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**BRAD LITTLE**, GOVERNOR  
**CELIA GOULD**, DIRECTOR

## **Pesticide & Chemigation Pending Rule and Current Idaho Law**

Pending rule sections (using text from the current rule, not the pending rule) are detailed below with the corresponding section of Idaho Code provided in gray.

### **000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Section 22-3421, Idaho Code.

Idaho Code § 22-3421 “The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this act including, but not limited to, rules providing for:

- (a) the collection and examination of samples of pesticides or devices; and
- (b) the safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers; and
- (c) procedures in making pesticide recommendations; and
- (d) procedures for obtaining permits; and
- (e) regulating the labeling of devices; and
- (f) procedures to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons. For the purpose of this section, the department may become a hazardous waste generator, and may set fees to partially offset an agricultural chemical waste disposal programs cost; and
- (g) antipollution devices, chemigation equipment requirements, performance standards and installation requirements; and
- (h) listing of the sites where chemigation will be conducted by the applicator.

### **004. INCORPORATION BY REFERENCE.**

**01. Incorporated Document.** IDAPA 02.03.03 incorporates by reference 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>. (3-20-20)T

Idaho Code § 22-3416 “The director is authorized to cooperate with and enter into agreements with any other state or federal agency in order to carry out the provisions of this act and to assure uniformity of rules and regulations.”

### **050. PRIVATE APPLICATOR LICENSING.**

- 01. APPLYING FOR A PRIVATE APPLICATOR'S LICENSE.
- 02. LICENSE CATEGORIES.
- 03. LICENSE RECERTIFICATION.

Idaho Code § 22-3404 (1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include, but are not limited to, professional and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

**100. LICENSING PROFESSIONAL APPLICATORS AND PESTICIDE DEALERS.**

01. DEMONSTRATION OF COMPETENCE.
02. CERTIFICATION
03. DEPARTMENT EXAMINATION PROCEDURES.
04. LICENSING PERIODS AND RECERTIFICATION.
05. LICENSED PROFESSIONAL APPLICATOR.
06. LICENSING VARIANCES.

Idaho Code § 22-3404 (1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include, but are not limited to, professional and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

**101. REGISTRATION AND LICENSING REQUIREMENTS FOR USE OF THE LPC.**

01. REGISTRATION.
02. USE OF THE LPC (COMPOUND 1080).

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

**150. RECORDS REQUIREMENTS.**

01. APPLICATOR RECORDS.
02. RECORD CONTENTS
03. PESTICIDE DEALER RECORDS
04. RECORD CONTENTS.

Idaho Code § 22-3404(5) The director may by rule require professional applicators to maintain and furnish records forthwith pertaining to the application of pesticides and other relevant information as he may deem necessary.

Idaho Code § 22-3406(2)

(a) Restricted-use pesticides or devices: The director shall require a pesticide dealer to keep accurate sale and distribution records of restricted use pesticides or devices as prescribed by rule;

(b) General use pesticides: The director shall require a pesticide dealer to keep accurate sale and distribution records as prescribed by rule of general use pesticides except those exempted . . . .”

**200. Fees**

01. Pesticide Registration.
02. Professional Applicator's License.
03. Pesticide Dealer's License.

**04. Private Applicator's License.**

**05. Examination Fee per Examination Category.**

Idaho Code § 22-3402(6) [pesticide registration] “The registrant shall pay an annual registration fee as prescribed by rule.”

Idaho Code § 22-3404(2)(a) [professional license] “Application for a license shall be on a form prescribed by the department and shall be accompanied by a fee as prescribed by rule; . . .”

Idaho Code § 22-3404(3)(d) [private license] “An applicant must pay a license fee as prescribed by rule.”

Idaho Code § 22-3404(2)(e) [exam fee] “An examination fee will be charged as prescribed by rule and an additional examination fee of five dollars (\$5.00) shall be charged when an exam is requested at other than regularly scheduled examination date;”

**250. FINANCIAL RESPONSIBILITY.**

**01. Proof of Financial Ability.**

**02. Minimum Coverage Required.**

**03. Target Property Not Required to Be Covered.**

**04. Cancellation or Reduction.**

**05. Coverage Waived.**

Idaho Code § 22-3404(2)(d) “Show proof of financial responsibility as prescribed by rule;”

**300. Deviations From Pesticide Labels And Labeling.**

Idaho Code § 22-3420(1) “No person shall: (1) use a pesticide in a manner inconsistent with its labeling except as provided by rule.”

**321. CHANGE OF LICENSE STATUS.**

**01. Change Notification.**

**02. Transferable.**

Idaho Code § 22-3411 “Any person who has been issued a license or permit under the provisions of this act shall immediately notify the department in writing when he changes his address or place of business.”

**323. PESTICIDE-FERTILIZER MIX RESTRICTIONS.**

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

**324. EXPERIMENTAL PERMITS.**

Idaho Code § 22-3403 “Provided that the state is authorized by the Administrator of EPA to issue experimental permits and subject to the terms and conditions of such authorization, the director may (1) issue an experimental permit . . . (2) prescribe terms, conditions, and period of time for the experimental permit . . . (3) revoke or modify any experimental permit . . . .”

#### **400. RESTRICTIONS TO PROTECT POLLINATORS.**

- 01. Bee Restrictions.**
- 02. Green Pea Exception.**
- 03. Other Exceptions.**

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

#### **450. STORAGE OF PESTICIDE CONTAINERS.**

- 01. Protecting Humans and Environment.**
- 02. Storage by Professional Applicators or Pesticide Dealers.**
- 03. Exceptions.**
- 04. Disposal.**

Idaho Code § 22-3413 “Partially full or empty pesticide containers shall be disposed of as prescribed by the Idaho Department of environmental quality and in accordance with federal regulations.”

#### **500. NON-DOMESTIC PESTICIDES.**

- 01. Home and Garden Restrictions [Bidrin, Strychnine, Zinc Phosphide].**
- 02. ESTER RESTRICTION.**

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

#### **550. PHENOXY HERBICIDE RESTRICTIONS.**

- 01. High Volatile Ester Restrictions.**
- 02. Low Volatile Ester Restrictions.**
- 03. Airflow and Temperature Inversion Indicators.**
- 04. Other Spraying Equipment.**

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

#### **800. PESTICIDE USE ON SEED CROP FIELDS.**

**01. Nonfood and Nonfeed Site Conditions.**

**02. Exemption.**

Idaho Code § 22-3418 (1) The director may by rule restrict or prohibit the use of pesticides if he finds that the labeled use of such pesticides requires the rules restricting their use are necessary to prevent injury to land, people, animals, crops or the environment other than the pests of vegetation which they are intended to destroy.

**850. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.**

Idaho Code § 22-3421 “The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this act including, but not limited to, rules providing for: . . .

(f) procedures to take possession and dispose of canceled, suspended, or otherwise unusable pesticides held by persons. For the purpose of this section, the department may become a hazardous waste generator, and may set fees to partially offset an agricultural chemical waste disposal programs cost; and . . . .”

**961. GENERAL CHEMIGATION REQUIREMENTS.**

**962. IRRIGATION SYSTEMS.**

**963. CHEMICAL INJECTION LINE SHUT DOWN (SYSTEM INTERLOCK).**

**964. INJECTION LINE CHECK VALVE.**

**965. CHEMICAL INJECTION SYSTEM.**

**966. IRRIGATION LINE CHECK VALVE.**

**967. GOOSENECK PIPE LOOP, DOWNHILL AND OVER-A-HILL.**

**968. VACUUM RELIEF VALVE OR COMBINATION AIR AND VACUUM RELIEF VALVE.**

**969. INSPECTION PORT.**

**970. AUTOMATIC LOW PRESSURE DRAIN.**

**971. VARIANCES.**

Idaho Code § 22-3421 “The director is authorized to adopt appropriate rules for carrying out the purpose and provisions of this act including, but not limited to, rules providing for: . . .

(g) antipollution devices, chemigation equipment requirements, performance standards and installation requirements; and

(h) listing of the sites where chemigation will be conducted by the applicator.”

Presented to the House Ag Affairs Committee by Brian Oakey, Deputy Director  
January 25, 2021