



Administrative Rules Request Form

Agency Name: Agriculture, Department of		Submitted on: 04/23/2020
Primary Contact: Victor Mason	Phone: 208-332-8628	Email: vic.mason@isda.idaho.gov
Secondary Contact:	Phone:	Email:
Person Authorizing Rule: Brian Oakey	Phone: 208-332-8500	Email: Brian.Oakey@ISDA.Idaho.gov
State Statute that Authorizes this Rule: Title 22, Chapter 34		
Is the Statute: <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
Chapter Number, Chapter Name: IDAPA 03.03.03 Pesticides and Chemigation		
Desired Bulletin for Publication: June 2020		
Under the Zero Based Regulation EO (Executive Order 2020-01), this rulemaking (select all that apply): <input checked="" type="checkbox"/> Reduces or removes regulatory burden <input checked="" type="checkbox"/> Removes, obsolete, outdate, or unnecessary regulations <input type="checkbox"/> Advances the objectives of the Licensing Freedom Act <input type="checkbox"/> Complies with a new statutory requirement or court order List Primary Senate and House Bill Sponsor (2 names): <input type="checkbox"/> To prevent a well-documented threat to public health		
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary		
Incorporation by Reference Only <input type="checkbox"/> Qualifies for an exemption		
Agency has determined, according to Idaho Code 67-5220(1), that <input checked="" type="checkbox"/> This rule will be negotiated with interested persons as outlined in Idaho Code 67-5220(3) <input type="checkbox"/> Negotiation of this rule is not feasible		
Provide a short summary of the changes this rule makes: DIFFICULTY WITH UPLOAD - Correct Prospective Analysis is uploaded in place of Director Letter! 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 (Vetoed), and House Concurrent Resolution 042). Some of the pesticide applicators and other stakeholders have expressed concern about the status of certain sections of the rules. Negotiated rulemaking with all the stakeholders at the table will help clarify the rules for interested stakeholders.		
Provide the projected fiscal impact for all programs affected, including both positive and negative impacts to all fund sources (General, dedicated, and federal): No significant impact		
What impact will this rule have on the competitiveness of businesses and individuals? This rule will have a neutral impact on competitiveness of businesses and individuals. Pesticides and pesticide application are currently regulated. The updated and clarified rule should be a benefit to the regulated businesses and individuals.		

DFM Analyst: David Hahn ☒ Approved ☐ Not Approved **Date:** 4/28/2020 5:06 PM

Comments:

I recommend advancement but want to see a fully explanation of the potential fiscal impact at the proposed stage.

Fiscal Impact Comments:

Gov's Office: Sam Eaton ☒ Approved ☐ Not Approved **Date:**

Comments:

Gov's Office approves per discussions with ISDA