

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-1401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-3421, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: 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 dates were put in rule to prevent the possibility of low volatile esters being applied on days when the air temperature might exceed eighty (80) degrees. The industry has informed the Department that the dates are no longer needed because many parts of the state do not reach the eighty (80) degree threshold until June or July, if at all, and most low volatile ester herbicides now have temperature restrictions on the label. 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. The industry also recommended that the specific names of the herbicides be removed so that all liquid ester herbicides are included and not just those named in this older rule. This proposed rule change was recommended by the Pesticide Licensing Advisory Committee.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

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 as a result of this rulemaking: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during the rulemaking.

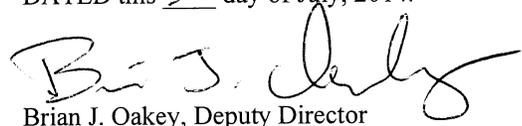
NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014 Idaho Administrative Bulletin, Volume 14-6, pages 16-17. A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on June 18, 2014.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ben Miller, Bureau Chief at (208) 332-8593.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2014.

DATED this 3rd day of July, 2014.

A handwritten signature in black ink, appearing to read "Brian J. Oakey". The signature is fluid and cursive, with the first name "Brian" and last name "Oakey" clearly legible.

Brian J. Oakey, Deputy Director
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