

**IDAHO DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Road
PO Box 7249
Boise, ID 83707**

**Negotiated Rulemaking for IDAPA 02.02.03
Minutes of May 08, 2023, Meeting**

DEPARTMENT STAFF PRESENT: Chanel Tewalt, ISDA
Lloyd Knight, ISDA
Ryan Ward, ISDA
Brian Slabaugh, ISDA
Dallas Burkhalter, ISDA
Hillarie Gray, ISDA
Elizabeth Palmateer, ISDA
Brian Hurzeler, ISDA
Sherman Takatori, ISDA

Others Present: Alan Martinson, Idaho Noxious Weed Association/Superintendents
David Lehman, Idaho Agricultural Aviators Assoc
Patxi Larrocea-Phillips-AMG/ID Noxious Weed Control Assoc
Margaret Major-DFM, Administrative Rules Office
Josh Scholer-DFM, Administrative Rules Office
Ben Miller-IPMA/Simplot
Chase Youngdahl-Idaho Noxious Weed Control Assoc
Will Tiedman-Idaho Conservation League
Ann Bates-INLA
Katie Van Vliet
Elizabeth Criner
Craig Nuthak-Locust Ag, IPMA
Bobby (no last name listed)
Mitch Whitmill-Jefferson County
Bryce Fowler-Fremont County

Unnamed Attendees: 1. (telephone 538)
2. (telephone 181)
3. (telephone 237)
4. (telephone 118)
5. (telephone 923)

The meeting was called to order by Deputy Director Lloyd Knight at 8:30 a.m. MT. and advised attendees of recording.

INTRODUCTIONS

Lloyd Knight, Chanel Tewalt, and Ryan Ward introduce themselves, explain process, and encourage questions, comments, and input during the process.

Will Tiedman wanted to know when the ISDA website for rulemaking will be updated.

Lloyd Knight responded that it will be updated this week.

Overview of proposed changes:

Ryan Ward discussed the reasons and categories of change: 1. Red-tape reduction, 2. EPA or CFR requirement for compliance, 3. Typos or reference corrections, 4. ISDA additions for gap in coverage or inconsistencies. Certification Standards for each category was not found to be sufficient for EPA standards.

Definitions: Chemigation equipment definitions are being removed for red-tape reduction and moved into an outside chemigation standard protocol. Addition of Antimicrobial Pesticides, Janitorial Services, and non-substantial language changes to Limited Supervision and On-Site Supervision.

Chanel Tewalt explains the benefits of having chemigation standards as a stand-alone protocol.

Ryan Ward asks if there are any questions about chemigation being removed from rule. None asked.

Subsection 100:

Ryan Ward discusses language changes for clarification in licensing requirements. Competency standards changed to reference CFR for red-tape reductions, exam procedures changed to references CFR for red-tape reduction.

Exam waiting period is proposed to be changed from 1 week to 1 day because of comments provided by meeting with IPMA.

Prohibition for cheating added for compliance with CFR, language adapted from SAT's

Ben Miller asked what is meant by memorization? Suggested alternative language.

Ryan Ward explained categories' language changed for clarification and EPA's category definitions adopted to meet certification standards.

Ben Miller asked if the Industrial, Institution, and Structural Pest Control would cause confusion between Ag and Urban, i.e. general pest versus potato cellar.

Ryan Ward responded that potato cellar is not an agricultural application, it is for a stored commodity. It will remove confusion and combines categories that have similar certification standards.

Craig Nuthak asked if nursery/greenhouse/sod producers must retest to get Ornamental category or will AH/AI work?

Ryan Ward suggested input from industry to work out the details of how that would be implemented.

Ben Miller stated He likes that the ag and ornamental categories are combined but wants to know how they are brought into that. There are people out there that just have OH or just OI, how will people be brought into compliance?

Ryan Ward suggested different options for implementation if adopted. Would be workshopped with members of industry.

Professional Commercial Apprentice License is moved from a category and now listed as a license, expiration date changed from December 31 of year issued to 1 year from date issued as a result of comments provided during meeting with IPMA.

Licensing Periods and Recertification has clarifying language changes.

Subsection 101:

Record keeping is moved out from Licensing requirements to their own section.

Subsection 150:

Clarifying language changes and definitions adopted from CFR. Language is mirrored with Professional licensing section for consistency and clarifying.

Ryan Ward concluded Section 100 changes.

Chase Youngdahl stated he has ambiguity on what qualifies as credit. Does this need to be addressed before rules are done? Number of credits lowered- i.e. Professional applicators require 2.5 times higher than Private Applicators.

Chanel Tewalt suggests a subcommittee to discuss credits and requirements.

Lloyd concludes discussion to move on to next subsection.

Subsection 200:

Dealer license clarifying language changes, typos, and red-tape reduction.

Subsection 201:

Dealer license record keeping requirements updated to meet CFR compliance.

Subsection 350:

Red tape reduction and clarifying language.

Subsection 400:

Addition of training standards and record keeping requirements for training of non-certified applicators to comply with CFR.

Ryan Ward asked if anyone has questions about the updated records standards. None asked.

Brian Slabaugh added that this addition mirrors what current Worker Protection Standards does for agricultural applications to ensure basic understanding and safety.

Clarifying language, red-tape reduction, and CFR incorporation for Mixer-Loaders.

Ben Miller asked if you can be a Mixer-Loader under a Private Applicator License?

Ryan Ward responded and explained that under a Private Applicator it would fall under WPS. This section is referencing Professional for non-WPS applications.

Section 500:

Proposed adding a prohibition for dumping of pesticides.

Ryan Ward asked if there were any questions on that section. None asked.

Section 550:

Clarifying language for pesticide storage requirements and red-tape reduction. Non-substantial changes for posting warning notices.

Addition of pesticide spill cleanup and containment requirements.

Ryan Ward asked if there were any questions. None asked.

Section 600:

Language changed to show chemigation standards moved to outside protocol. Red-tape reduction on remainder of section.

Sections 651-999

Removed for red-tape reduction, changed to (Reserved)

Conclusion:

Ryan Ward concludes walk-through of proposed rule changes.

Lloyd Knight discussed setting up informal workgroup to discuss recertification credits.

The next meeting will be Monday, May 22nd at 8:30am. On-site room and Teams meeting available.

Lloyd Knight ended meeting at 9:50 a.m.