

Dear Mr. Brian Oakey and Mr. Victor Mason,

The Environmental Protection Agency (EPA) has primacy over pesticides and is primarily responsible for regulating pesticides in the United States. Their mission is to protect human health and the environment. The EPA Office of Pesticide Programs handles most of the regulatory issues pertaining to pesticides including their registration, sale, distribution and use.

Chemical registrants are required to provide scientific data to the EPA in order for their product label to be reviewed and registered by the EPA for sale. Part of the registrant's data has to do with specific parameters such as Spray Drift Management, Droplet Size, Temperature Inversion, and Wind Speed Requirements.

If EPA has approved a label with a specific wind speed restriction, then that restriction has been vetted by EPA and they have given their approval for that specific wind speed restriction to be part of the label's use requirements and it then becomes the law for that product.

If the pesticide label is the law, then it would make sense to allow the research of the registrant's data, coupled with the vetting of EPA, to stand as the standard for use and enforcement rather than assigning an arbitrary non scientific number to one of the label's use requirements.

The second pesticide Strawman's rule regarding Wind Velocity Restrictions seems out of sync with the scientific process and data provided on some of EPA's current approved pesticide labels. Unless ISDA can specifically provide scientific data which supports the changing of an EPA approved label, wouldn't it be in the best interest of Idaho's agriculture to follow the label and allow the label to be the law.

If ISDA wants to have a Wind Velocity Restriction, it should be for those labels which do not specifically address wind speed restrictions on their label. In other words ISDA should enforce the label with its stated wind speed restriction and not second guess the intent of EPA's process in granting that wind speed restriction by imposing a more restrictive one.

If the label does not specially address a wind speed restriction, then ISDA may consider adding a Wind Velocity Restriction to its rule, but not impose something more restrictive than what was already approved by EPA for that label.

In light of this, the new Strawman's label might read something like this:

Wind Velocity Restrictions: *Unless the pesticide label states otherwise, no person shall apply any pesticide in sustainable wind conditions exceeding (10) miles per hour.*

New products and labels are constantly being introduced and old ones reviewed. It just makes sense to let the label dictate the law, rather than trying to add onerous statutes that contradict the label without actual scientific data to support the purposed statute which eventually will become outdated.

Warmest Regards,

Randy Quigley