

Dear Stakeholders,

Since our last meeting on June 30, 2020, ISDA has received over 90 comments from various groups and individuals. Included in this update is an amended rule strawman, a summary of pesticide license categories and an analysis of FAA regulations and ISDA rule sections that covered low flying restrictions. Please review these documents prior to our next meeting and be prepared to discuss further. Based on the comments received, the ISDA has made some changes (highlighted in green) to the rule. Those changes can be summarized as follows:

At the recommendation of stakeholders, the following changes to the strawman have been made:

- Definition for “Pesticide Drift” (page 3) added;
- Addition of the word (text-based) to exam procedure; (page 5).
- Addition of licensing timeframes for professional applicators based on their last name; (page 9);
- Time frames for pesticide dealer licensure added; (page 13);
- Application of RUPs and GUPs by Uncertified Applicators (page 15) reworded to clarify supervision of unlicensed applicators;
- Wind Velocity Restrictions (page 16) modified to have a set wind speed set by the state, unless the pesticide label is more restrictive;
- Drift Prohibitions added (page 18) to supplement Idaho Code 22-3420 PROHIBITED ACTS (1).

Several stakeholders submitted questions as part of their comments, ISDA offers the following explanations:

- Grandfather – Existing license holders will not be impacted by the proposed rule change, unless the license holder opts to retest (rather than recertify) in which case the new requirements will apply. Persons currently holding a valid CP (Commodity Pest) category will be grandfathered into the new commodity pest and will also have the AF (Area/Space Fumigation) category added to their license.
- Many questions and issues were raised regarding category descriptions. An explanation of those may be found on the attached Category message.
- Private applicators - The use and application of GUPs for employees employed by a grower, who is properly licensed under Private Applicator conditions will not need to have their employees licensed under the CA category. These employees need to be trained to the handler level under WPS and do not require additional licensure.
- Pesticide Drift - The ISDA has the authority to enforce drift violations in Idaho Code. This rule change will add additional clarity that pesticide drift onto non-target sites is prohibited.
- By eliminating low flying restrictions in the rule, regulatory authority will rest with the Federal Aviation Authority (FAA). See attached low-flying message for detailed information on this authority.
- Pesticide storage warning notices currently require “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.” (page 20)
- The proposed rule will comply with Idaho Code 22-101A This analysis will be completed when the strawman is developed into a proposed rule and submitted.

ISDA looks forward to discussion on the second strawman at the meeting August 4 and welcomes additional input. Written comments may be submitted until August 11.

Brian Oakey, Deputy Director