The applicant shall file with the Commissioner a statement including:

- (1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;
- (2) The name of the pesticide;
- (3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use; and
- (4) If requested by the Commissioner, a full description of the tests made and their results upon which the claims are based. In the case of registration of a pesticide that has been registered for the previous year, a statement shall be required only with respect to information which is different from that furnished when the pesticide was last registered.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 184, 185.

12 V.I.C. § 808, VI ST T. 12 § 808

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12 V.I.C. § 809

§ 809 Review of applications to register pesticides

(a) For registration applications subject to review pursuant to subsections (b) through (e) of this section, an application for pesticide registration must be determined by the Commissioner to be complete or incomplete within sixty days after receipt of an application for registration. If the Commissioner does not issue a determination of completeness or incompleteness within sixty days of receipt of an application for registration, the application must be deemed complete. Upon reaching a determination of completeness or incompleteness, the Commissioner shall send written notice to the applicant. If the application is determined to be incomplete, the Commissioner shall include a statement of the reasons for which the application was determined to be incomplete. The resubmission of the application or the submission of additional information in response to a request for additional information must commence a new sixty calendar-day period for department review of the additional information for purposes of determining completeness.

(b) The Commissioner shall issue or deny registration of a pesticide that contains an active ingredient not previously registered by the Commissioner or which contains an active ingredient previously registered for which a major change in labeling is proposed within one hundred fifty days of a determination that the application is complete. If registration of the pesticide is not granted or denied within such period, the applicant may submit to the Commissioner, in the form prescribed by the Commissioner, a request to grant or deny the registration. If the registration is not granted or denied within thirty days following the receipt of such a request, the registration must be deemed granted. Any denial of registration must specify the grounds for denial.

(c) The Commissioner shall issue or deny registration of a pesticide to meet a special need within sixty days of a determination that such application is complete. If registration of the pesticide is not granted or denied within such period, the applicant may submit to the Commissioner, in the form prescribed by the Commissioner, a request to grant or deny the registration. If the registration is not granted or denied within ten business days following receipt of such a request, the registration must be deemed granted. Any denial of registration must specify the grounds for denial.

(d) The Commissioner shall issue or deny registration of a pesticide that contains an active ingredient previously registered and which does not propose a major change in labeling within ninety days of a determination that such application is complete. If registration of the pesticide is not granted or denied within such period, the applicant may submit to the Commissioner, in the form prescribed by the Commissioner, a request to grant or deny the registration. If the registration is not granted or denied within thirty days following the receipt of such a request, the registration shall be deemed granted. Any denial of registration shall specify the grounds for denial.

(e) The Commissioner shall grant or deny registration of amended labeling of a pesticide product previously registered, other than a major change in labeling, within thirty days following a determination that the application to register the amended labeling is complete. If registration of the amended labeling is not granted or denied within thirty days of a determination that the application is complete, the applicant may submit, in the form prescribed by the Commissioner, a request to grant or deny

registration of the amended labeling. If registration of the amended labeling is not granted or denied within thirty days following receipt of such a request, the registration shall be deemed granted. Any denial shall specify the grounds for denial.

(f) At any time during the review of an application to register a pesticide the Commissioner may request reasonable additional information from the applicant with regard to any matter contained in the application when such additional information is necessary for the Commissioner to make a decision on the registration application. A request does not extend any time period within which a registration decision must be made.

(g) A request that the Commissioner apply for an emergency exemption from a federal act providing for the registration of pesticides for a use of a pesticide for which no registration has been issued under such federal act must be filed with the Commissioner at least one hundred days before date on which the use is proposed to commence. Within thirty days after receipt of such a request, the Commissioner shall determine whether the materials submitted with the request are adequate to support an application for an emergency exemption, and shall so inform the person submitting the request. If a request is determined to be adequate to support an application for an emergency exemption, the Commissioner shall file an application at least sixty days before the date upon which the use is proposed to commence.

(h) Any time period specified in this section may be extended with the consent of the applicant.

(i) with respect to all pesticide applications on file with the Department before the enactment of this chapter, the Commissioner shall determine the application be complete or incomplete not later than sixty days after enactment of this chapter.

(j) The Commissioner shall promulgate rules and regulations necessary and appropriate to carry out the purposes of this section which include a definition of a complete application to register a pesticide. Regulations defining a complete application to register a pesticide must be promulgated not later than one hundred and eighty days following the enactment of this chapter.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 185-187.

12 V.I.C. § 809, VI ST T. 12 § 809

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12 V.I.C. § 810

§ 810 Registration fees

The Commissioner may, by rules and regulations, set fees.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 187.

12 V.I.C. § 810, VI ST T. 12 § 810

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12 V.I.C. § 811

§ 811 Cooperative agreements

The Commissioner may cooperate, receive grants-in-aid, and enter into agreements with any agency of the Federal Government, of this territory or with any agency of another state, to obtain assistance in the implementation of this chapter, or in the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 187.

12 V.I.C. § 811, VI ST T. 12 § 811

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12 V.I.C. § 812

§ 812 Disclosure of pesticide formulas

The Commissioner, whenever he considers it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. Notwithstanding the provisions of this chapter, information relative to formulas of products acquired by authority of this section may be revealed, when necessary under this section, to an advisory committee, or to any federal or state department or agency consulted, or at a public hearing, or in findings of fact issued by the Commissioner.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 187, 188.

12 V.I.C. § 812, VI ST T. 12 § 812

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12 V.I.C. § 813

§ 813 Requirements for registration

If it appears to the Commissioner that the composition of the pesticide is such as to warrant the proposed claims for it, and if the pesticide and its labeling and other material required to be submitted comply with the requirements of this chapter, the Commissioner shall register the pesticide.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 188.

12 V.I.C. § 813, VI ST T. 12 § 813

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12 V.I.C. § 814

§ 814 Procedure when registration is denied

If the Commissioner decides that the pesticide does not warrant the proposed claims for it or, if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this chapter, the Commissioner shall notify the applicant for registration of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with this chapter so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant for registration does not make the corrections, the Commissioner shall refuse to register the article, and shall notify the applicant of his action and the reasons for his refusal. Whenever an application for registration is refused, the applicant, within thirty days after service of notice of the refusal, may file a petition requesting that the matter be referred to an advisory committee or may file objections and request a public hearing in accordance with section 818 of this chapter.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 188.

12 V.I.C. § 814, VI ST T. 12 § 814

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12 V.I.C. § 815

§ 815 Cancellation of registration

(a) The Commissioner, in accordance with the procedures specified in this chapter, may cancel the registration of a pesticide whenever it does not appear that the article or its labeling or other material required to be submitted complies with the provisions of this chapter.

(b) Whenever the Commissioner determines that registration of a pesticide should be canceled, he shall notify the registrant of his action and the reasons therefore.

(c) A cancellation of registration is effective thirty days after service of the foregoing notice unless within such time the registrant:

(1) makes the necessary corrections;

(2) files a petition requesting that the matter be referred to an advisory committee; or

(3) files objections and requests a public hearing.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 188, 189.

12 V.I.C. § 815, VI ST T. 12 § 815

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12 V.I.C. § 816

§ 816 Water quality monitoring for pesticides

The Pesticides Program of the Department, in coordination with the United States Geological Survey, National Water Quality Assessment Program, the Division of Environmental Protection-Water Programs of the Department, and other parties, shall conduct a water quality monitoring program to provide an adequate understanding of the health and environmental impacts of pesticide use in the Virgin Islands. The department shall utilize this program, as it deems necessary, in: making pesticide registration decisions; reviewing suspensions and cancellations of pesticide registrations in the Virgin Islands; and assessing the status, trends, and health impacts of any pesticide contamination of ground and surface waters in the Virgin Islands.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 189.

12 V.I.C. § 816, VI ST T. 12 § 816

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12 V.I.C. § 817

§ 817 Advisory committees

(a) The Commissioner on his own motion, may at any time refer matters concerning registration. of pesticides or the suspension or cancellation of such registration, to an advisory committee. Each advisory committee must be composed of experts, qualified in the subject matter and of adequately diversified professional background selected by the department and shall include one or more representatives from the University of the Virgin Islands' Cooperative Extension Service. The committee may not have more than seven members. Advisory committee members may not receive a salary or other compensation, but must be reimbursed for their necessary traveling and subsistence expenses while serving away from their places of residence. All costs may be assessed against the petitioner, unless the matter was referred to the advisory committee upon the motion of the Commissioner without a petition. The Commissioner shall furnish the committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedures to be followed by the committee.

(b) Whenever the applicant or registrant requests an advisory committee hearing or the Commissioner determines that a matter should be referred to an advisory committee, the Commissioner shall submit the application for registration of the article and all relevant data before him to the committee forthwith. The petitioner, as well as representatives of the department have the right to consult with the advisory committee. As soon as practicable after any such submission, but not later than sixty days, the committee shall, after independent study of the data submitted by the Commissioner and all other pertinent information available to it, submit a report and recommendation to the Commissioner as to the registration of the article together with all underlying data and a statement of the reasons or basis for the recommendations. After due consideration of the views of the committee and all other data before him the Commissioner shall, within ninety days after receipt of the report and recommendations of the advisory committee, make his determination and issue an order, with findings of fact, with respect to registration of the article and notify the applicant for registration or registrant of his decision. The applicant for registration, or registrant, may file objections and request a public hearing within sixty days from the date of the Commissioner's order.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 189, 190.

12 V.I.C. § 817, VI ST T. 12 § 817

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12 V.I.C. § 818

§ 818 Public hearing regarding registration

If a hearing is requested, the Commissioner shall, after due notice, hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections. Any report, recommendations, underlying data, and reasons certified to the Commissioner by an advisory committee shall be made a part of the record of the hearing, if relevant and material. Upon request of the Commissioner, petitioner, or hearing officer, the advisory committee shall designate one of its members to appear and testify at the hearing with respect to its report and recommendations. However, any other member of the advisory committee may also appear and testify at the hearing. As soon as practicable after completion of the hearing, the Commissioner shall evaluate the data and reports before him, act upon the objections and issue an order granting, denying, or canceling the registration. Such order shall be based only on substantial evidence of record at such hearing, including any report, recommendations, underlying data, and reason certified to the Commissioner by an advisory committee, and shall set forth detailed findings of fact upon which the order is based. In connection with consideration of any registration or application for registration under this section, the Commissioner may consult with any federal agency or any other local government department or agency.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 190, 191.

12 V.I.C. § 818, VI ST T. 12 § 818

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12 V.I.C. § 819

§ 819 Suspension of pesticide registration

Notwithstanding any other provision of this chapter, the Commissioner may, by order, suspend the registration of a pesticide immediately when he finds that such action is necessary to prevent an imminent hazard to the public or any other non-target organism. In such case, he shall give the registrant prompt notice of such action and afford the registrant the opportunity to have the matter submitted to an advisory committee and for an expedited hearing under this chapter.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 191.

12 V.I.C. § 819, VI ST T. 12 § 819

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12 V.I.C. § 820

§ 820 Judicial review

Final orders of the Commissioner under this chapter are to be subject to review under title five, chapter ninety-seven of this Code instituted within thirty days after personal service on the applicant for registration or registrant of the Commissioner's order.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 191.

12 V.I.C. § 820, VI ST T. 12 § 820

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Chapter 19. Pesticide Control

12 V.I.C. § 821

§ 821 Experimental use permits

(a) The Commissioner may apply to the United States Environmental Protection Agency for certification pursuant to Section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (as amended) to issue experimental use permits, and to establish by regulation any requirements as are necessary to qualify for such certification.

(b) After certification by the Administrator of the United States Environmental Protection Agency to issue experimental use permits, the Commissioner may issue such permits as required for the shipment, delivery, or use of a pesticide product that is to be tested to determine the scope of limitations of its usefulness and the effect of its use on human life and the environment. Such permits may be issued for products for use only in experimental programs under the supervision of qualified persons and broad scale testing under normal conditions of use. The Commissioner may require such information and data concerning the product and the proposed testing program as is deemed necessary to make determinations on the merits of the pesticides being tested.

(c) The Commissioner may exempt from the requirement for experimental use permits substances or mixtures of substances in early research stages such as those being put through laboratory or greenhouse tests or limited scale field trials or other tests for the purpose of determining pesticide value and from which the user does not expect to receive any benefit in pest control.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 191, 192.

12 V.I.C. § 821, VI ST T. 12 § 821

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Chapter 19. Pesticide Control

12 V.I.C. § 822

§ 822 Approved agricultural uses

A pesticide must be used in accordance with its labeling. Unless the labeling specifically prohibits such use, a pesticide registered for use in the Virgin Islands may be used for agricultural purposes only in a dosage, concentration or frequency less than that specified on the labeling.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 192.

12 V.I.C. § 822, VI ST T. 12 § 822

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12 V.I.C. § 823

§ 823 Commercial permits

(a) A commercial permit is required for the distribution, sale, offer for sale, purchase for the purpose of re-sale or possession for the purpose of re-sale of a restricted use pesticide.

(b) Any person desiring such a permit shall file an application containing such information required by the Commissioner and in a form prescribed by the Commissioner. The Commissioner shall examine the application and shall issue or refuse to issue the permit requested therein. The Commissioner shall impose any restrictions or conditions on the permit he considers appropriate in order to fully protect the public interest. A permit under this section must not be valid for more than two years as determined by the Commissioner. A separate permit is required for each location in the Virgin Islands and a fee shall be assessed in accordance with a fee schedule to be set by the Commissioner pursuant to rules and regulations promulgated by the department pursuant to this chapter.

(c) Upon the sale by a commercial permit holder of a restricted use pesticide to a purchase permit holder, the commercial permit holder shall cancel the permit in a manner to be prescribed by the Commissioner.

(d) The holder of a commercial permit may purchase restricted use pesticides for re-sale without being required to obtain and present a purchase permit.

(e) The holder of a commercial permit must maintain and make available to the Commissioner or his designees, for at least two years, accurate and detailed records accounting for all restricted use pesticides acquired by him and disposed of by him, including, but not limited to dates, names and addresses of all suppliers and the quantities acquired from each, and the names, addresses, permit numbers or certification identification card numbers of all purchasers, and the quantities purchased by each.

(f) The reasons for the denial of an application or revocation of a commercial permit may include, but not be limited to, the Commissioner being satisfied of one or more of the following:

- (1) That any statement in the application or upon which the permit was issued is or was false or misleading;
- (2) That the applicant or permit holder does not have adequate facilities for the storage and distribution of restricted use pesticides;
- (3) That the applicant or permit holder has engaged in fraudulent business practices relating to the sale and distribution of pesticides;

(4) That the applicant or permit holder has failed to comply with any provision of this chapter or rules and regulations of the department made pursuant thereto; or

(5) That the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and experience concerning the proper use and application of pesticides.

(g) A formal hearing shall not be required and the Commissioner's decision in denying or revoking a permit shall be final unless the applicant or permit holder institutes a petition for writ of review within the time and in the manner prescribed by title five, chapter ninety-seven of this Code.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 192, 193.

12 V.I.C. § 823, VI ST T. 12 § 823

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Chapter 19. Pesticide Control

12 V.I.C. § 824

§ 824 Purchase permits

(a) A purchase permit or certification identification card is required for the purchase, possession or use of a restricted use pesticide.

(b) Any person desiring such a permit shall file an application containing such information required by the Commissioner and in a form prescribed by the Commissioner. The Commissioner shall examine the application and shall issue or refuse to issue the permit requested therein. The Commissioner must not issue a permit to so purchase, possess or use a particular pesticide if there is a reasonably less dangerous alternative available capable of performing the task required. The Commissioner shall impose whatever restrictions or conditions on the permit he deems appropriate in order to fully protect the public interest.

(c) Upon the purchase by a purchase permit holder of a restricted use pesticide, he shall present this purchase permit and have it cancelled by the commercial permit holder selling the pesticide in a manner to be prescribed by the Commissioner.

(d) The reasons for the denial of an application or revocation of a permit may include, but not be limited to, the Commissioner being satisfied of one or more of the following:

- (1) That any statement in the application or upon which the permit was issued, is or was false or misleading;
- (2) That the applicant or permit holder failed to justify his need for the quantity and types of restricted use pesticides requested;
- (3) That the applicant or permit holder stored, applied, used or disposed of any pesticide contrary to the registered labeled usage or contrary to the conditions specified in his permit;
- (4) That the applicant or permit holder has failed to comply with any provisions of this chapter or rules and regulations of the department made pursuant thereto; or
- (5) That the applicant or permit holder has failed to demonstrate that he has sufficient knowledge and experience concerning the proper use, application and disposal of pesticides.
- (6) A formal hearing shall not be required and the Commissioner's decision in denying or revoking a permit shall be final unless the applicant or permit holder institutes a petition for writ of review within the time and in the manner prescribed by title five, chapter ninety-seven of this Code.

(7) The Commissioner may exempt holders of a pesticide applicator certification from the requirement of obtaining a purchase permit as provided for herein. The exemption applies only to those restricted use pesticides designated by the Commissioner.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 193, 194.

12 V.I.C. § 824, VI ST T. 12 § 824

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12 V.I.C. § 825

§ 825 Pesticide applicator certification

(a) Any person who engages in the commercial or private application of pesticides or the sale of restricted use pesticides shall be certified by the Commissioner except as provided in subsection (b) of this section. A certification is not valid unless the certified person also holds a valid identification card issued by the Commissioner.

(b) The provisions of this chapter relating to registration and certification do not apply to:

(1) residential application of pesticides as defined in this chapter; or

(2) private application of a general use pesticide as defined in this chapter.

(c) Application for pesticide applicator certification shall be made to the Commissioner. The application shall be on a form prescribed by the Commissioner and shall be accompanied by the fee or fees as provided in section 828 of this chapter.

(d) An applicant for certification shall satisfy the Commissioner as to his knowledge and experience concerning the proper use and application of pesticides and pesticide application equipment through examination prior to initial certification. Recertification must be by training, workbook, or examination as required by the Commissioner.

(e) Upon certification, the Commissioner shall certify the applicant for the appropriate category of certification and shall issue a certification identification card to the applicant. The certification may restrict the applicant to the use of a certain type or types of equipment or materials.

(f) Pesticide applicator certifications are valid for four years, after which every applicator shall recertify according to the requirements then in effect. Certification identification cards are valid for four years.

(g) Certified pesticide applicators shall maintain such records and shall furnish such reports concerning the application of pesticides as the Commissioner may require. All records required to be kept under this section must be available for inspection by the Commissioner.

(h) Every certified applicator shall, prior to the application of a pesticide within or on the premises of a dwelling, supply the occupants therein with a written copy of the information, including any warnings, contained on the label of the pesticide to be applied.

(i) Except as provided herein of this subsection, every certified applicator shall, prior to the application of a pesticide within or on the premises of a multiple dwelling, building, or structure other than a dwelling supply the owner or his agent, with a written copy of the information, including all warnings, contained on the label of the pesticide to be applied. The owner or agent shall make available upon request at reasonable times such information to the occupants or residents of such multiple dwelling, building, or structure.

(j) In the case where an occupant of a multiple dwelling unit retains a certified applicator to apply pesticides within such unit, such certified applicator shall, prior to the application of a pesticide, supply any information, including all warnings, contained on the label of the pesticides to the occupants.

(k) For the purposes of this section:

(1) A 'dwelling' means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families;

(2) A 'multiple dwelling' means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other;

(3) A 'multiple dwelling unit' means that portion of a multiple dwelling occupied by one or more persons as the residence or home of such persons; and

(4) 'Premises' means land and improvements or appurtenances or any part thereof.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 195, 196.

Annotations

1. Pleading.

Plaintiff stated a claim for violation of the Virgin Islands Pesticide Control Act when it alleged that defendants failed to supply residents and owners with written information about the pesticides applied or that they aided and abetted in doing so. [Government of the Virgin Islands v. The ServiceMaster Co., LLC, 72 V.I. 114, 2019 V.I. LEXIS 122 \(V.I. Super. Ct. 2019\)](#). SUPERIOR COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

12 V.I.C. § 825, VI ST T. 12 § 825

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12 V.I.C. § 826

§ 826 Pesticide business and agency registration

- (a) A pesticide business or agency as defined in this chapter shall register with the Commissioner.
- (b) Applications for pesticide business or agency registration must be made to the Commissioner. The application must be on a form prescribed by the Commissioner and shall provide such information as the Commissioner shall require.
- (c) An applicant for pesticide business or agency registration shall satisfy standards, as determined by the Commissioner to be appropriate, with respect to knowledge and experience concerning the proper use and application of pesticides and pesticide equipment.
- (d) Business or agency registration shall be valid for three years.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 196, 197.

12 V.I.C. § 826, VI ST T. 12 § 826

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12 V.I.C. § 827

§ 827 Denial or revocation of certification or registration

(a) The Commissioner, after due notice and opportunity of hearing to an applicant, certified applicator, or registered pesticide business or agency, may deny an application or revoke a certificate or registration upon a determination that:

- (1) any statement in the application or upon which the certificate or registration was issued is or was false or misleading;
- (2) the applicant or certified applicator has been convicted of a felony;
- (3) the applicant, certified applicator, or registered business or agency applied or used any pesticide contrary to the registered label usage;
- (4) the applicant, certified applicator, or registered business or agency has engaged in fraudulent business practices in the application of pesticides;
- (5) the applicant, certified applicator, or registered business or agency has failed to comply with any provision of this chapter or rules and regulations of the department made pursuant thereto; or
- (6) the applicant or certified applicator has failed to demonstrate that he has sufficient knowledge and experience concerning the proper use and application of pesticides.

(b) The Commissioner's determination to refuse or revoke certification or registration shall be final unless the aggrieved party institutes a proceeding under chapter 97, title 5 of this Code within thirty days after service on him by personal service or by certified mail of the Commissioner's order.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 197.

12 V.I.C. § 827, VI ST T. 12 § 827

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Chapter 19. Pesticide Control

12 V.I.C. § 828

§ 828 Certification and registration fees

- (a) Every applicant for pesticide applicator certification shall pay an examination fee. The fee shall be set by regulation.
- (b) There shall be fees for commercial pesticide applicator certification in one individual category, with additional fees for each additional category and for each additional sub-category chosen. For private applicators there shall be a fee for the initial certified private applicator and for subsequent applicators on the same farm or business shall be charged at the time of initial certification, renewal of certification or recertification.
- (c) Pesticide businesses shall pay a registration fee every five years. When the applicant regularly maintains or operates more than one business address, a fee may be required for each of the applicant's business addresses in the Virgin Islands. Any agency that is a governmental agency, public authority, or university is exempt from any fee for registration.
- (d) All fees must be set by regulation.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 197, 198.

12 V.I.C. § 828, VI ST T. 12 § 828

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12 V.I.C. § 829

§ 829 Requirements and restrictions for commercial lawn application

(a) Prior to any commercial lawn application, the applicator shall enter into a written contract with the owner of the property or his agent specifying the approximate date or dates of application, number of applications, and total cost for the service to be provided and shall supply the property owner or his agent with a written copy in at least 12 point type of:

(1) a list of substances to be applied including brand names and generic names of active ingredients;

(2) any warnings that appear on the label of pesticides to be applied that are pertinent to the protection of humans, animals or the environment; and

(3) the company name, address, telephone number, business registration number and applicator certification identification card number.

(b) If an application on the date or dates specified becomes infeasible, the person who is to provide the application shall give the owner or his agent oral or written notice of the proposed alternate date or dates, and must receive acceptance of such alternate date or dates from the owner or his agent prior to initiating commercial lawn application.

(c) Persons providing commercial lawn applications shall maintain copies of all contracts required pursuant to subsection (a) of this section.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 198, 199.

12 V.I.C. § 829, VI ST T. 12 § 829

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12 V.I.C. § 830

§ 830 Visual notification

(a) All persons providing commercial lawn application shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers must be placed so as to be clearly visible to persons immediately outside the perimeter of such property. The markers must be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(b) The markers required under this section must be in place on the day during which the pesticide is being applied and must instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. The instruction must be printed boldly in letters at least three-eighths of an inch in height.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 199.

12 V.I.C. § 830, VI ST T. 12 § 830

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12 V.I.C. § 831

§ 831 Lawn applications

All persons providing commercial lawn application must comply with the following provisions in their entirety and without exception, including all applicable definitions as provided in this chapter:

(a) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subsection (a) of section 832 of this chapter, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

(b) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subsection (c) of section 832 of this chapter, to occupants of all dwellings, as defined in subsection (k) of section 825 of this chapter, on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to owners, owners' agents, or other persons in a position of authority for all other types of premises, as defined in subsection (k) of section 825 of this chapter, that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owners' agents of multiple family dwellings shall supply the written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner. The prior notification provisions of this paragraph do not apply to the following:

(1) the application of anti-microbial pesticides and anti-microbial products as defined by FIFRA in [7 U.S.C. Section 136\(mm\)](#) and [136q\(h\)\(2\)](#);

(2) the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

(3) the use of non-volatile insect or rodent bait in a tamper resistant container;

(4) the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under [40 CFR Part 152.25](#);

(5) the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

- (6) the use of boric acid and disodium octaborate tetrahydrate;
 - (7) the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
 - (8) the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
 - (9) the application of a pesticide by direct injection into a plant or the ground;
 - (10) the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
 - (11) the application of a pesticide to the ground or turf of any cemetery; and
 - (12) an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this chapter. Upon making an emergency application, the person making such application shall notify the Commissioner of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.
- (c) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. The markers must be posted at least twelve inches above the ground and shall be at least four inches by five inches in size. The markers required pursuant to this paragraph must be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. The instruction must be printed boldly in letters at least three-eighths of an inch in height.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 199-201.

12 V.I.C. § 831, VI ST T. 12 § 831

Statutes current through Act 8438, including all code changes through March 1, 2021.

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12 V.I.C. § 832

§ 832 Rules and regulations

The Commissioner has the power to promulgate the following rules and regulations necessary and appropriate to carry out the purposes of this title.

(a) Rules and regulations establishing uniform standards for a consumer pesticide use information sign which shall be placed in retail establishments that sell general use pesticides for commercial or residential lawn application. This sign shall contain the following information:

(1) a warning notice directing consumers to follow directions on labels;

(2) a provision to inform the customer of the posting requirements set forth in subsection (c) of section 831 of this chapter; and

(3) a recommendation that the customer notify neighbors prior to the application of pesticides so that such neighbors may take precautions to avoid pesticide exposure.

(b) The Commissioner shall prepare and publish, in consultation with the Commissioner of Health, educational materials explaining the requirements of subsections (b) and (c) of section 831 of this chapter and the human and environmental health effects of lawn care pesticides.

(c) The Commissioner shall promulgate rules and regulations specifying the content and form of the written notice required in subsection (b) of section 831 of this chapter, with the content consisting minimally of the following:

(1) the address of the premises where application is to be done;

(2) the name and telephone number and pesticide business registration number or certified applicator number of the person providing the application;

(3) the specific date of each pesticide application and two alternative dates to the proposed date of application when, due to weather conditions, the pesticide application on the proposed date is precluded;

(4) the product name or names and the United States Environmental Protection Agency registration number or numbers of the pesticide or pesticides to be applied;

(5) a prominent statement that reads: ‘This notice is to inform you of a pending pesticide application to neighboring property. You may wish to take precautions to minimize pesticide exposure to yourself, family members, pets or family possessions. Further information about the product or products being applied, including any warnings that appear on the labels of such pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticides Information Center at 1-800-858-7378.

(d) The Commissioner shall promulgate rules and regulations specifying: the manner in which persons providing commercial lawn application shall supply written notice as required under subsection (b) of section 831 of this chapter.

(e) The Commissioner may promulgate rules and regulations, not inconsistent with any other provisions of law, specifying procedures for the Department’s investigation and processing of alleged violations of subsection (c) of section 831 of this chapter that pertain to persons performing residential lawn applications. Such uniform procedures may require complaints to be in the form of a sworn statement containing the facts upon which an alleged violation is based and may provide that the department is not required to perform any testing or sampling in relation to the investigation of any such alleged violations.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 201-203.

12 V.I.C. § 832, VI ST T. 12 § 832

Statutes current through Act 8438, including all code changes through March 1, 2021.

Virgin Islands Code Annotated Currentness

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12 V.I.C. § 833

§ 833 Access to pesticide information

(a) The Commissioner shall, upon written request of an interested party, in printed form or on a diskette in computerized data base format, provide the information on pesticides submitted to the department pursuant to sections 834 and 835 of this title. The Commissioner must not provide the name, address, or any other information which would otherwise identify a commercial or private applicator, or any person who sells or offers for sale restricted use or general use pesticides to a private applicator, or any person who received the services of a commercial applicator. Proprietary information contained within such record, including price charged per product, must not be disclosed.

(b) The fees for copies of information must not exceed the actual cost of reproducing any information.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 203.

12 V.I.C. § 833, VI ST T. 12 § 833

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12 V.I.C. § 834

§ 834 Record keeping and reporting

(a) All commercial applicators shall maintain pesticide use records for each pesticide application containing the following:

- (1) EPA registration number;
- (2) product name;
- (3) quantity of each pesticide used;
- (4) date applied;
- (5) location of application by address (including five-digit zip code).

The records must be maintained for a period of not less than three years. All commercial applicators shall file an annual report containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year. All commercial applicators shall also maintain corresponding records of the dosage rates, methods of application and target organisms for each pesticide application. The records must be maintained on an annual basis and retained for a period of not less than three years and shall be available for inspection upon request by the department. Failure to maintain records or file reports as required above may subject the violator to penalties under section 836.

(b) Every person who sells or offers for sale restricted use pesticides to private applicators shall issue a record to the private applicator of each sale of a restricted use pesticide or a general use pesticide used in agricultural crop production to such applicator. The record of each sale must include the following:

- (1) EPA registration number;
- (2) product name of the pesticide purchased;
- (3) quantity of the pesticide purchased;

(4) date purchased;

(5) location of intended application by address (including five-digit zip code) or if address is unavailable by town or city, including five-digit zip code, then the location of intended application differs from the billing address that appears on the record.

(c) Every person that sells or offers for sale restricted use pesticides to private applicators shall file, annually, a report or reports containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year. Failure to file said report may result in penalties as per section 836. The department must not use the reports filed pursuant to this paragraph for enforcement purposes.

(d) All private applicators shall maintain, at a minimum, records of the restricted pesticides purchased, crop treated by such, method of application, and date of application or applications.

This information must be maintained on an annual basis and retained for a minimum of three years, and shall be available for inspection upon request by the department.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 203-205.

12 V.I.C. § 834, VI ST T. 12 § 834

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12 V.I.C. § 835

§ 835 Record keeping and reporting of sales/use of restricted use pesticides

(a) Each person manufacturing or compounding a registered restricted use pesticide in the Virgin Islands, or importing or causing a registered restricted use pesticide to be imported into this territory for use, distribution, or storage, shall maintain records of all sales within the territory during the preceding year of each restricted use pesticide product which he or she has imported, manufactured or compounded. The record of each restricted use pesticide product must include:

- (1) EPA registration number;
- (2) container size; and
- (3) number of containers sold to Virgin Islanders purchasers.

(b) The records must be maintained for a period of not less than three years. All manufacturers and importers shall file an annual report containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 205.

12 V.I.C. § 835, VI ST T. 12 § 835

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12 V.I.C. § 836

§ 836 Unlawful acts

It is unlawful:

(a) For any person to distribute, sell, offer for sale or use within the Virgin Islands or deliver for transportation or transport in intrastate commerce or between points within the Virgin Islands through any point outside the Virgin Islands any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of this chapter or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration; provided that in the discretion of the Commissioner a change in the labeling or formula of a pesticide may be made within a registration period without requiring re-registration of the product.

(2) Except as specified in regulation authorizing alternative pesticide containers, any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(A) The name and address of the manufacturer, registrant, or person for whom manufactured;

(B) The name, brand, or trade-mark under which said [pesticide] is sold; and

(C) The net weight or measure of the content; subject, however, to such reasonable variations as the Commissioner may permit.

(3) Any pesticide which contains any substance or substances in quantities highly toxic to humans, determined as provided in section 804 of this chapter, unless the label shall bear, in addition to any other matter required by this chapter:

(A) The skull and crossbones;

(B) The word 'poison' prominently, in red, on a background of distinctly contrasting color; and

(C) A statement of an antidote for the pesticide.

(4) The pesticide commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate, unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this chapter, or any other white powder pesticide which the Commissioner, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the Commissioner may exempt any pesticide to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any pesticide which is adulterated or misbranded.

(b) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this chapter or regulations promulgated hereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter.

(c) For any person to use for his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the Virgin Islands government or to the courts of the Virgin Islands in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of this chapter.

(d) For any person to store or dispose of any pesticide, or of any container that holds or has held a pesticide, except in compliance with the rules and regulations of the Commissioner.

(e) For any person to distribute, sell, offer for sale, purchase for the purpose of re-sale, or possess for the purpose of re-sale any restricted use pesticide without a commercial permit issued by the Commissioner.

(f) For a commercial permit holder to sell restricted use pesticides except to the holder of a non-cancelled purchase permit or to the holder of a commercial permit or a certified applicator.

(g) For any person to purchase or possess, except for the purpose of re-sale, or use any restricted use pesticide without a purchase permit issued by the Commissioner or without being a certified applicator.

(h) For any person to engage in application of pesticides without a pesticide applicator certificate registration issued by the Commissioner, except while working under the direct supervision of a certified applicator.

(i) For any person or business to engage in the business of applying pesticides unless the business is registered by the Commissioner.

(j) For any person to remove or dispose of a seized or quarantined pesticide by sale or otherwise without the Commissioner's permission.

(k) For any person to fail to maintain or provide reports pursuant to section 834.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 205-208.

12 V.I.C. § 836, VI ST T. 12 § 836

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12 V.I.C. § 837

§ 837 Registration not a defense

In no event shall registration of a pesticide, be construed as a defense for the commission of any offense prohibited under subsections (a) through (g) of section 836.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 208.

12 V.I.C. § 837, VI ST T. 12 § 837

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12 V.I.C. § 838

§ 838 Pesticides that may be seized

(a) Any pesticide that is distributed, sold, offered for sale or used within the Virgin Islands or delivered for transportation or transported in intrastate commerce or between points within the Virgin Islands through any point outside the Virgin Islands may be seized for confiscation or be made the subject of a stop-use order:

- (1) If it is adulterated or misbranded, or if it has not been registered as required under this chapter;
- (2) If it fails to bear on its label the information required by this chapter;
- (3) If it is a white powder pesticide and is not colored as required under this chapter;
- (4) If a permit required by this chapter has not been issued in respect to such pesticide; or
- (5) If there is probable cause to believe a pesticide is being used in violation of any provision of this chapter or rules or regulations promulgated pursuant to any such provision of this chapter.

(b) Whenever the Commissioner or his authorized representative shall find distributed, sold, exposed or offered for sale within the Virgin Islands any pesticide that is adulterated or misbranded as defined in this chapter, or which fails to bear on its label the information required by this chapter, or which is not colored or registered as required under this chapter, or for which a permit has not been issued for its sale, offer for sale, purchase, possession or use as required by this chapter, he may seize or destroy such pesticide.

(c) Whenever the Commissioner finds, or has probable cause to believe, that a pesticide is being used in violation of any provision of this chapter or rules and regulations promulgated pursuant thereto, the Commissioner may issue a stop-use order requiring the user of the pesticide immediately to cease using such pesticide and immediately to remove such pesticide to the specified location. Within thirty days after issuance of a stop-use order, the Commissioner shall either rescind the stop-use order or commence a proceeding to seize and destroy such pesticides.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 208, 209.

12 V.I.C. § 838, VI ST T. 12 § 838

Statutes current through Act 8438, including all code changes through March 1, 2021.

Virgin Islands Code Annotated Currentness

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12 V.I.C. § 839

§ 839 Procedure following seizure

(a) Whenever the Commissioner finds, or has probable cause to believe, that any pesticide is adulterated or misbranded or improperly labeled, or is not colored within the meaning of this chapter, or is not registered as required under this chapter, or for which a permit has not been issued for its sale, offer for sale, purchase, possession or use as required by this chapter, he may affix to such pesticide a tag or other appropriate marking giving notice that such pesticide is or is suspected of being adulterated or misbranded, or improperly labeled, or not colored or registered as required under this chapter, or for which a permit has not been issued for its sale, offer for sale, purchase, possession or use as required by this chapter, and has been quarantined, and warning all persons not to remove or dispose of the pesticide, by sale or otherwise, until permission for removal or disposal is given by the Commissioner or his authorized representative.

(b) Before destruction of any pesticide following seizure or quarantine, the Commissioner shall give the owner, proprietor or custodian of such pesticide ten days' notice in writing, to be served either personally or by mail, of a hearing for the owner, proprietor, or custodian, to show cause why such pesticide should not be destroyed or otherwise disposed of in accordance with the provisions of law.

(c) Following such hearing, the Commissioner shall render a decision in writing and filed with the department, and a copy thereof shall be served either personally or by mail on the owner, proprietor, or custodian of such pesticide, but formal findings of fact shall not be required to be made or filed. The decision is subject to proceedings for writ of review under title five, chapter ninety-seven of this Code instituted within thirty days after service upon by the owner, proprietor or custodian of such pesticide of a copy of the Commissioner's decision.

(d) Whenever any pesticide is seized or quarantined as provided in this section, the destruction and disposition the pesticide, together and any necessary storage, handling or other incidentals between the time of seizure or quarantine and the destruction and disposition thereof, is the responsibility, both financially and otherwise, of the owner, proprietor or custodian of such pesticide; provided, however, that such destruction and disposition must be carried out only under the direction and immediate supervision of the Commissioner or his duly authorized representative.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 209, 210.

12 V.I.C. § 839, VI ST T. 12 § 839

Statutes current through Act 8438, including all code changes through March 1, 2021.

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12 V.I.C. § 840

§ 840 Investigations

(a) The Commissioner, or any officer of the department when authorized by the Commissioner, may investigate and report as to all matters within or pertaining to the powers and jurisdiction of the department for the purpose of carrying into effect the provisions of this chapter and the rules of the department made pursuant thereto.

(b) To aid in the administration of this chapter, the Commissioner or any person designated by him may issue subpoenas in the Commissioner's name requiring the attendance and giving of testimony by witnesses and the production of books, papers and other evidence for any hearing, proceeding or investigation conducted or to be conducted by or before the department. Service of such a subpoena, enforcement of obedience thereto, and punishment for disobedience thereof shall be had as in the manner provided by the civil practice law and rules relating to enforcement of any subpoena issued by a court of the Virgin Islands except that in the case of hearings, proceedings, or investigations before or conducted by the department neither any person certified to apply pesticides nor the holder of a business registration issued pursuant to this chapter, nor an employee of such registration holder or, nor [sic] an officer or stockholder in a registered corporation, when required to attend as a witness, shall be entitled to any subpoena fee or mileage. Any member of the department or any person who may be designated hereunder by the department to hold hearings may administer oaths to witnesses. The department also may provide for the taking of depositions of witnesses for the purpose of any such hearing. In such case, the officer, employee or other person may administer oaths to the witnesses whose depositions are to be taken. Each deposition shall be reduced to writing and subscribed by the deponent.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 210, 211.

12 V.I.C. § 840, VI ST T. 12 § 840

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12 V.I.C. § 841

§ 841 Immunity of witnesses

In any investigation, hearing or inquiry, conducted pursuant to this chapter or the rules of the department made pursuant thereto, the Commissioner, or his deputy or other officer presiding at such investigation, hearing or inquiry, may confer immunity in accordance with title 14 of this Code.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 211.

12 V.I.C. § 841, VI ST T. 12 § 841

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12 V.I.C. § 842

§ 842 Sanctions

(a) Administrative sanctions. Except as otherwise provided in this subsection, any person who violates any provision of this chapter or any rule, regulation or order issued thereunder or commits any offense described in section 836 of this chapter shall be liable to the people of the Virgin Islands for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense, to be assessed by the Commissioner after a hearing or opportunity to be heard. Notwithstanding any provision of law to the contrary, an owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, as such terms are defined in subsection (k) of section 825 of this chapter, who violates subsection (b) of section 831 of this chapter and a person who violates subsection (c) of section 831 of this chapter, for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials pursuant to subsection (c) of section 832 of this chapter. Such person shall, however, for a second violation, be liable to the people of the Virgin Islands for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation, such penalties to be assessed by the Commissioner after a hearing or opportunity to be heard. Notwithstanding any provision of law to the contrary, any person who violates subsection (b) of section 831 of this chapter, shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable to the people of the Virgin Islands for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation, to be assessed by the Commissioner after a hearing or opportunity to be heard. The Commissioner, acting by the attorney general, may bring suit for collection of such assessed civil penalty which may be released or compromised by the Commissioner before the matter has been referred to the attorney general; and where such matter has been referred to the attorney general; any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the attorney general with the consent of the Commissioner. Any civil penalty assessed by the Commissioner under this subsection shall be reviewable in a proceeding under title five, chapter ninety-seven of this Code.

(b) Civil sanctions. In lieu of seeking administrative sanctions, the Commissioner may refer any violation described in subsection (a) of this section to the attorney general who shall be empowered to bring a civil suit to seek any of the sanctions described in subsection (a) of this section. Any such sanctions imposed may be released or compromised or the action may be settled and discontinued by the attorney general with the consent of the Commissioner.

(c) Criminal sanctions. Any person who having the culpable mental states defined in title 14 of this Code, violates any provision of this chapter or any rule, regulation thereunder or commits any offense described in section 836, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000 for each day during which the violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subsection, punishment shall be by a fine not to exceed \$10,000 for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. When a violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be considered a separate violation. Any person who violates any provision of this chapter or any rule or regulation thereunder or commits any offense

described in section 836 of this chapter relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$2,500. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subsection, punishment must be by a fine not to exceed five thousand dollars. With respect to violations of section 831 of this chapter, penalties imposed pursuant to this subsection may be assessed only against a person providing a commercial lawn application.

(d) When a violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange constitutes a separate violation. When the use of any such article or substance is prohibited, each day during which or any part of which such article or substance is so used or wished for use, constitutes a separate violation, and the furnishing of the article or substance for use to each person to whom the article or substance may be furnished constitutes a separate violation. When the storage of any article is prohibited beyond a certain period, each day during which or any part of which any article is so stored beyond the period provided for by this chapter constitutes a separate violation.

(e) This section does not affect the rights of any other person seeking damages arising out of a violation.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, pp. 211-213.

12 V.I.C. § 842, VI ST T. 12 § 842

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12 V.I.C. § 843

§ 843 Aiders and abettors

Any person knowingly aiding or abetting any other person in the violation of any provision of this chapter or any rule, regulation, or order of the department made pursuant thereto is subject to the same punishment and penalty as that prescribed by this chapter for the violation by such other person.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 213.

Annotations

1. Pleading.

Plaintiff stated a claim for violation of the Virgin Islands Pesticide Control Act when it alleged that defendants failed to supply residents and owners with written information about the pesticides applied or that they aided and abetted in doing so. [Government of the Virgin Islands v. The ServiceMaster Co., LLC, 72 V.I. 114, 2019 V.I. LEXIS 122 \(V.I. Super. Ct. 2019\)](#).SUPERIOR COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

12 V.I.C. § 843, VI ST T. 12 § 843

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12 V.I.C. § 844

§ 844 Injunction against violations

Whenever it appears that any person is violating or threatening to violate any provision of this chapter or any rule, regulation or order issued thereunder or is committing any offense described in section 836 of this chapter, the department, acting by the attorney general, may bring suit against such person in any court of competent jurisdiction to restrain the person from continuing the violation or from carrying out the threat of violation. In any such suit, the court has jurisdiction to grant to the department without bond or other undertaking, such prohibitory or mandatory injunctions as the facts may warrant, including temporary restraining orders or preliminary injunctions.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 213.

12 V.I.C. § 844, VI ST T. 12 § 844

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12 V.I.C. § 845

§ 845 Act of officer or agent deemed act of principal

In construing and enforcing the provisions of this chapter or this title relating to penalties, the act of a director, officer, agent or other person acting for or employed by a person, association or corporation subject to the provisions of this chapter and acting within the scope of his employment, shall be deemed the act of such person, association or corporation.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 214.

12 V.I.C. § 845, VI ST T. 12 § 845

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12 V.I.C. § 846

§ 846 Disposal of fines and moneys recovered

Except as otherwise provided in this chapter, all moneys recovered, either as fines, penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter or of the rules of the department, and all bail forfeited by persons charged with such violations, is the property of the Virgin Islands.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 214.

12 V.I.C. § 846, VI ST T. 12 § 846

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12 V.I.C. § 847

§ 847 Severability

If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, by a court of competent jurisdiction, the constitutionality of the remainder of the chapter, and the applicability thereof to other persons and circumstances shall not be affected.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 214.

12 V.I.C. § 847, VI ST T. 12 § 847

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12 V.I.C. § 848

§ 848 Short title

This chapter may be cited as the Virgin Islands Pesticide Control Act.

Credits

-Added Sept. 22, 2006, No. 6863, § 1, Sess. L. 2006, p. 214.

12 V.I.C. § 848, VI ST T. 12 § 848

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