

From: [Lloyd Knight](#)
To: [Denise Lauerman](#)
Subject: FW: [External] Proposed rules changes issues
Date: Tuesday, May 23, 2023 8:55:33 AM
Attachments: [image001.png](#)

Please post as a comment to the Pesticide rule. Thanks.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
Office: (208)332-8615
Cell: (208)859-4173

From: Bob Schmidt <BobS@ivi.us.com>
Sent: Friday, May 19, 2023 2:12 PM
To: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>
Cc: Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>
Subject: RE: [External] Proposed rules changes issues

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Mr. Knight,

Thanks for the clarity. So it still looks like short of monitoring or stumbling on to the information on the ISDA website and ISDA selecting a small group from the pest control industry there has been no communication to the general pest control industry to date as to the proposes changes that may have major effects on those industries. Industry should not have to monitor the ISDA website to see whether there are major proposals attempting to be pushed through. That information should be communicated better through emails and paper mailings to all licensed commercial pesticide businesses and applicators. Don't make industry think that you are side stepping their input. It is seldom ever in the best interest of a government agency to minimize the input of industry.

Finally, I would welcome you to use any and all of the correspondence from these emails as comments. And also, thanks to Sherm for handing my concerns to the appropriate parties.

Sincerely,

Bob Schmidt

From: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>
Sent: Friday, May 19, 2023 1:38 PM
To: Bob Schmidt <BobS@ivi.us.com>; Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>

Cc: Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>; Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>
Subject: RE: [External] Proposed rules changes issues

Mr. Schmidt –

Please understand that at a minimum, we are required to public a Notice of Negotiated Rulemaking in the Administrative Bulletin, as we did when it published on May 3. While we are not able to anticipate each and every stakeholder that may have an interest in our rulemakings, we commonly reach out to industry groups that we are aware of in an effort to promote the rulemaking opportunity beyond that which is minimally required. I am sorry that you feel that was inadequate.

That said, there are multiple additional opportunities for all stakeholders, including yourself, to be heard in this rulemaking process. That includes upcoming meetings on Monday, May 22nd and Thursday June 29th. It also includes a comment period that is open for the submission of written comments through June 30th. In addition, when this Negotiated Rulemaking period closes on June 30, we will consider all comments that are received and will public a Proposed Rule this summer, which will include a comment period specific to that publication. Anyone can request an additional public hearing during that comment period. Finally, we will again consider any comments received for the final publication of a Pending Rule that will be presented to the Legislature for their review during the 2024 Legislature. Again, the public can prepare comments to present to the Legislature during their hearings on any of our rules.

I should point out that the draft that was presented on our website is NOT a final rule, but was a starting point for discussion during the negotiated rulemaking process. It is a starting point so that we can hear comments from stakeholders.

A couple of key links for you include:

- The May 3 Administrative Bulletin: <https://agri.idaho.gov/main/wp-content/uploads/2023/05/Idaho-Administrative-Bulletin-May-3-2023.pdf>
- Our ISDA Rulemaking webpage, including a link to the rulemaking for the Pesticide Rule: <https://agri.idaho.gov/main/i-need-to-see-lawsrules/rulemaking/isda-rulemaking-2023-2024/>
- The link to the pesticide rule includes minutes from the last meeting on May 8, and one set of submitted comments. Please confirm if you want this email thread submitted as comments, or if you will be submitting other comments to post to the record.

Hope that helps clear things up. Let me know if you have any further questions or comments. I look forward to your participation in our rulemaking process.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
Office: (208)332-8615
Cell: (208)859-4173

From: Bob Schmidt <BobS@ivi.us.com>
Sent: Friday, May 19, 2023 12:45 PM
To: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>
Cc: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>
Subject: RE: [External] Proposed rules changes issues

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Hi Ryan,

So what I heard from your response so far is that specific groups from the pest control industry have been chosen to comment on the proposals but the general pest control industry has not been contacted for comments yet? Do you think it is important to give companies, as an example, that are licensed specifically in the Potato Cellar PC category in post-harvest pest control applications on potatoes and onions an opportunity to comment on such major changes as to where their category will potentially land? What is your plan going forward for allowing an adequate comment period for the general pest control industry on these proposals?

Bob

From: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>
Sent: Friday, May 19, 2023 11:32 AM
To: Bob Schmidt <BobS@ivi.us.com>
Cc: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>
Subject: RE: [External] Proposed rules changes issues

Bob,

Thank you for your interest and comments regarding the upcoming rule-making meeting. Industry participation and collaboration is extremely valuable in the rule-making process, and in preparation for the meetings an email announcement was sent to several urban industry member groups, who have and are participating in the meetings. Several stakeholders have also participated from the announcement listed on the [Townhall Idaho](#) website with the other rule making sessions. As we prepare for the 2024 legislative season, it is our goal to collaborate with industry to present a rule that is supported by industry and accepted by the EPA.

Thank you,

Ryan Ward, Administrator
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 7249
Boise, Idaho 83707

208-332-8531

Ryan.Ward@ISDA.Idaho.Gov



From: Bob Schmidt <BobS@ivi.us.com>

Sent: Friday, May 19, 2023 10:54 AM

To: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>

Cc: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>

Subject: RE: [External] Proposed rules changes issues

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Good morning Ryan,

Thanks for responding and for the meeting invite. I would think that most commercial pest control businesses have some interest in reviewing proposed changes to state rules governing pesticide use and application. Along that line, as I originally asked in the email to Sherm, has there been or is there going to be any information mailed or emailed to the industry for public comment on these proposed changes? It appears that the meeting on Monday is a public meeting and if so has there been any advertisement to industry other than someone just stumbling on to it on the ISDA website? I am very concerned that the pest control industry have an opportunity to review these proposals.

Regarding my attending the 5/22 meeting, my email to Sherm is clear and complete and does not need more explanation. I will follow up on the meeting and see if there is a need to attend the third meeting.

Sincerely,

Bob Schmidt

From: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>

Sent: Thursday, May 18, 2023 4:46 PM

To: Bob Schmidt <BobS@ivi.us.com>

Cc: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Chanel Tewalt <Chanel.Tewalt@ISDA.IDAHO.GOV>

Subject: FW: [External] Proposed rules changes issues

Good afternoon Mr. Schmidt,

Thank you for your interest in the pesticide rule. The proposed rule is just a draft to use as a starting point as we begin the legislative process. On Monday 5/22/23, we are hosting our second

negotiated rule making meeting, where we will be discussing pesticide applicator license categories. If you are available we would love to have you participate. I have included the link to the meeting below for your reference.

<https://townhall.idaho.gov/PublicMeeting?MeetingID=2355>

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjQ4OWQzMzYtMDkxMy00NzE4LWFjOTQtY2NhZGRINDA0MTRi%40thread.v2/0?context=%7b%22Tid%22%3a%22c53b7a63-2d6e-4d96-87c9-9f583f6d1c81%22%2c%22Oid%22%3a%229c4c8de3-5e5b-46d9-beab-b60b005f6772%22%7d

Thank you,

Ryan Ward, Administrator
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 7249
Boise, Idaho 83707
208-332-8531
Ryan.Ward@ISDA.Idaho.Gov



From: Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>
Sent: Thursday, May 18, 2023 2:59 PM
To: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>; Brian Slabaugh <Brian.Slabaugh@ISDA.IDAHO.GOV>; Brandon Smith <Brandon.Smith@ISDA.IDAHO.GOV>
Subject: FW: Proposed rules changes issues

FYI

From: Bob Schmidt <BobS@ivi.us.com>
Sent: Thursday, May 18, 2023 2:57 PM
To: Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>
Subject: Proposed rules changes issues

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Good afternoon Sherm,

Hey, I just received a copy of the ISDA proposed rules changes and have some major concerns. I

understand these are proposals that reflect an attempt to comply with U.S. EPA in regards to creating similar programs and categories for each state agency. I also understand that Idaho is the only state that has not had its proposed changes approved by U.S. EPA out of the states in Region 10.

I have not seen any information regarding public input in a letter or email form. Have these proposed changes been sent out or are scheduled for public comment?

Attached is a copy of page 9 of the proposed changes and they appear to eliminate the potato category and place it into the Industrial, Institutional, and Structural Pest Control (IP) category. The combination of all these individual specific categories into this propose (IP) category is explained as “a benefit to applicators and regulators due to the way it clarifies distinct lines for appropriate category to application site.” As one of the largest commercial pest control businesses of post-harvest applications on potatoes and onions in the country, Industrial Ventilation Inc. takes exception the wording by ISDA and sees absolutely no benefit in the combination of these other commercial application programs or industries with the potato cellar category and post-harvest applications on potatoes and onions industry.

1. The potato cellar category covers our entire application program with no other categories needed.
2. If the potato category is combined with other categories, our applicators would be required to unnecessarily train and test on applications that they don't need to know and have no expertise in.
3. By combining these very specific and specialized categories it appears that ISDA is moving backwards instead of forward in developing appropriate programs that meet the needs of industry. State EPA agencies have always looked for specialized applications such as post-harvest applications on potatoes and onions that don't fit anywhere else and develop a category specifically for them. Example, Colorado Dept. of Ag. creating a Post-harvest Potato Treatment cat. 308 originally part of the Stored Commodities cat. 305 about 5 years ago.
4. The new changes by WSDA, approved by U.S. EPA still include specific categories for Wood Treatments, and Potato Cellar Treatments. This approval makes it appear that the combination of these specialized categories is not a requirement of the U.S. EPA.

We strongly encourage ISDA to keep the potato cellar category as an individual and separate category and not combine it with any other category such as the proposed (IP) category.

Please pass on the above comments and requests to all appropriate parties involved in these proposed rule changes.

Thanks for the help with getting this matter resolved.

Sincerely,

Bob Schmidt
Corporate Chemical Manager
Industrial Ventilation Inc.

208-465-3781

From: scanner@ivi.us.com <scanner@ivi.us.com>

Sent: Thursday, May 18, 2023 12:58 PM

To: Bob Schmidt <BobS@ivi.us.com>

Subject: Scanned File Attached