IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION...

DOCKET NO. 02-XXXX-XXXX (OARC will assign)

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 22-3421, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting(s) has been scheduled. Additional meetings may be scheduled and will be posted on the ISDA website.

MEETING SET FOR PUBLIC PARTICIPATION
VIA TELEPHONE AND WEB CONFERENCING

Tuesday, June 30, 2020 - 9 a.m. to 11:30 a.m.

Contact Janis.perry@isdagov to make arrangements for participation by telephone and web conferencing.

On March 25, 2020, Governor Little issued a Proclamation declaring an emergency and taking steps to reduce and slow the coronavirus spread. In compliance with the Proclamation and Stages of Reopening, ISDA will hold this meeting via telephone and web conferencing.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact Janis.perry@isdagov. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

This rule will reorganize Idaho’s Rules Governing Pesticide and Chemigation use and Application. A reorganization is needed to clarify the rules, and to update the rules to comply with federal law changes (Federal Insecticide, Rodenticide, and Fungicide Act ("FIFRA"); and 40 CFR, Part 171). The updates are important to maintain Idaho’s enforcement primacy under FIFRA and the cooperative agreement with the Environmental Protection Agency.

Additionally, Idaho’s pesticide law and rules were the subject of legislative action during the 2020 Legislative Session (House Bill 487a (Vetted), and House Concurrent Resolution 042). Some of the pesticide applicators and other stakeholders have expressed confusion about the status of the rules. Negotiated rulemaking with all the stakeholders at the table will help clarify the rules for interested stakeholders.

ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Vic Mason at vic.mason@isdagov or (208) 332-8628. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: (www.agri.idaho.gov/rulemaking.)

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 17, 2020.

DATED this 30th day of April, 2019.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8552
Fax: (208) 334-2710