

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

The portions of the rule highlighted in yellow indicate substantive changes, strikes, or additions to the rule. Some of these changes have been made for clarity, others have been made pursuant to updates to federal laws and rules, and some have been made pursuant to actions taken during the 2020 legislative session. These substantive changes will be the focus of rulemaking meeting.

The portions highlighted in blue indicate non-substantive portions of this rule that may be changed. Blue highlights indicate words and sections which have been deemed redundant, confusing, or irrelevant pursuant to the Governor's Red Tape Reduction mandate. These portions will not be focused on during the rulemaking meeting.

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-3421, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.03.03, "Rules Governing Pesticide and Chemigation Use and Application." (3-20-20)T

02. Scope. This chapter governs the use and application of pesticides; licensing of pesticide applicators; registration of pesticides; and responsibilities for chemigation in Idaho. (3-20-20)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-20)T

003. ADMINISTRATIVE APPEAL.

~~There is no provision for administrative appeal before the Department of Agriculture under these rules. Hearing and appeal rights are set forth in~~ Persons are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-20-20)T()

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference: ()

01. Incorporated Document. ~~IDAPA 02.03.03 incorporates by reference~~ U.S. Code of Federal Regulations (CFR) Title 40 CFR Part 165 Subpart E - Standards For Pesticide Containment Structures, Sections 165.80 through 165.97 as published in the Federal Register, Volume 71, Number 158, on August 16, 2006. Copies of these documents may be viewed at the Idaho State Department of Agriculture, or at <https://www.federalregister.gov/documents/2006/08/16/06-6856/pesticide-management-and-disposal-standards-for-pesticide-containers-and-containment>, that may be viewed at https://www.govregs.com/regulations/title40_chapterI_part165_subpartE. (3-20-20)T()

02. U.S. Code of Federal Regulations (CFR) Title 40, Chapter 1, Part 171 Certification of Pesticide Applicators that may be viewed at https://www.govregs.com/regulations/title40_chapterI_part171. ()

03. RESTRICTIONS FOR USE OF THE LIVESTOCK PROTECTION COLLARS (Compound 1080) that may be viewed on ISDA website. ()

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (3-20-20)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department. (3-20-20)T

007. -- 009. (RESERVED)

010. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-3401, Idaho Code, and the following definitions: (3-20-20)T

01. Air Gap. A physical separation between the free-flowing discharge end of a domestic water supply system pipeline and an open or non-pressure receiving vessel. (3-20-20)T

02. Basin Irrigation. Irrigation by flooding areas of level land surrounded by dikes. (3-20-20)T

03. Border Irrigation. Irrigation by flooding strips of land, rectangular in shape and cross leveled, bordered by dikes. (3-20-20)T

04. Certification. Passing one (1) or more examinations, to initially demonstrate an applicant's competence, as required by the licensing provisions of this act, in order to use or distribute pesticides, or to act as a pesticide consultant. (3-20-20)T

05. Check Valve. A certified valve designed and constructed to close a water supply pipeline, chemical injection line, or other conduit in a chemigation system to prevent reverse flow in that line. (3-20-20)T

06. Chemigator. Any person engaged in the application of chemicals through any type of irrigation system. (3-20-20)T

07. Cross-Connection. Any connection that may have chemical injected or introduced into the domestic water supply system and has the potential of or is connected to the domestic water supply system. (3-20-20)T

08. Demonstration and Research. The use of restricted use pesticides to demonstrate the action of the pesticide or conduct research. (3-20-20)T

09 Domestic Water Supply System. Any system providing water for human use. (3-20-20)T

10. Drip Irrigation. A method of microirrigation wherein water is applied as drops or small streams through emitters. (3-20-20)T

11 Flood Irrigation. Method of irrigation where water is applied to the soil surface without flow controls, such as furrows, borders or corrugations. (3-20-20)T

12. Flow Rate. The weight or volume of flowable material per unit of time. (3-20-20)T

13. Furrow Irrigation. Method of surface irrigation where the water is supplied to small ditches or furrows for guiding the water across the field. (3-20-20)T

14. Hazard Area. Cities, towns, subdivisions or densely populated areas. (3-20-20)T

15. High Volatile Esters. Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters. (3-20-20)T

16. Injection Pump. A pump that uses a gear, rotary, piston or diaphragm to develop the pressures exceeding the irrigation system pressure to inject a chemical. (3-20-20)T

17. Inspection Port. An orifice or other viewing device from which the low pressure drain and check valve may be observed. (3-20-20)T

18. Limited Supervision – Pertains to the supervision of a currently licensed pesticide applicator who holds the Commercial Apprentice (CA) category. The Supervising Applicator will be currently licensed in the same category necessary for the pesticide application, and is limited to supervising a maximum of two Commercial Apprentice applicators and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications. ()

19. Low Volatile Esters. Formulations of 2,4-D; 2,4-DP; MCPA and MCPB which contain butoxyethanol, propylene glycol, tetrahydrofurfuryl, propylene glycol butyl ether, butoxy propyl, ethylhexyl and isooctyl esters. (3-20-20)T

19. Mixer-Loader. Any person who works under the supervision of a professional applicator in the mixing and loading of pesticides to prepare for, but not actually make, applications. (3-20-20)T

20. On-Site Supervision – Pertains to the application of Restricted Use Pesticides (RUP): On-Site Supervision of an unlicensed pesticide applicator or a pesticide applicator who does not hold an appropriate category for the RUP being applied. Supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be in a position to direct the actions of the pesticide applicator. The supervising applicator may not supervise more than two pesticide applicators. ()

201. Pressure Switch. A device which will stop the chemical injection pump when the water pressure decreases to the point where chemical distribution is adversely affected. (3-20-20)T

242. Recertification. The requalification of a certified person through seminar attendance over a set period of time, or taking an examination at the end of a set period of time, to ensure that the person continues to meet the requirements of changing technology and maintains competence. (3-20-20)T

223. Reduced Pressure Principle Backflow Prevention Assembly (RP). An assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. (3-20-20)T

234. Seminar. Any Department-approved meeting or activity convened for the purpose of presenting pesticide recertification information. (3-20-20)T

245. Sprinkler Irrigation. Method of irrigation in which the water is sprayed, or sprinkled, through the air to the ground surface. (3-20-20)T

256. System Interlock. Safety equipment used to ensure that a chemical injection pump will stop if the irrigation pumping plant stops to prevent the entire chemical mixture from emptying from the supply tank into the irrigation pipeline. The safety equipment may also be used to shut down the irrigation system if the injection system fails. (3-20-20)T

267. Vacuum Relief Valve. A device to automatically relieve or break a vacuum. (3-20-20)T

278. Venturi. A differential pressure injector that operates on a pressure difference between the inlet and outlet of the injector and creates a vacuum inside the body, which results in suction through the suction port. (3-20-20)T

289. Venturi Injection System. A chemical injection system which operates with a Venturi using the suction from the Venturi that can be used to inject and mix chemicals into the water. (3-20-20)T

2930. Working Pressure. The internal operating pressure of a vessel, tank or piping used to hold or transport liquid. (3-20-20)T

301. Waters of the State. Any surface waters such as canals, ditches, laterals, lakes, streams, or rivers. (3-20-20)T

011. -- 049. (RESERVED)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. LICENSING PROFESSIONAL APPLICATORS AND PESTICIDE DEALERS.

To obtain a professional applicator's license an applicant must: ()

01. Submit an application prescribed by the Department with applicable fee (Section 250). ()

02. Demonstration of Demonstrate Competence. (3-20-20)T()

a. Professional applicators may only recommend the application or make pesticide applications for any purpose for which they have demonstrated competence. Competence is demonstrated by passing Department examinations and becoming licensed in the Subsection 100.04 categories. (3-20-20)T

b. An applicant shall will demonstrate core competency in the following areas: (3-20-20)T()

i. Labels and labeling, including terminology, instructions, format, warnings and symbols. (3-20-20)T

ii. Safety factors and procedures, including protective clothing and equipment, first aid, toxicity, symptoms of poisoning, storage, handling, transportation and disposal. (3-20-20)T

iii. Laws, rules, and regulations governing pesticides. (3-20-20)T

iv. Environmental considerations, including the effect of climate and physical or geographical factors on pesticides, and the effects of pesticides on the environment, and the animals and plants living in it. (3-20-20)T

v. Mixing and loading, including interpretation of labels, safety precautions, compatibility of mixtures, and protection of the environment. (3-20-20)T

vi. Methods of use or application, including types of equipment, calibration, application techniques, and prevention of drift and other types of pesticide migration. (3-20-20)T

vii. Pests to be controlled, including identification, damage characteristics, biology and habitat. (3-20-20)T

viii. Types of pesticides, including formulations, mode of action, toxicity, persistence, and hazards of use. (3-20-20)T

ix. Chemigation practices involving the application of chemicals through irrigation systems, calibration, management, and equipment requirements. (3-20-20)T

x. Responsibilities of supervision of noncertified applicators. ()

03. Certification and Department Examination Procedures. A person is Be-certified by passing Department examinations with a minimum of seventy percent (70%) in the applicable pesticide categories (Subsection 100.04). Examinations are: (3-20-20)T()

a. Presented and answered in writing: ()

b. Proctored and monitored by ISDA staff or administered by an designated authorized agent following approved Department procedures. Examinations are (3-20-20)T()

c. Given only to a person who presents valid government-issued identification: ()

d. Secure with candidates not having verbal or non-verbal communication with anyone other than the proctor during the exam and only have access to reference materials provided by and collected by the proctor; ()

e. Payment of examination fees shall be received by the Idaho Department of Agriculture before examination results may be released. (3-20-20)T()

e. Retaken after a minimum waiting period of one (1) week is required before an applicant may retake an examination. (3-20-20)T()

f. For the purpose of becoming licensed, examination Scores are valid for twelve (12) months from the date of the examination. (3-20-20)T()

04. Categories: Professional applicators shall Be certified and licensed in one (1) or more of the following categories: (3-20-20)T()

Category Name	Category Description
Applicator Core Competency (CO) Law and Safety	Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. This category is required for all Idaho categories.
Agricultural Herbicide (AH)	For professional applicators conducting herbicide applications to field crops or agricultural commodities. Certification in this category will allow herbicide applications for including rights-of-way, forests and rangelands.
Agricultural Insecticide/Fungicide (AI)	For conducting insecticide and fungicide applications to field crops. Certification in this category also certifies a person to make insecticide/fungicide applications including in rights-of-way, forests, and rangelands.
Soil Fumigation (SF)	to make insecticide/fungicide applications in rights-of-way, forests, and rangelands. For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control.
Space (Area) Fumigation (AF)	For fumigating structures and spaces for pest control including buildings and similar structures, commodity storage facilities and containers, shipholds, railcars and RUP fumigant applications for burrowing rodent control.
Forest Environment (FE)	For control application of pesticides pests in to forests and on rangelands, excluding vertebrate predator and avian control by U.S.D.A. Forest Service employees, and Bureau of Land Management personnel, contractors, and private industry personnel. who
Right-of-Way Herbicide (RW)	For railroads, highway departments and others, for roadside weed control, soil sterilant herbicides, and weed control on public lands (non-crop). Certification in the Agricultural Herbicide category exempts the applicant from the need to certify in this category. For the use of herbicides in the maintenance of rights-of-way, and similar terrestrial areas.

Public Health Pest (PH)	For <u>the management and control of pests having medical and public health importance by employees of abatement districts and others controlling mosquitoes and other public health pests-public health related governmental entities for</u>
Livestock Pest Control (LP)	For <u>persons treating livestock pests-use of pesticides to control non-vertebrate pests on livestock or where livestock are confined, including the control of nuisance flying insects associated with livestock facilities.</u>
<u>Aerial Pest Control (AA)</u>	<u>For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft.</u>
<u>Ornamental Herbicide (OH)</u>	For persons conducting outside urban or residential herbicide applications to turfs, flowers, shrubs, trees, and associated landscapes, <u>excluding soil applied, total vegetation control pesticides, with the exception of soil sterilant applications</u>
<u>Ornamental Insecticide/ Fungicide (OI)</u>	For persons doing <u>conducting</u> outside urban or residential insecticide and or fungicide applications <u>to</u> turfs, flowers, shrubs, trees and associated landscapes, <u>including exterior applications to residential, urban or commercial buildings, excluding structural destroying pests</u>
General Pest Control Operations-(GP)	For persons controlling pests conducting pesticide applications in and around residential, commercial, or other buildings, excluding structural destroying pests <u>those applications applicable to Structural Pest Control (SP), Ornamental Herbicide (OH), and Ornamental-Insecticide/Fungicide (OI) categories.</u>
Structural Destroying Pest (SP)	For persons involved in the application of pesticides to control of pests which destroy wooden structures, such as bridges, houses, offices, and warehouses.
General Vertebrate Control (GV)	For controlling vertebrate <u>pests such as large and small</u> predators, rodents, and birds <u>by</u> Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS).
Rodent Control (RC)	For rodent districts and others, for the control of field rodents. <u>Certification in the General Pest Control category shall exempt the applicant from the need to certify in this category-application of outdoor use non-fumigation rodenticides to control field rodents.</u>
Aquatic Weed and Pest Control (AP)	For <u>application of pesticides to control weeds and other pests to aquatic sites excluding those pests pertaining to the Public Health Pest Control (PH) category by employees of irrigation districts, canal companies, contractors, and others., for weed and pest control on aquatic sites.</u>
Seed Treatment (ST)	For persons doing treatments <u>application of pesticides</u> to protect seeds used for plant reproduction.

Commodity Pest Control (CP)	For persons <u>application of non-fumigation pesticides to controlling</u> pests in stored commodities.
Potato Cellar Pest Control (PC)	For persons who apply sprout inhibitors <u>application of storage-enhancing pesticides in</u> potato cellars.
Chemigation (CH)	For persons who <u>application of</u> chemicals through an irrigation system, excluding Aquatic Weed and Pest Control (AP) category applicators .
Livestock Protection Collars (LPC)	For use of Livestock Protection Collars (LPC) containing the restricted use pesticide (RUP) Compound 1080 to control predatory coyotes <u>by employees of the USDA/APHIS</u> .
Wood Preservative (WP)	For persons who <u>application of</u> wood preservatives.
Pest Control Consultant-Statewide (SW)	For persons who make consultations or recommendations or to supply technical advice concerning the use of any pesticide for agricultural purposes.
Demonstration and Research (DR)	For persons who <u>application or supervision of</u> the use of restricted use pesticides (RUPs) at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. <u>A person is eligible to license in this category by passing The Pest Control Consultant Statewide (SW) examination. is required</u> .
<u>Commercial Apprentice (CA)</u>	<u>For conducting General Use Pesticide (GUP) foliar applications only in situations applicable to the OI, OH, AI, AH, GP, and RW categories. Persons with this category can only perform pesticide applications under limited supervision, and cannot make any soil-active Total Vegetation Control (TVC) pesticide applications or injectable applications to soil or plants. Applicators with this category cannot supervise other pesticide applicators. This is a non-renewable license category.</u>

(3-20-20)T()

05. Records Requirements: ~~Professional applicators shall~~ Maintain pesticide application records for three (3) years, in a location designated by the professional applicator ready to be inspected, duplicated, or submitted when requested by the Director. ~~The records shall be maintained. Record Contents.~~ Such records ~~shall must contain~~ include all of the following: (3-20-20)T()

- a. The name and address of the owner or operator of each property treated; ~~and~~ (3-20-20)T()
- b. The specific crop, animal, or property treated; ~~and~~ (3-20-20)T()
- c. The location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated; ~~and~~ (3-20-20)T()
- d. The size or amount of specific crop, animal, or property treated; ~~and~~ (3-20-20)T
- e. The trade name or brand name of the pesticide applied; ~~and~~ (3-20-20)T()
- f. The total amount of pesticide applied; ~~and~~ (3-20-20)T()
- g. The dilution applied or rate of application; ~~and~~ (3-20-20)T()

- h. The EPA registration number of the pesticide applied; ~~and~~ (3-20-20)T(____)
- i. The date of application; ~~and~~ (3-20-20)T
- j. The time of day when the pesticide is applied; ~~and~~ (3-20-20)T(____)
- k. The approximate wind velocity; ~~and~~ (3-20-20)T(____)
- l. The approximate wind direction; ~~and~~ (3-20-20)T
- m. The full name of the person recommending the pesticide application; ~~and~~ (3-20-20)T(____)
- n. The full name of the professional applicator applying the pesticide; ~~and~~ (3-20-20)T(____)
- o. The license number of the professional applicator applying the pesticide; ~~and~~ (3-20-20)T
- p. Full name and license number of professional applicator supervising the pesticide application of the professional applicator holding the Apprentice Category (CA).
- q. Worker protection information exchange, if required by the worker protection standard, prior to pesticide application, shall be documented by: including name of grower or operator contacted and date and time of contact. (3-20-20)T(____)

06. Financial Responsibility. Proof of Financial Ability: A professional applicator's license will not be issued by the Department until an applicant submits written proof of financial responsibility by any of the following methods: (3-20-20)T(____)

- a. Liability insurance with an insurance company licensed to do business in Idaho and documented on a form approved by the Director; ~~or~~ (3-20-20)T(____)
- b. A bond that is approved by the Director; ~~or~~ (3-20-20)T(____)
- c. A cash certificate of deposit in escrow with a bank or trust company; ~~or~~ (3-20-20)T(____)
- d. An annuity issued by an insurance company, bank or other financial institution found acceptable to the Director; ~~or~~ (3-20-20)T(____)
- e. An irrevocable letter of credit issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. (3-20-20)T(____)
- f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as trustee and shall remain on file with the Department until it is released, canceled or discharged by the Director. Any certificate of deposit, annuity, or irrevocable letter of credit must maintain a cash value equal to the requirements of Subsection 250.02, less any penalty for early withdrawal. Accrued interest upon a certificate of deposit or annuity shall be payable to the purchaser of the certificate or annuity. (3-20-20)T(____)

~~g. Under the provisions of this chapter, an irrevocable letter of credit shall not be acceptable unless it is issued by a national bank in Idaho or by an Idaho state chartered bank insured by the federal deposit insurance corporation. Under the provisions of this chapter, an annuity shall not be accepted by the Department unless it is issued by an insurance company, bank or other financial institution found acceptable by the Director. (3-20-20)T~~

g. Exclusions. Any exclusion to liability insurance, bond, cash certificate of deposit, annuity or irrevocable letter of credit coverage shall be listed on a form approved by the Director. (3-20-20)T

- h. Minimum Coverage Required. (3-20-20)T
- i. Bodily injury - fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000)

per occurrence. (3-20-20)T

ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (3-20-20)T

iii. Maximum deductible - five thousand dollars (\$5,000). (3-20-20)T

~~iv. All new professional applicator licenses issued on or after September 1, 1997, shall require financial responsibility at or exceeding the coverage limits as specified in Subsections 250.02.a.i. and 250.02.a.ii. (3-20-20)T~~

~~v. In order to maintain an existing professional applicator license the coverage limits specified in Subsections 250.02.a.i. and 250.02.a.ii. shall be met or exceeded on or before December 31, 1998. (3-20-20)T~~

i. Target Property Not Required to Be Covered. The immediate property being treated is not required to be covered. ~~as prescribed in Subsection 250.02.a.ii. (3-20-20)T()~~

j. Cancellation or Reduction. The ~~Department shall be notified by the~~ applicator must notify the Department in writing immediately after cancellation or reduction of the financial coverage. (3-20-20)T()

~~05. Coverage Waived. Coverage waivers which have been issued prior to September 1, 1997, shall remain in effect until the first license expiration date subsequent to September 1, 1997. (3-20-20)T~~

07. Licensing Periods and Recertification. ~~Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period. The recertification period for professional applicators shall will be concurrent with their two (2) year licensing period ending on December 31, every other year. The apprentice category (CA) will not be able to recertify. This license category will expire on the 31st of December in the year that it was issued.~~ Recertification requirements may be accomplished by complying with either Subsection 100.07.a. or 100.07.b. (3-20-20)T()

a. A person accumulates recertification credits by attending Department-accredited pesticide instruction seminars and meet the following criteria: (3-20-20)T()

i. ~~Professional applicators have Complete a minimum of~~ fifteen (15) credits, based upon one (1) credit for each one (1) hour of instruction, ~~minimum~~ for each recertification period. (3-20-20)T()

ii. ~~To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to A completed written request for accreditation of a seminar shall be received by~~ the Department not less than thirty (30) days prior to the scheduled seminar. ~~submitted on a form prescribed by the Department.~~ Under exceptional circumstances, as described in writing by the person requesting accreditation, the thirty (30) day requirement may be waived. (3-20-20)T()

iii. ~~The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply.~~ Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification. (3-20-20)T()

~~iv. The number of credits assigned in advance for a seminar, or a part of a seminar, is tentative, and may be revised by the Department if it is later found that the training does not comply with Subsection 100.04.a.iii.(3-20-20)T~~

~~v. A recertification credit is based upon one (1) credit for each one (1) hour of instruction, as described in Subsection 100.04.a.iii. (3-20-20)T~~

iv. Verification of attendance at a seminar is accomplished by validating the attendee's pesticide license, using a stamp, sticker, or other method approved by the Department. ~~A designated agent must ensure that~~

~~such attendance records are properly completed.~~ Verification of attendance must be submitted with the license renewal application. (3-20-20)T(____)

b. A person ~~shall pass~~ the Department's recertification ~~and Law and Safety Applicator Core Competency (CO) recertification examination plus~~ examinations for all categories in which a person intends to license. (3-20-20)T(____)

i. Recertification examinations may be taken by a professional applicator beginning the thirteenth month of the recertification period. ~~Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period.~~ (3-20-20)T(____)

ii. The examination procedures as outlined in Subsection 100.03 ~~shall~~ will be followed. (3-20-20)T(____)

~~iii. In addition to examinations for categories listed under Subsections 100.02.a.ii. through 100.02.a.ix., a person must also pass a Law and Safety recertification examination.~~ (3-20-20)T(____)

~~iv. Recertification shall not be achieved by passing an entry level examination.~~ (3-20-20)T(____)

~~v. Upon passing the recertification examination(s), a person is considered by the Department to be recertified for the next recertification period.~~ (3-20-20)T(____)

~~iii.~~ Excess credits may not be carried over to the next recertification period, if a person accumulates more than fifteen (15) credits during the recertification period, (3-20-20)T(____)

~~iv.~~ Upon earning the recertification credits as described above, license holder is recertified for the next recertification period corresponding with the next issuance of a license, provided that the license renewal application is submitted within twelve (12) months ~~from after~~ the expiration date of the license. (3-20-20)T(____)

c. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license ~~shall~~ will be required to pass the appropriate recertification examination(s) before being licensed. (3-20-20)T(____)

d. The Department may grant variances in the recertification of professional applicators' and dealers' licenses. Issuance of variances ~~shall~~ will not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (3-20-20)T(____)

101.-- 149. (RESERVED)

150. PRIVATE APPLICATOR LICENSING.

01. Applying for a Private Applicator's License. To obtain a private applicator's license an applicant must: (3-20-20)T(____)

a. ~~Fill out~~ Submit an application prescribed by the Department with applicable fee(s) (Section 250); and (3-20-20)T(____)

b. Take Pass an examination based on the Environmental Protection Agency (EPA) core manual ~~and with a minimum score a-of seventy percent (70%). For the purpose of becoming licensed,~~ Examination scores are valid for twelve (12) months ~~from after~~ the date of the examination. The examination procedure is the same as for professional applicators (Subsection 100.02), ~~except private applicators are not assessed an examination fee.~~ (3-20-20)T(____)

c. Demonstrate competence as outlined for Professional Applicators (Subsection 100.01.) (____)

02. License Categories. Private applicators are certified and licensed in one (1) or more of the following categories: (3-20-20)T

Category Name	Category Description
Restricted Use Pesticide (RU)	For persons who use or supervision the use of restricted use pesticides to produce agricultural commodities or forest crops on land owned-or operated by applicator or applicator's employer.
Aerial Pest Control (AA)	For application of pesticides to all application sites owned-or operated by applicator or applicator's employer-by operating or flying fixed-wing or rotary aircraft.
Soil Fumigation (SF)	For persons who apply soil fumigants on land they or their employer(s) own(s) or operate(s). In order to be certified and licensed in this category, private applicators must pass both the RU examination and the SF examination. For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned-or operated by applicator or applicator's employer-for the growing of agricultural commodities, excluding rodent control.
Space (Area) Fumigation (AF)	For fumigating structures and spaces for pest control with a Restricted Use Pesticide (RUP) including buildings and similar structures, commodity storage facilities and containers, shipholds, railcars owned-or operated by applicator or applicator's employer-and for RUP fumigant applications for burrowing rodent control.
Chemigation (CH)	For application of chemicals through irrigation systems on land owned(s) or operated(s) by applicator or applicator's employer.

(3-20-20)T()

~~b. Non reading applicators may be certified to purchase and apply a single restricted use pesticide when they have demonstrated their competence in the safe and proper use of such pesticide to the Director or other designated agent.~~ (3-20-20)T

03. License Recertification. In order for a private applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Licenses belonging to private applicators with last names beginning with A through L, inclusive, ~~shall~~ expire on the last day of the month listed on the chart in Subsection ~~150.03.a.~~ in every odd-numbered year, and licenses belonging to private applicators with last names beginning with M through Z, inclusive, ~~shall~~ expire on the last day of the month listed on the chart in Subsection ~~150.03.a.~~ in every even-numbered year. The recertification period ~~shall is be~~ concurrent with the licensing period. Any person with less than thirteen (13) months in the initial licensing period ~~shall is not be~~ required to obtain recertification credits for the initial period. Recertification and relicensing may be accomplished by complying with either Subsection ~~050.03.b.~~ or ~~050.03.c~~

a. Licensing schedule.

Last Name		Month to License
Odd Year	Even Year	
A-D	M-P	March
E-H	Q-T	July
I-L	U-Z	October

(3-20-20)T()

b. A person accumulates recertification credits by attending Department-accredited pesticide instruction seminars. (3-20-20)T

i. A minimum of six (6) credits ~~shall~~ **will** be earned during each recertification period. ~~(3-20-20)T~~()

ii. Guidelines for obtaining recertification credits are described in Subsections ~~100.06.a.ii.~~ through ~~100.06.a.v.~~ Any credits accumulated beyond the required six (6) in a recertification period may not be carried over to the next recertification period. (3-20-20)T

iii. Upon earning the recertification credits, a person is eligible for license renewal for the next licensing period, provided that the license renewal application is submitted within twelve (12) months from the expiration date of the license. (3-20-20)T

c. A person passes the Department's private applicator recertification examination(s) for all categories in which the person intends to license with a minimum score of seventy percent (70%). (3-20-20)T

i. Recertification examinations may be taken ~~by a person~~ beginning the thirteenth (13th) month of the license period. ~~(3-20-20)T~~()

ii. The examination procedures as outlined in Subsection ~~100.03~~ **shall will** be followed, except that examination fees are not assessed. ~~(3-20-20)T~~()

iii. Upon passing the recertification examinations, a person is eligible for license renewal for the next licensing period. For the purpose of becoming licensed, recertification examination scores are valid for twelve (12) months ~~from~~ **after** the date of the examination. ~~(3-20-20)T~~()

d. The Department may issue variances for the requirements delineated in Subsection ~~150.03~~ in the recertification of private applicators' licenses. Issuance of variances ~~shall do~~ not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. ~~(3-20-20)T~~()

151.-- 199. (RESERVED)

200. LICENSING OF PESTICIDE DEALERS

01. To obtain a pesticide dealer's license ~~an applicant must:~~ ()

a. Submit an application prescribed by the Department with applicable fee(s) (Section ~~250~~); ()

b. Obtain a license in the appropriate professional agricultural category(s) listed in Subsection ~~100.04~~ that pertains to the types of restricted use pesticides sold or distributed. ~~(3-20-20)T~~()

c. ~~Records Requirements.~~ ~~Pesticide dealers shall~~ Maintain, in a location designated by the pesticide dealer, restricted use pesticide distribution records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. ~~The records shall be maintained 04. — Record Contents.~~ Such records ~~shall must~~ **contain include the following:** ~~(3-20-20)T~~()

i. The name and address of the person purchasing or receiving the restricted use pesticide (RUP); and (3-20-20)T

ii. The certified applicator name, license number, and expiration date of the license for the person certified to use the RUP; or (3-20-20)T

iii. In the case of distribution of a RUP to another pesticide dealer, the name, license number, and expiration date of the license of the licensed pesticide dealer. (3-20-20)T

iv. The brand name and Environmental Protection Agency (EPA) Registration Number for each RUP distributed; and (3-20-20)T

v. Date of the distribution of each RUP; and (3-20-20)T

vi. The quantity and size of each RUP container distributed and the total quantity of RUP distributed; and (3-20-20)T

vii. The pesticide dealer's name, address, and pesticide dealer license number distributing the RUP. 3-20-20)T

02. ~~Until such time as the director promulgates specific rules pertaining to distribution of general use pesticides (GUPs), Persons selling only GUPs shall will not be required to obtain a pesticide dealer license or maintain distribution records of these products. ()~~

201.-- 249. (RESERVED)

250. CHANGE OF LICENSE STATUS.

01. ~~Change Notification.~~ Any person who is licensed by this act ~~shall will~~ immediately notify the Director, in writing, of any change of status of any person or agent so named, or of any change in the business name, organization, or any other information shown in the licensing application. (3-20-20)T()

02. ~~Transferable.~~ Licenses are not transferable. (3-20-20)T

261.-- 279. (RESERVED)

SUBCHAPTER B – FEES

280. FEES.

01. Pesticide Registration. One hundred sixty dollars (\$160) per product. (3-20-20)T

02. Professional Applicator's License. One hundred twenty dollars (\$120) per licensing period of fourteen (14) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less. (3-20-20)T

03. Commercial ~~Apprentice (CA) Applicator's License. Sixty dollars (\$60) per licensing period of twelve (12) months or less. ()~~

04. Private Applicator's License. A Restricted Use Category, ten dollars (\$10); a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories. (3-20-20)T

05. Pesticide Dealer's License. One hundred dollars (\$100) per licensing period of fourteen (14) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less. (3-20-20)T

06. Examination Fee per Examination Category. Ten dollars (\$10). (3-20-20)T

281.-- 349 (RESERVED)

SUBCHAPTER C – REGISTRATION AND USE OF PESTICIDES

350. EXPERIMENTAL PERMITS.

Any person who wishes to obtain an experimental permit ~~to accumulate information necessary~~ to register a pesticide for a special local need under Section 22-3402(5), Idaho Code, ~~shall must~~ file an application with the Department which ~~contains includes~~. (3-20-20)T()

01. **Name.** ~~The~~ Company name. (3-20-20)T

02. **Applicant.** ~~The~~ Name, address, and telephone number of the applicant. (3-20-20)T
03. **Shipment.** ~~The~~ Proposed date of shipment or proposed shipping period not to exceed one (1) year. (3-20-20)T
04. **Active Ingredient.** A statement listing the active ingredient. (3-20-20)T
05. **Quantity Statement.** A statement of the approximate quantity to be tested. (3-20-20)T
06. **Acute Toxicity.** Available data or information or reference to available data on the acute toxicity of the pesticide. (3-20-20)T
07. **Statement of Scope.** A statement of the scope of the proposed experimental program, including the type of pests or organisms involved, the crops and animals for which the pesticide is to be used, the areas where the applicant proposes to conduct the program, and when requested by the Director, the results of previous tests. (3-20-20)T
08. **Temporary Tolerance.** When the pesticide is to be used on food or feed, a temporary tolerance must be obtained from the EPA or evidence that the proposed experiment will not result in injury to humans or animals, or illegal residues entering the food chain. (3-20-20)T
09. **Proposed Labeling.** Proposed labeling which must bear: (3-20-20)T
- a. The prominent statement "For Experimental Use Only" on the container label and any labeling that accompanies the product. (3-20-20)T
- b. An adequate caution or warning statement to protect those who may handle or be exposed to the experimental formulation. (3-20-20)T
- c. ~~The~~ Name and address of the applicant for the permit. (3-20-20)T
- d. ~~The~~ Name or designation of the formulation. (3-20-20)T
- e. Directions for use. (3-20-20)T
- f. A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients. (3-20-20)T
10. **Quantity Limit.** The Director may limit the quantity of pesticide covered by the permit or make such other limitations as ~~he may be determined to be~~ necessary for the protection of humans or the environment. (3-20-20)T(____)
11. **Experimental Use.** A pesticide for experimental use ~~shall will~~ not be offered for sale unless a written permit has been obtained from the Director. (3-20-20)T(____)

351.-- 399. (RESERVED)

400. PESTICIDE RESTRICTIONS

01. ON-SITE SUPERVISION OF NONCERTIFIED APPLICATORS RESTRICTIONS. ~~Only a licensed professional applicator shall will operate or supervise the operation of commercial application equipment by being present during the time of operation.. An uncertified applicator may apply restricted use pesticides (RUPs) under on-site supervision of a professional applicator with the proper categories if:~~ (3-20-20)T(____)

a. One or more of the following conditions are met:

i. Professional applicator has completed the Apprentice Category(CA).

ii. Uncertified applicator completes Applicator Core Competency (CO).

iii. Uncertified applicator has completed Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. ()

b. Supervision of the unlicensed pesticide applicators does not apply to:

i. Soil or area (space) fumigation RUPs.

ii. Supervision of unlicensed pesticide applicators does not apply to aerial or chemigation application of RUPs. ()

c. Mixer-Loaders. No person shall will act as a mixer-loader for a professional applicator without first obtaining annual training. (3-20-20)T

i. Training will be conducted and certified by the professional applicator who employs the mixer-loader. Certification of training shall be on a form prescribed by the Department and must include the signatures of both the mixer-loader and the professional applicator providing the training. (3-20-20)T

ii. Training includes areas relevant to the pesticide mixing and loading operation and instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment. (3-20-20)T

02. NON-DOMESTIC PESTICIDE RESTRICTIONS.

a. Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. (3-20-20)T

i. Bidrin (Foliar applications). (3-20-20)T

ii. Strychnine (one percent (1%) and above). (3-20-20)T

iii. Zinc Phosphide (two point one percent (2.1%) and above). (3-20-20)T

b. Ester Restriction. Low volatile liquid ester formulations of herbicides shall will not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees Fahrenheit during the day of application. (3-20-20)T

03. RESTRICTIONS TO PROTECT POLLINATORS.

a. Bee Restrictions. Any No pesticide that is toxic to bees shall will not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. ~~(3-20-20)T~~ ()

b. Green Pea Exception. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time. (3-20-20)T

c. Other Exceptions. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. (3-20-20)T

04. DEVIATIONS FROM PESTICIDE LABELS AND LABELING.

Any licensed professional or private applicator may deviate from pesticide label directions for use only as EPA or state laws, rules, and regulations permit. (3-20-20)T

05. WIND VELOCITY RESTRICTIONS. No person shall apply any pesticide in sustained wind conditions exceeding ten (10) miles per hour or in wind conditions exceeding product label directions, except as provided in Subsection ~~400.05(e)~~ (3-20-20)T

a. Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. (3-20-20)T

b. Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case by case basis. (3-20-20)T

c. Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical distribution is adversely affected. (3-20-20)T

06. LOW FLYING PROHIBITIONS. Aircraft pilots during spray operations are prohibited from turning or low flying: (3-20-20)T

a. Over cities, towns, schools, hospitals and densely populated areas unless the pilot obtains an agreement in writing for pesticide applications from the authorized agent for the city, town, school, hospital, or densely populated area in question; or (3-20-20)T

b. Directly over an occupied structure without prior notification by some effective means such as daily newspapers, radio, television, telephone, or door to door notice. (3-20-20)T

c. Restriction. The low flying restrictions listed in Subsection ~~400.06(a)~~ shall only pertain to persons other than those persons whose property is to be treated. (3-20-20)T

05. PHENOXY HERBICIDE RESTRICTIONS.

a. High Volatile Ester Restrictions. No aircraft pilot ~~shall~~ **will** apply high volatile ester formulations of 2,4-D: (3-20-20)T(____)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (3-20-20)T

ii. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (3-20-20)T

iii. Waiver of the restriction in Subsections ~~400.05.a.i.~~ and ~~400.05.a.ii.~~ may be issued on a project-by-project basis by the Director. (3-20-20)T

b. Low Volatile Ester Restrictions. No aircraft pilot ~~shall~~ **will** apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (3-20-20)T(____)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees Fahrenheit within twenty-four (24) hours of the expected application time, or (3-20-20)T

ii. Within one (1) mile of a hazard area in any other county in Idaho. (3-20-20)T

iii. Waiver of the restriction in Subsection ~~400.05.b.i.~~ may be issued on a project-by-project basis by the Director. (3-20-20)T

c. Hazard Area. Aircraft pilots shall maintain the following spray distances from hazard areas when applying amine or acid formulations of 2,4 D; MCPA; MCPB; and Dicamba:

Mean Sustained Wind Velocity	Downwind	Upwind
0-3 MPH	1/2 mile	600 feet
4-7 MPH	1 mile	200 feet

8-10 MPH	1-mile	50 feet
Over 10 MPH	Do not apply	Do not apply

(3-20-20)T

dc. Airflow and Temperature Inversion Indicators. A continuous smoke column or other device satisfactory to the Director **shall will** be employed to indicate to the pilot of any aircraft the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke, at the time and place of application when applying any formulation of 2,4-D; MCPA; MCPB and Dicamba. (3-20-20)T(____)

06. APPLICATION NEAR HAZARD AREAS. An aircraft pilot **shall will not** apply any pesticide within one-half (1/2) mile of a hazard area unless there is air movement away from the hazard area. (3-20-20)T

076. PESTICIDE-FERTILIZER MIX RESTRICTIONS. No person **shall will** distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (3-20-20)T

401.-- 449. (RESERVED)

450. PESTICIDE USE ON SEED CROP FIELDS.

01. Nonfood and Nonfeed Site Conditions. For purposes of pesticide registration, all alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, and turnip seed crop fields are considered nonfood and nonfeed sites for pesticide use and the following conditions **shall will** be met: (3-20-20)T(____)

a. No portion of the seeds **listed in Section 450.01 alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, or turnip seed plant,** including but not limited to seed screenings, green chop, hay, chaff, combine tailings, pellets, meal, whole seed and cracked seed, may be grazed, used, or distributed for food or feed purposes. (3-20-20)T(____)

b. The seed conditioner **shall will** keep records of individual growers' **seeds listed in Section 450.01 alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, and turnip seed** dirt weight and clean weight for three (3) years and **shall will** furnish the records to the Director forthwith upon request. (3-20-20)T(____)

c. All seed screenings **shall will** be disposed of at a sanitary landfill, incinerator, or other equivalent disposal site or by a procedure approved by the Director. (3-20-20)T(____)

d. The seed conditioner **shall will** keep seed screening disposal records for three (3) years from the date of disposal and **shall will** furnish the records to the Director **forthwith,** upon request. Disposal records **shall will** consist of documentation from the disposal site and **shall** show the total weight of disposed screenings and the date of disposal. (3-20-20)T(____)

e. All **seeds listed in Section 450.01 alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, or turnip seed** grown or conditioned in this state **shall will** bear a tag or container label which forbids the use of the seed for human consumption or animal feed. (3-20-20)T(____)

f. No **seeds listed in Section 450.01 alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet**

~~seed, Swiss chard seed, or turnip seed~~ grown or conditioned in this state ~~shall~~ **will** be distributed for human consumption or animal feed. ~~(3-20-20)T(____)~~

g. All portions of the ~~seeds listed in Section 450.01~~ ~~alfalfa, seed carrot, seed chicory, seed clover, seed collard, seed coriander/ cilantro, seed dill, seed endive, seed of garden beet, seed onion, seed parsnip, pollinator rows of hybrid canola seed, seed radish, seed rutabaga, seed of sugar beets, seed of Swiss chard, or seed turnip plant,~~ including but not limited to seed screenings, pellets, meal, whole seed and cracked seed may be composted. All composted material may be applied to agricultural crop land as approved by the Director. ~~(3-20-20)T(____)~~

02. Exemption. Alfalfa seed, kale seed and radish seed crops grown for human consumption ~~shall be~~ **are** exempt from the requirements of Subsection **450.01** provided: (3-20-20)T

a. All pesticides used are labeled for use on alfalfa seed, kale seed, and radish seed crops and have established residue tolerances which allow food or feed use; and (3-20-20)T

b. All producers maintain for three (3) years complete records of all pesticides applied as specified in Pesticide Use and Application Rules Subsection **150.02**. ~~These records shall be ready to be inspected, duplicated, or submitted when requested by the Director.~~ (3-20-20)T(____)

451.-- 499. (RESERVED)

500. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.

The Director or designated agent may, if deemed necessary for the protection of the environment, take possession and dispose of canceled, suspended, or otherwise unusable pesticides. (3-20-20)T

501.-- 549. (RESERVED)

550. STORAGE OF PESTICIDE CONTAINERS.

01. Protecting Humans and Environment. No person ~~shall~~ **will** handle, transport, display, or distribute pesticides in such a manner as to endanger humans and their environment, or to contaminate food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. ~~(3-20-20)T(____)~~

02. Storage by Professional Applicators or Pesticide Dealers. Storage of pesticide containers by professional applicators and pesticide dealers **must meet the following conditions:** (3-20-20)T(____)

a. ~~Empty or partially full~~ Pesticide containers which contain Class 1 - highly toxic pesticides (LD50 of 50 or below) and which require the skull and crossbones insignia and the words "**Danger**/Danger - Poison" on the label; and Class 2 (moderately toxic) pesticides (LD50 - 500) which carry a "Warning" statement on the label; and Class 3 (slightly toxic) pesticides (LD50 of 500-5000) and which carry a "Caution" statement on the label, ~~shall~~ **will** be stored in one of the following enclosures which when unattended ~~shall~~ **will** be locked to prevent unauthorized persons, livestock or animals from gaining entry: ~~(3-20-20)T(____)~~

i. Closed vehicle; (3-20-20)T

ii. Closed trailer; (3-20-20)T

iii. Building or room; (3-20-20)T

iv. Fenced area with a fence at least six (6) feet high; (3-20-20)T

v. Truck or trailer with solid sideracks and secured tailgate at least six (6) feet above ground level.

(3-20-20)T

b. ~~Empty or partially full~~ Pesticide containers which contain Class 4 pesticides (LD50 over 5000) ~~shall~~ **will** be stored in secured storage out of the reach of children in one of the above enclosures. ~~(3-20-20)T(____)~~
2

c. Warning notices, visible from any direction, shall will be posted around all storage areas where partially full or empty pesticide containers which hold or have held pesticides required to be labeled with the signal words “Warning” “Danger”, or “Danger - Poison” are stored. Each warning notice shall will be of such size that it is readable at a distance of twenty-five (25) feet and be substantially as follows:

“D A N G E R”

**“POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS
KEEP OUT”**

The notice shall will be repeated in an appropriate language other than English when it may be reasonably anticipated that persons who do not understand the English language will come to the enclosure. The notice shall will also contain the name and telephone number of a person to contact in case of an emergency. (3-20-20)T()

03. Exceptions. The provisions of Subsection 550.02 shall do not apply to drums of petroleum oils, lime sulfur, and copper sulfate. (3-20-20)T()

04. Disposal. Any person applying pesticides shall be is responsible for the proper disposal of such empty containers. (3-20-20)T()

551.-- 599. (RESERVED)

SUBCHAPTER D – CHEMIGATION

600. GENERAL-CHEMIGATION REQUIREMENTS.

This Section prescribes equipment listing requirements, posting requirements for certain types of pesticides, use of pesticide label directions, a prohibition from chemigation over waters of the state.

01. Pesticides Labeled for Chemigation. The chemigator shall will use only pesticides labeled for chemigation when chemigating. (3-20-20)T()

02. Monitoring Chemigation. Licensed professional applicators that start the application of chemicals through chemigation equipment do not have to be present during the entire application, but must return to monitor the proper application at least once every four (4) hours for the duration of the application. (3-20-20)T()

03. Chemigation Equipment Standards. Equipment shall will be placed on the Department's list of approved chemigation equipment after the manufacturers shall provide to the Department of Agriculture verification that the equipment meets the standards established in these rules. If the equipment meets the standards, it (3-20-20)T()

04. Posting Requirements. Labels of toxicity category I pesticide products (those with the label signal word “DANGER.” and that allow chemigation on their label and contain posting requirements specific to chemigation) shall will be posted in accordance with their label. (3-20-20)T()

04. Chemigating Over Waters of the State. Chemigating over waters of the state shall be is prohibited, except for variances allowed in Section 700. (3-20-20)T

601.-- 649. (RESERVED)

650. IRRIGATION SYSTEMS. This Section prescribes the Equipment required for each type of irrigation system when chemigation is to be used includes: (3-20-20)T()

01. Sprinkler or Drip Irrigation. If chemicals are being chemigated through the sprinkler or drip irrigation system, the chemigator ~~shall~~ will verify that the system complies with either Subsection 650.01.a. or 650.01.b. ~~and shall include all of plus~~ the additionally specified equipment for each: (3-20-20)T(____)

a. Irrigation Line Check Valve ~~Requirement. The system shall contain a functional Irrigation Line Check Valve;~~ (Section 665); ~~and with the following:-~~ (3-20-20)T(____)

i. Automatic Low Pressure Drain ~~Requirement. The system shall contain an Automatic Low Pressure Drain;~~ (Section 695); (3-20-20)T(____)

ii. Inspection Port ~~Requirement. The system shall contain an Inspection Port;~~ (Section 690); (3-20-20)T(____)

iii. Vacuum Relief Valve ~~Requirement. The system shall contain a Vacuum Relief Valve~~ or a combination Air and Vacuum Relief Valve, (Section 685); (3-20-20)T(____)

iv. Chemical Injection System ~~Requirement. The system shall contain a Chemical Injection System;~~ (Section 670); (3-20-20)T(____)

v. Chemical Injection Line Shut Down (System Interlock) ~~Requirement. The system shall contain a Chemical Injection Line Shut Down (System Interlock);~~ (Section 660); ~~or~~ (3-20-20)T(____)

b. Gooseneck Pipe Loop, Downhill and Over-A-Hill ~~Requirement. backflow prevention devices may be used~~ for surface water impoundments ~~the system may use a Gooseneck Pipe Loop, Downhill and Over A Hill system rather than the requirements of Subsections 962.01.a. through 962.01.f.;~~ (Section 680); ~~and with~~ (3-20-20)T(____)

i. Chemical Injection System ~~Requirement. The system shall contain a Chemical Injection System;~~ (Section 670); (3-20-20)T(____)

ii. Chemical Injection Line Shut Down (System Interlock) ~~Requirement. The system shall contain a Chemical Injection Line Shut Down (System Interlock);~~ (Section 660). (3-20-20)T(____)

02. Flood, Basin, Furrow, or Border Irrigation. If a chemical, including anhydrous ammonia, will be applied by flood, basin, furrow, or border chemigation through a gravity flow system, the chemigator ~~shall~~ will verify that the system ~~complies with the following requirements: systems using~~ uses a gravity flow dispensing system ~~that shall meters~~ the chemical into the water at the head of the field and downstream of a hydraulic discontinuity such as a drop structure or weir box to decrease potential for water source contamination from backflow if water flow stops. (3-20-20)T(____)

03. Domestic Water Supply System Cross-Connected for Chemigation. Any irrigation system used for chemical application cross-connected to a domestic water supply system ~~shall~~ will be verified that the system ~~complies with contains~~ either Subsection 650.03.a. or 650.03.b. ~~and shall include plus~~ all other additionally specified equipment for each: (3-20-20)T(____)

a. Reduced Pressure Principle Backflow Prevention Assembly (RP)-~~The irrigation system shall contain a functional reduced pressure backflow preventer assembly (RP); and that:~~ (3-20-20)T(____)

i. ~~The RP assembly shall be~~ Is located on the irrigation pipeline between the water supply pump and the point of chemical injection, and downstream from any domestic water supply diversion point. (3-20-20)T(____)

ii. ~~The purpose of a Reduced Pressure Principle Backflow Prevention Assembly (RP) is to Keeps~~ contaminated water from flowing back into a domestic water supply system when some abnormality in the system causes pressure to be temporarily higher in the contaminated part of the system than in the domestic water supply system piping. (3-20-20)T(____)

iii. ~~The RP assembly shall have~~ Has been manufactured in full conformance with the American National Standards Institute (ANSI)/American Water Works Association (AWWA) ANSI/WWA C511 Standard for Reduced Pressure Principle Backflow Prevention Assemblies established by the AWWA; and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR); or an equivalent, Department-approved testing facility. (3-20-20)T(____)

b. ~~Chemical Injection System Requirement. The system shall contain a~~ Chemical Injection System, (Section 670); ~~and with either Subsection 650.03.b.i or 650.03.b.ii~~ (3-20-20)T(____)

i. ~~Chemical Injection Line Shut Down (System Interlock) Requirement. The system shall contain a~~ Chemical Injection Line Shut Down (System Interlock), (Section 660); ~~or~~ (3-20-20)T(____)

ii. Air Gap (AG). The water from the domestic water supply system ~~shall will~~ be discharged into a reservoir tank prior to the chemical injection. An air gap ~~shall will~~ be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel – in no case less than one (1) inch. Chemical injection ~~shall will~~ not occur upstream of the air gap; ~~and plus~~ (3-20-20)T(____)

(a). ~~Chemical Injection System Requirement. The system shall contain a~~ Chemical Injection System, (Section 670); and (3-20-20)T(____)

(b). ~~Chemical Injection Line Shut Down (System Interlock) Requirement. The system shall contain a~~ Chemical Injection Line Shut Down (System Interlock), (Section 660). (3-20-20)T(____)

651.-- 659. (RESERVED)

660. CHEMICAL INJECTION LINE SHUT DOWN (SYSTEM INTERLOCK).

In every chemigation system, ~~there shall be~~ a functional system interlock designed and installed to shut down the chemical injection unit when chemical distribution is adversely affected. ~~The system interlock shall will~~ connect the water supply pump and the chemical injection unit or connects the irrigation line pressure switch and the chemical injection unit if there is no water supply pump and the system is pressurized. The chemical injection line ~~shall will~~ contain one (1) of the following ~~interlocks options~~ found in Subsections 660.01 through 660.05, to ensure that a chemical injection pump will stop if the irrigation pump stops to prevent the entire chemical mixture from emptying from the supply tank into the irrigation pipeline: (3-20-20)T(____)

01. **Electrical Interlock.** ~~The electrical interlock shall which~~ contains one (1) of the ~~four~~ options in Subsections 660.01.a. through 660.01.d. ~~and shall include plus~~ all of the additionally specified equipment for each: (3-20-20)T(____)

a. Electric Motor-Driven Irrigation Pump or Power Panel: The electrical controls for the irrigation pump panel or power panel at the pivot or linear ~~shall will~~ be interlocked with an electric powered chemical injection pump so that if the water pump shuts off or the pressure switch shuts off power at the panel, the chemical injection pump ~~shall will~~ shut off (it is recommended that the interlock also be provided to shut off the irrigation system if the chemical injection pump shuts off); ~~and plus~~ (3-20-20)T(____)

i. Injection Line Check Valve, (Section 670), ~~shall will~~ be installed; and (3-20-20)T(____)

ii. In pressurized irrigation systems, the irrigation line or water pump ~~shall will~~ include a functional pressure switch. (3-20-20)T(____)

b. Solenoid Operated Valve. A functional automatic quick-closing check valve and a functional normally closed solenoid operated valve connected to the system interlock ~~shall will be~~: (3-20-20)T(____)

i. Normally ~~be~~ closed; ~~and~~ open only when there is adequate pressure in the irrigation line to ensure uniform chemical distribution; and (3-20-20)T(____)

- ii. ~~Be~~ located on the intake side of the injection pump; ~~and~~ (3-20-20)T(____)
- iii. Open only when there is adequate pressure in the irrigation line to insure uniform chemical distribution; and (3-20-20)T(____)
- iii. In pressurized irrigation systems, ~~shall~~ include a functional pressure switch ~~for~~ the irrigation line or water pump. (3-20-20)T(____)
- c. A functional automatic quick-closing check valve and a functional normally closed hydraulically operated check valve. The hydraulically operated check valve ~~shall will be~~: (3-20-20)T(____)
- i. ~~Be~~ connected to the main water line such that the valve only opens when the main water line is adequately pressurized; ~~(3-20-20)T(____)~~
- ii. In ~~addition, in~~ pressurized irrigation systems, ~~shall~~ include a functional pressure switch ~~for~~ the irrigation line or water pump; ~~or~~ (3-20-20)T(____)
- d. A functional automatic quick-closing check valve and a functional vacuum relief valve located in the chemical injection line between the positive displacement chemical injection pump and the chemical check valve ~~which: This alternative is~~ (3-20-20)T(____)
- i. Is appropriate only for those chemigation systems using a positive displacement chemical injection pump and is not for use with Venturi injection systems; (3-20-20)T
- ii. ~~This valve shall be~~ ~~Is~~ elevated at least twelve (12) inches above the highest fluid level in the chemical supply tank and ~~shall is be~~ the highest point in the injection line; (3-20-20)T(____)
- iii. ~~The valve shall~~ ~~Opens~~ at six (6) inches water vacuum or less and ~~shall be is~~ spring-loaded or otherwise constructed such that it does not leak on closing; (3-20-20)T(____)
- iv. ~~It shall~~ ~~Prevents~~ leakage from the chemical supply tank on system shutdown; (3-20-20)T(____)
- v. ~~The valve shall be~~ ~~Is~~ constructed of chemically resistant materials; (3-20-20)T(____)
- vi. In ~~addition, in~~ pressurized irrigation systems, the irrigation line or water pump ~~shall includes~~ a functional pressure switch. (3-20-20)T(____)

02. Mechanical Interlock. ~~The mechanical interlock shall~~ Irrigation pumps driven by an internal combustion engine ~~shall will~~ be interlocked between the chemical injection pump and the irrigation pump ~~by contains one (1) either~~ of the options in Subsections 660.02.a. or 660.01.b. ~~and shall include plus all of~~ the additionally specified equipment in ~~Subsection 660.02.c. for each:~~ (3-20-20)T(____)

a. By operating the chemical injection equipment from the engine electrical system, or an electrical generator driven by the pumping plant power unit. (3-20-20)T

- i. ~~Injection Line Check Valve, (Section 670), shall be installed; and~~ (3-20-20)T
- ii. ~~In pressurized irrigation systems, the irrigation line or water pump shall include a functional pressure switch; or~~ (3-20-20)T

b. ~~Irrigation pumps driven by an internal combustion engine shall will be interlocked between the chemical injection pump and the irrigation pump~~ By belt from the drive shaft of the irrigation pump or an accessory pulley of the engine: ~~and with~~ (3-20-20)T(____)

c. Injection Line Check Valve, (Section 670), ~~shall be~~ installed and in pressurized irrigation systems, ~~shall~~ a functional pressure switch included ~~for~~ the irrigation line or water pump. (3-20-20)T(____)

03. Hydraulic Interlock ~~with functional~~, normally closed, hydraulically operated check valve. The control line must be connected to the main water line such that the valve opens only when the main water line is adequately

pressurized. This valve must prevent leakage from the chemical supply tank on system shutdown. The valve must be constructed of chemically resistant materials, such as a Venturi System. (3-20-20)T(____)

04. Human Interlock. A human interlock shall consist of human supervision on-site during the injection of a chemical into the irrigation system for one (1) hour or less to shut down the system in case of failure of the injection pump or irrigation system; and with: (3-20-20)T(____)

a. Injection Line Check Valve (Section 665) shall be installed; and (3-20-20)T(____)

b. In pressurized irrigation systems, shall a functional pressure switch included for the irrigation line or water pump. (3-20-20)T(____)

05. Other Approved Option. Any other option approved by the Director. (3-20-20)T(____)

661.-- 664. (RESERVED)

665. INJECTION LINE CHECK VALVE. Injection Line Check Valve. A functional, spring-loaded injection line check valve with: (3-20-20)T(____)

01. A minimum of ten (10) pounds per square inch (psi) opening (cracking) pressure plus one (1) psi per one (1) foot of elevation between the chemical supply tank and the point of chemical injection and shall be: (3-20-20)T(____)

a. Located between the chemical injection pump and the point of chemical injection into the irrigation line; and (3-20-20)T

b. Made of chemically resistant material; and (3-20-20)T

c. Designed to prevent irrigation water under operating pressure from entering the chemical injection line; and (3-20-20)T

d. Designed to prevent leakage from the chemical supply tank on system shut down; and (3-20-20)T(____)

02. A Substitute System. The injection line check valve shall be a substitute for both the solenoid-operated valve and the functional, automatic, quick closing check valve in the chemical injection line. (3-20-20)T(____)

666.-- 669. (RESERVED)

670. CHEMICAL INJECTION SYSTEM. All chemical injection systems, except for flood, basin, furrow, or border chemigation through a gravity flow system, shall will use either: (3-20-20)T(____)

01. Metering Pump. A metering pump such as a positive displacement injection pump effectively designed and constructed of materials that are compatible with chemicals and capable of being fitted with a system interlock; or (3-20-20)T(____)

02. Venturi System. Venturi systems including those inserted directly into the main water line, those installed in a bypass system, and those bypass systems boosted with an auxiliary water pump that meet the following criteria: (3-20-20)T(____)

a. Booster or auxiliary water pumps shall will be connected with the system interlock such that they are automatically shut off when the main line irrigation pump stops, or in cases where there is no main line irrigation pump, when the water pressure decreases to the point where pesticide distribution is adversely affected. (3-20-20)T(____)

b. Venturies shall will be constructed of chemically resistant materials. (3-20-20)T(____)

c. The line from the chemical supply tank to the Venturi ~~shall will~~ contain a functional, automatic, quick closing check valve to prevent the flow of liquid back toward the chemical supply tank. This valve ~~shall will~~ be located immediately adjacent to the Venturi chemical inlet. ~~(3-20-20)T(____)~~

d. This same supply line ~~shall will~~ also contain either a functional normally closed solenoid-operated valve connected to the system interlock or a functional normally closed hydraulically operated valve which opens only when the main water line is adequately pressurized. ~~(3-20-20)T(____)~~

e. In bypass systems as an option to placing both valves in the line from the chemical supply tank, the check valve may be installed in the bypass immediately upstream of the Venturi water inlet and either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the Venturi water outlet. ~~(3-20-20)T(____)~~

671.-- 674. (RESERVED)

675. IRRIGATION LINE CHECK VALVE.

01. Construction. ~~Construction shall will:~~ ~~(3-20-20)T(____)~~

a. Consist of at least a single check valve; ~~(3-20-20)T~~

b. Be ~~of~~ heavy duty ~~construction~~ with all materials resistant to corrosion or protected to resist corrosion; ~~(3-20-20)T(____)~~

c. Be spring-loaded with a chemically resistant and resilient seal that provides a watertight seal against reverse flow; ~~(3-20-20)T~~

d. Not consist of metal to metal seal surfaces; ~~(3-20-20)T~~

e. Be rated at a pressure equal to or greater than the system working pressure; and ~~(3-20-20)T~~

f. Be positioned and oriented according to manufacturer specifications to ensure proper functioning. ~~(3-20-20)T~~

02. ~~Location. The Irrigation Line Check Valve shall:~~ ~~(3-20-20)T~~

g. Be located in the pipeline between the irrigation pump and the point of chemical injection into the irrigation pipeline, and downstream from a vacuum relief valve and automatic low pressure drain. ~~(3-20-20)T~~

h. Be ~~leveled~~ and on a horizontal plane ~~and, with~~ a deviation of not more than ten (10) degrees from horizontal ~~is permitted~~ when installed. ~~(3-20-20)T(____)~~

i. ~~Labeling of the Check Valve or Valve Assembly. Shall~~ Be labeled with the following: ~~(3-20-20)T(____)~~

i Manufacturer's name and model; ~~(3-20-20)T~~

ii ~~Working pressure in pounds per square inch (psi);~~ ~~(3-20-20)T~~

iii ~~Maximum flow rate in gallons per minute; and~~ ~~(3-20-20)T~~

ii Direction of flow. ~~(3-20-20)T~~

02. Model Certification. The manufacturer of the irrigation line check valve ~~shall will~~ provide verification to the director that the valve model has been tested and certified by an independent laboratory such as the Center For Irrigation Technology, Fresno, California and Great Plains Meter, Inc. Aurora, Nebraska, or other Department approved facility as meeting the following leakage test criteria:- ~~(3-20-20)T(____)~~

a. Low Pressure Drip Test. A check valve ~~shall~~ **withstands** for sixteen (16) hours without leakage at the valve seat an internal hydrostatic pressure equivalent to the head of a column of water five (5) feet (1.5m) high retained within the downstream portion of the valve body. No leakage ~~shall occurs~~ as evidenced by wetting of paper placed beneath the valve assembly. This test is to be conducted with the valve in both the horizontal and vertical position if intended for such use. ~~(3-20-20)T(____)~~

b. High Pressure Test. A check valve ~~shall~~ **withstands** for one (1) minute, without leakage at joints or at the valve seat, an internal hydrostatic pressure of two (2) times the rate of working pressure of the valve ~~(3-20-20)T(____)~~

676-- 679. (RESERVED)

680. GOOSENECK PIPE LOOP, DOWNHILL AND OVER-A-HILL.

01. **Location.** ~~Shall~~ **Will** be located in the main water line ~~immediately~~ downstream of the irrigation water pump. ~~(3-20-20)T(____)~~

02. **Position.** The bottom side of the pipe at the loop apex ~~shall~~ **will** be at least twenty-four (24) inches above the highest sprinkler or other type of water emitting device on the highest part of the field. ~~(3-20-20)T(____)~~

03. **Pipe Loop.** The loop ~~shall~~ **will** contain either a vacuum relief or combination air and vacuum relief valve at the apex of the pipe loop, and if the water pump is portable and the apex is a straight, horizontal section of pipe, the pipe ~~shall~~ **will** be level. ~~(3-20-20)T(____)~~

04. **Location of Chemical Injection Port.** The chemical injection port ~~shall~~ **will** be located downstream of the apex of the pipe loop and at least six (6) inches below the bottom side of the pipe at the loop apex. ~~(3-20-20)T(____)~~

05. **Use Restriction.** ~~Shall Is not be~~ allowed when pumping from a groundwater source. ~~(3-20-20)T(____)~~

681-- 684. (RESERVED)

685. VACUUM RELIEF VALVE OR COMBINATION AIR AND VACUUM RELIEF VALVE.

01. **Location.** ~~Shall~~ **Will** be located on top of the horizontal irrigation pipeline on the upstream side of the check valve. ~~(3-20-20)T(____)~~

02. **Orifice Size.** ~~Shall Have~~ a total (individually or combined) orifice size of at least three-fourths (3/4) inch diameter for a four (4) inch pipe, a one (1) inch diameter for a five (5) to eight (8) inch pipe, a two (2) inch diameter for a nine (9) to eighteen (18) inch pipe, and a three (3) inch diameter for a nineteen (19) inch and greater pipe. ~~(3-20-20)T(____)~~

686-- 689. (RESERVED)

690. INSPECTION PORT. The inspection port can be combined with a mounting of a vacuum relief or combination air and vacuum relief valve and ~~shall~~: ~~(3-20-20)T(____)~~

01. **Location.** Be located: ~~(3-20-20)T(____)~~

a. On the pipeline between the irrigation pump and the irrigation pipeline check valve directly above the low pressure drain; ~~(3-20-20)T~~

b. ~~Be located~~ Near the irrigation line check valve to allow for inspections and check for malfunctioning of the irrigation line check valve and low pressure drain. ~~(3-20-20)T(____)~~

02. **Orifice Size.** Have a minimum diameter opening of four (4) inches from which the check valves and low pressure drain ~~shall~~ **will** be visible; ~~(3-20-20)T(____)~~

03. Mounting. Be mounted with quick disconnects, quick coupler, ring lock or flange fittings, dresser couplings or other fittings that allow for easy removal of the inspection port **with any bolts shall be** located on the outside of the irrigation water pipe; **and** ~~(3-20-20)T(____)~~

691.-- 694. (RESERVED)

695. AUTOMATIC LOW PRESSURE DRAIN. **Automatic low pressure drain shall:** ~~(3-20-20)T(____)~~
2

01. Be Is installed upstream of the irrigation line check valve at the lowest point of the horizontal water supply pipeline; ~~(3-20-20)T(____)~~

02. Does not extend into the horizontal pipe beyond the inside surface of the bottom of the pipe; ~~(3-20-20)T(____)~~

03. Be Is at least three-fourths (3/4) inch in diameter with a closing pressure of not less than five (5) psi; ~~(3-20-20)T(____)~~

04. If the drain is within twenty (20) feet of the water source, **contains** a corrosion resistant tube, pipe, hose, or similar conduit **three-fourths one-half (3/4-1/2)** inch in diameter to discharge a solution at least twenty (20) feet down slope from the irrigation water source and away from any other water sources; **and** ~~(3-20-20)T(____)~~

05. Does not have any valves located on the outlet side of the drain tube. ~~(3-20-20)T(____)~~

696.-- 699. (RESERVED)

700. VARIANCES.

The Department may grant variances with such conditions and safeguards as it determines are necessary to prevent contamination or pollution of the waters of the state. Issuance of variances **shall do** not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. Such variances may be granted upon a request from the owner or operator of the property affected and approval by the Director. The application will state fully the grounds of the application and the facts relied upon. Upon the Department's further investigation, if certain antipollution devices otherwise required by these rules or the Pesticide and Chemigation Act, are not necessary or consequences inconsistent with the rules or act, such variances may be granted. ~~(3-20-20)T(____)~~

701.-- 999. (RESERVED)