

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

02.03.03.500.02, Rules Governing Pesticide and Chemigation Use and Application, will be amended to eliminate the specific names of low volatile liquid ester formulations and the date restriction of May 1 to October 1. The Rules Governing Pesticide and Chemigation Use and Application have an older restriction that prohibits the use of liquid ester herbicides around any home or garden after May 1. The industry has informed us that this date is not needed because many parts of the state do not reach the eighty (80) degree threshold until June or July, if at all, and has requested the removal of the date. The temperature restriction is a much better cut-off mechanism to reduce the likelihood of possible damage throughout the different parts of the state. Also, the newer low volatile ester herbicides being used around homes and gardens in Idaho are safer, more stable, are more effective than older ester herbicides, and have adequate restrictions on the label to protect against volatilization. Since there are other formulations of liquid ester herbicides not listed in the current rule, the industry also recommended that we remove the specific names of the herbicides. This proposed rule change was recommended by the Pesticide Licensing Advisory Committee.

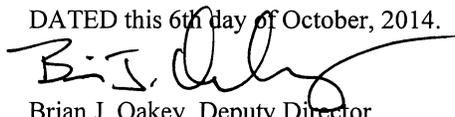
The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, Vol. 14-8, pages 18-19.

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ben Miller, Bureau Chief at (208) 332-8593.

DATED this 6th day of October, 2014.



Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790

Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170