

IPMA Comments: IPMA feels that ii, and vi need to be changed. We have included recommendations for the language. We would like to go over these items during the May 22, 2023, Negotiated Rulemaking Meeting.

1. It is prohibited to:

- i. Attempt to cheat, or otherwise obtain an unfair advantage on the exam(s). ()
- ii. Remove or attempt to remove any test questions or responses or any notes from a testing session, including through memorization, give them to anyone else, or discuss them with anyone else through any means, including, but not limited to, email, text messages, or the internet.
- vi. Discuss, Record or copy or share information about during the testing session including questions, answers, identifying information about the version or form of a test, or any other information that might compromise the security of the test at any time that compromises the security of the test. (including before the test, during the test, during breaks, or after the test).

IPMA Comments: IPMA feels that ii. And vi. need to be changed. We have included recommendations to the language above.

2. Industrial, Institutional, and Structural Pest Control (IP)

To accurately reference the certification standards in 40 CFR 171, the General Pest (GP), Structural Pest (SP), Commodity Pest (CP), Potato Cellar (PC), and Wood Preservative (WP) categories would be combined into the Industrial, Institutional, and Structural Pest Control (IP) category. The combination of categories is a benefit to applicators and regulators due to the way it clarifies distinct lines for appropriate category to application site. Example – The use of Tengard in a crawl space. Tengard is labeled for the control of invading insects and as a termiticide. Based on the claim for the purpose of the application, different categories would be required.

IPMA comments: Many of our members do these applications under GP, SP and maybe CP now, so the new combined category is sensible for these categories. We feel the Potato Cellar (PC) and Wood Preservative (WP) categories do not relate to the IP category at all as they are considered Agriculture-related and should either be included in the Agriculture Category (AC) or left as stand-alone categories. By putting

these categories in a mostly urban category is intrusive to all industries related, especially involving testing, use, and minimal competency with regards to industry type.

3. Examination Fee per Examination Category. Ten dollars (\$10).

IPMA Comment: Does this need to be changed now or removed completed?

4. Professional Commercial Apprentice License and Dealer License References.

IPMA comments: Throughout the document these licenses are called Professional Commercial Apprentice License, Commercial Apprentice License, and Apprentice License, RUP Dealer License, Restricted Use Pesticide Dealer License, and Dealer License.

IPMA Comments: Can this be consistent with the correct name(s) now in all places to avoid confusion?

5. Spill Requirements

~~General Pesticide Spill Cleanup and Containment Requirements For licensed private applicators, professional applicators, pesticide retailers and RUP dealers who transport, use or store 5 gallons of aggregate or 100 pounds of dry pesticide must meet the following:~~

~~()~~

~~a. Have and maintain a pesticide spill response plan to adequately address any and all pesticide spills at pesticide storage facilities, mixing and loading sites, while transporting pesticides, during applications, and during any other pesticide handling activities. The pesticide response plan must be updated every three years or when no longer accurate for current pesticide activities and must contain all of the following:~~

~~()~~

~~i. Contact information for persons, companies, agencies to be notified in the event of a release. to be notified in the event of a release.~~

~~{
}~~

~~ii. Procedures to appropriately contain / recover pesticides during transport or storage.~~ ()

~~iii. Available emergency equipment and supplies, including a spill kit appropriate for the response.~~

~~iv. If at a storage facility: Maps and diagrams of the facility and any potentially affected areas near the facility. ()~~

~~v. Safety Data Sheets (SDS), and labels for the pesticides being used, transported, or stored. ()~~

~~b. Shall have available an appropriate pesticide spill kit adequate for the pesticides being used, transported, or stored and must contain, confine and clean up spills of pesticides or pesticide mixtures.~~

~~c. Shall contain, confine, and clean up spills of pesticides or pesticide mixtures as per IDAPA~~

~~58.01.02.850.~~

~~()~~

~~d. All pesticides or contaminated material recovered from a spill shall be placed in containers. ()~~

~~i. Container(s) must have the following information on a label attached to the container: ()~~

~~(a) date the material was recovered into the container(s); ()~~

~~(b) active ingredient(s), trade name, and formulation; ()~~

~~(c) environmental protection agency registration number for each product; ()~~

~~(d) signal word; and ()~~

~~(e) name, address and telephone number of the responsible person. ()~~

~~ii. Contained materials must be stored, recycled, used or disposed of in accordance with label instructions, rinsing and disposing of pesticide containers as per all state and federal disposal regulations. ()~~

~~e. Persons using water to mix or load pesticides or to clean or rinse pesticide equipment or containers shall use a backflow prevention device or procedures, such as an air gap or check valve to prevent contamination of all water sources.~~

~~()~~

~~f. Upon the written request by a person, the Idaho Department of Agriculture may approve a deviation from this rule if the deviation maintains the intent of the rule. This request shall describe the proposed deviation and reason for the deviation. (—)~~

IPMA Comments: As written, IPMA does not agree with this section and its lack of detail and overall vague requirements. It also has been identified as an unnecessary over-regulation and financial burden to industry. IPMA encourages the promotion of spill kits and spill training but does not support the proposed rule.

6. How will current applicators get the new categories added?

IPMA Comments. This will be discussed in the May 22, 2023, Negotiated Rulemaking Meeting

