

From: [Ryan Ward](#)
To: [Denise Lauerman](#)
Cc: [Lloyd Knight](#)
Subject: FW: IDAPA Rulemaking - Professional Applicator Recordkeeping Requirements - Amended
Date: Tuesday, June 6, 2023 3:17:57 PM
Attachments: [image003.png](#)

Ryan Ward, Administrator
Idaho State Department of Agriculture
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208-332-8531
Ryan.Ward@ISDA.Idaho.Gov



From: Patxi Larrocea-Phillips <patxi@amgidaho.com>
Sent: Tuesday, June 6, 2023 3:09 PM
To: Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>
Subject: RE: IDAPA Rulemaking - Professional Applicator Recordkeeping Requirements - Amended

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Ryan,

I would be interested in a smaller working group to discuss this amendment. I get pretty busy with travel the last couple weeks of June so it may be not work in my schedule.

Also, is there a time you want to meet with Anne and myself to discuss the credit application deadline? I had sent Lloyd some language, but I was under the impression we may circle the wagons to discuss the draft language before the final rulemaking session.

Thank you,

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

Sent: Tuesday, June 6, 2023 2:49 PM

To: Ann Bates <abates@idpma.org>; 'Sherer, Pat' <patrick.sherer@Simplot.com>; Patxi Larrocea-Phillips <patxi@amgidaho.com>; Roger Batt <Roger@amgidaho.com>; Kyle Rooks <kyle@amgidaho.com>; David Lehman <david@primuspolicy.com>; Adam Schroeder <aschroeder@adacounty.id.gov>; Ann Bates <abates@inlagrow.org>; Brandon Cole <brandon.cfg@gmail.com>; Craig Nuthak <cnuthak@gmail.com>; Josh Hansen <cherokee7219erw@gmail.com>; Kimberly Tate <ktate@uidaho.edu>; Mike Jurak <redbaronag@outlook.com>; Rob Wasia <sprayman32@gmail.com>; Ronda Hirnyck <rhirnyck@uidaho.edu>; Sherman Takatori <Sherman.Takatori@ISDA.IDAHO.GOV>; Todd Sawyer <tsawyer@orkinidaho.com>; Tom Gritzmacher <Tom.Gritzmacher@nutrien.com>; Tracy Walton <waltonfarms@gmail.com>; Jonathan Oppenheimer <joppenheimer@idahoconservation.org>; Jeremy Varley <Jeremy.Varley@isda.idaho.gov>; Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>; Andrea Thompson <Andrea.Thompson@ISDA.IDAHO.GOV>; Nicholas Zurfluh <Nicholas.Zurfluh@ISDA.IDAHO.GOV>; Mitch Whitmill <mwhitmill@co.jefferson.id.us>; amartinson@latahcountyid.gov; hollie@inlagrow.org; chase.youngdahl@bonnercountyid.gov; Bryce Fowler <bfowler@co.fremont.id.us>; KatieV@SawtoothLaw.com

Cc: Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>; Denise Lauerman <Denise.Lauerman@isda.idaho.gov>

Subject: IDAPA Rulemaking - Professional Applicator Recordkeeping Requirements - Amended

Good afternoon,

During the 5/22 session of negotiated rulemaking, there was some discussion regarding the recordkeeping requirements for professional applicators. The comment was made to remove or amend the requirements for relevance specifically [IDAPA 02.03.03.100\(05\)\(a\) & \(m\)](#)

- a. The name and address of the owner or operator of each property treated;
- m. The full name of the person recommending the pesticide application;

After reviewing past inspections, recordkeeping information related to current regulatory requirements of pesticide use, and researching the requirements of surrounding states, a new proposed draft of the recordkeeping requirements was developed as seen below.

- a. Full name and license number of the professional applicator applying the pesticide.

- b. If applied by a professional commercial apprentice, the full name and license number of the professional applicator supervising the pesticide application.
- c. Date and time of application, including both start and end times.
- d. Weather conditions - wind speed, wind direction, and temperature, if applicable.
- e. Full name of responsible party for the property to which the pesticide was applied.
- f. Location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated.
- g. Trade name or brand name and the EPA registration number pesticide applied.
- h. The rate of application, including the amount of formulated product per volume or weight to be applied on a given unit area.
- i. Total dilution applied, if applicable, (dilution is comprised of formulated product plus carrier).
- j. Total amount of pesticide applied.
- k. Target pest or pests.
- l. Specific crop, animal, or property treated.
- m. The size (area or volume) or amount (number of trees, livestock, pounds of treated commodity etc.) of specific crop, animal, or property treated.
- n. Application method or equipment.

A result of the recordkeeping research, in addition to the required record elements, it was discovered to comply with [7 CFR 110.3\(e\)](#), professional applicators that apply RUPs, within 30 days must provide a copy of records to the person for whom the RUP was applied.

As for whom 7 CFR 110 applies, in 7 CFR 110 scope and definitions: RUP pesticide application by ALL certified applicators both private and commercial. Commercial is defined as ANY RUP for ANY purpose on ANY property other than as defined by private applicator (which is consistent with FIFRA and Idaho definition).

In order to comply with 7 CFR 110.3(e) the following language was drafted to be added to the proposed rule.

“Professional applicators who have made an application of a restricted use pesticide shall, within 30 days of the pesticide application, provide a copy of the application records required under this rule for each application of any restricted use pesticide to the person for whom the pesticide application was made.”

If there is interest in forming a work group to discuss the recordkeeping requirements prior to the June 29th session of rulemaking please respond to this email on or before June 13th, 2023. If there is no interest expressed in forming a work group, the draft above will be presented as part of the proposed legislative rule in 2024.

Regards,

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