

**IDAHO DEPARTMENT OF AGRICULTURE**

**2270 Old Penitentiary Road  
PO Box 7249  
Boise, ID 83707**

**Negotiated Rulemaking for IDAPA 02.02.03  
Minutes of May 22, 2023, Meeting**

**Department Staff:**

Chanel Tewart, ISDA  
Lloyd knight, ISDA  
Ryan Ward, ISDA  
Brian Slabaugh, ISDA  
Dallas Burkhalter, Deputy Attorney General  
Hillarie Gray, ISDA  
Elizabeth Palmateer, ISDA  
Sherm Takakori, ISDA  
Mike Watson, ISDA  
Nick Zurfluh, ISDA  
Jeremy Varley, ISDA  
Blaine Sterling, ISDA

**Stakeholders:** Mitch Whitmill, Jefferson County/ Idaho Association of Weed  
Control Superintendents

Braden Jensen, Farm Bureau  
Craig Nuthak, Locus Ag/IPMA  
Pat Sherer, Simplot/IPMA  
Chase Youngdahl, Bonner County Weed Dept.  
Stacy Saterlee, Idaho Grain Producers Association  
Ann Bates, IPMA  
Bryce Fowler, Freemont County  
Patxi Larrocea-Phillips, Idaho Noxious Weed Control Association  
Alan Martinson, Latah County/Idaho Noxious Weed Control  
Association  
Ben Miller, Simplot/IMPA  
Kirk Dean, IPMA/Barrier

The meeting was called to order by Deputy Director Lloyd Knight at 8:32 a.m. MT. and advised attendees of recording.

Lloyd advised that there will be a third meeting already scheduled and opened up the floor to Ryan to begin discussion.

Ryan started with topic of recertification credit amounts based on previous comments. Explains how the current requirements of recertification credits compare to surrounding states, and the process of having them be a part of the C & T plan that needs to have EPA approval.

Ryan-presented 3 options for possible changes to recertification credit requirements.

Chase-wanted to know how option 3, the category specific credit requirement, would work for the statewide consultant license.

Sherm-explained that a possible statewide consultant seminar would be a broad scope, and the consultant category would possibly require a certain number of credits in different major categories.

Patxi- proposed dropping from 15 to 14 credits but keep the 60 minutes per credit.

Ryan- stated that is a valid option, still in line with neighboring states, and explained how seminar credit approval is calculated, and asked if that was preferred over option 2.

Mitch-stated his concern with the category specific option with applicators who hold several different categories. Stated it would be a burden to try to get category specific recertification credits, and it would be best to try to reduce it now if/when it is implemented at a later time. Also stated concern about the quality of training available to applicators.

Lloyd-provided clarification on the two issues of category specific credits and the number of credits. The possibility of EPA changing ISDA to option 3 is still a ways out and not necessarily something that has to be dealt with today.

Ryan-stated it would be best to start a discussion on what works for all parties before something else is handed down by EPA.

Mitch-stated that ultimately our goal is the same as ISDA's to see zero issues in the field and properly trained applicators.

Patxi-asked: what does shifting to any of the 3 options mean for ISDA and their resources and what kind of burden does this put on ISDA, cost wise, for tracking, compliance, people, and resources?

Ben-stated he doesn't have a problem with the points now and how they are obtained, but he does not like the difference in how the credits are approved for the seminars across the differing states, the 60 minutes compared to 50 minutes per credit. Would like to be more consistent with the other states on issuing credits.

Lloyd-asked for any further comments on the topic and for a consensus on the options.

There was general consensus was for option 2, but not wanting to go with option 1 or 3.

Craig-stated with the Q&A after seminar topics they should already be hitting the 60 mins.

Ryan-provided clarification on what kind of criteria qualifies for credits.

Mitch-stated that it is a good idea to be consistent with other states around us.

Chanel-wanted everyone to know that this isn't the only chance to look at it or to give input on it.

Lloyd-asked Ryan to get the change updated in the draft for it to be posted on the website for public review.

Chase-assumed if we stayed with option 1, and nothing changes with credits, could there be a change with better communication between seminar host and ISDA office staff.

Ryan-agreed that more transparency and communication during submittal process is in the works.

Patxi-asked if the 30-day submission rule could be updated to allow for late updates or changes to award credits for updates, or award credits in arrears.

Ryan-stated that there already is already an option to make some updates as long as there are no major changes to go off topics during the 30 days before.

Chanel-stated that the 30-day prior submission is in rule and a different track than awarding points post seminar.

Paxti-wanted to know if the 30-day rule can be worked on.

Chanel-stated when negotiated rule making is open, everything in rule can be discussed. If the timeline is changed we may run the risk of not having the bandwidth to approve something in time.

Paxti-addressed 100.06.a.ii, discussed language of rule, there is no appeal if there is a late presenter, or changes to be made. Exceptional circumstance is being removed, and how is that defined?

Ryan-explained that exceptional circumstance is not defined and is not clear language and should be removed.

Lloyd-suggested that seminar planners help put together alternative language with division.

Patxi- does think a benchmark time is needed, but to allow for flexibility within the 30 days if resources are available.

Ryan-suggested Nevada's language, 'if a seminar is received after 30 days it may not be reviewed'.

Craig-felt like the language of 'must' does not allow flexibility.

Ann-liked the language afterwards that would allow changes for after submission, liked the Nevada wording, but that also leaves some not-knowing if it will be approved.

Alan-also liked wording from Nevada or something similar.

Mitch-also agreed that as long as there is cooperation and flexibility to add credits or lower credits after the submission time.

Kurt-suggested that language can be 'submit initial request prior to 30 days'.

Lloyd-suggested Ryan, Patxi, Ann, and anyone else to facilitate new language for seminar submission.

Lloyd-asked for any more comments on this section, no additional comments, moving to topic of categories.

Lloyd-discussed previous comments made from last meeting.

Ryan-addressed concern that potato cellar and wood preservative shouldn't belong with IISP.

Ben-discussed why the potato cellar category should be considered an ag category or a standalone.

Lloyd and Ryan discussed the necessity for consolidation of categories and possible subcategories.

Craig-addressed that the potato cellar applicators are not getting sufficient training and doesn't think consolidation would solve anything, other than having potato cellar applicators testing on cockroaches, and urban pest control applicators testing on potato cellar.

Ben-agreed that merging categories would reduce the percentage of questions related to competency for potato cellar.

Lloyd and Ryan discussed the potato cellar category possibly moved into an ag category and why it is not ag related, possibly moving commodity pest, potato cellar, and seed treatment together into a subcategory of IISP.

Patxi-agreed that would make the most sense to keep commodity and urban pest separate.

Ben-agreed on a subcategory.

Lloyd-action item for Ryan to draft a commodity pest subcategory.

Craig-asked when the categories are consolidated, how will 'partial categories' be implemented, if you have OI, but not OH for example, would everyone have to take an exam or retest.

Ryan-responded that applicators would most likely be grandfathered into the combined category.

Lloyd-moved on to the topic of proposed cheating prohibition.

Kurt-addressed 100.03.d.ii, the term 'memorization' and would like it to be removed. Memorization of study material is part of studying and that discussing study material with managers or others is reasonable.

Ryan-stated the 'memorization' is not addressing 'study material' and memorization of information coming into the exam session from study material but relates to memorization of exam questions themselves and discussion of exam questions with others.

Kurt-stated that the first line should be sufficient, and it would be an impossible endeavor to enforce, it is reasonable for someone to remember a topic they encountered on the exam to go back and study.

Dallas-suggested 'the removal by any means' in the language to address the concern of removal of exam material, differentiated between remembering subjects that need to be studied and writing down verbatim questions to share with others.

Pat-stated having a co-worker memorize a test and share that with someone is a form of learning too. Language is 'nit-picky' and sharing exam questions is a great way to learn material. Agrees physical removal is not ok.

Craig-agreed with Pat in that it's too 'nit-picky' and the language should be adjusted.

Ben-suggested a rotating bank of questions to deter cheating.

Mitch-suggested some verbiage that someone can't post it on social media or similar.

Ann-stated that section vi. still states what is prohibited and with the suggested changes says what needs to be said.

Dallas-stated it is an improvement from what is in rule now.

Anne-asked what is the consequence of cheating? Who enforces that? Are people informed that they can't cheat when they go to test?

Brian-discussed the possible consequences and cost of cheating, how people are notified of policies.

Lloyd-general consensus to draft changes IPMA suggested for next meeting. Moved to Exam fee topic.

Ben-stated that the \$10 exam fee should be removed from rule.

Ryan-stated removing exam fees would possibly cause more no-shows and does not provide accountability for someone to sign up, take a seat in the exam session, and then does not attend. Idaho has one of the least expensive exam fee in the region.

Ben-stated that removing the language of the fee amount or increasing the exam fee would give ISDA more wiggle room.

Dallas and Brian-stated that it is in statute and must be referenced in rule.

Kurt-stated it should be left in at this time.

Pat-suggested re-wording it to make consistent with Metro or to leave it open-ended, not necessarily removing it completely.

Ryan-explained fee structure and funding for divisional resources.

Ann-asked if the fee must be listed in rule, or can it be left out, or even worded to be open-ended or flexible.

Ryan and Brian-discussed the potential implications of changing fees in rule at this time.

Kurt-stated it should be left in there.

Dallas-legislature typically wants to see a specific fee amount in rule.

Lloyd-suggested an internal conversation on fees and if/when they need to be addressed to make sure they would be supported by industry.

Kurt-stated that industry could support a very significant increase in fees if it meant more divisional resources.

Lloyd-moved on to next topic of Apprentice and Dealer licenses references.

Ryan-stated it's a good change and is grammatical in nature, will be address.

Craig-addressed an additional grammatical error in 400.07.b should be updated to his/hers.

Lloyd, moved to next topic of spill requirements.

Ben-stated pesticide retailers would be affected by this rule. Asked if once a pesticide is spilled, does it change from ISDA to DEQ's jurisdiction?

Ryan-explained where the jurisdictions can overlap concerning a pesticide spill and stated this is a regulatory gap in the state. Applicators have spills and do not know what to do, this will help applicators have a plan in place before that happens. If applicators are able to contain a spill, they can mitigate the potential cost for clean-up.

Ben-stated he is not against it but, it doesn't seem consistent for everyone, he guesses it only applies to licensed people. Secondary containment, like a big tank farm, isn't mentioned in this rule. The applicator is at the mercy of the company to provide adequate resources in the vehicle. Asked if these rules would conflict with DEQ rules, or with other agency rules? Stated it has some vague language.

Lloyd-asked Ben if there is any language regarding this topic that IPMA would support, or if he wants the rule to remain silent on it.

Ben-stated the way it is written right now, we would not back it at all.

Lloyd-asked Ben if this is a topic he wants addressed in rule or not.

Ben-answered No.

Mitch-stated it's already addressed in NPES under DEQ and EPA and it's not clear who wants to administer that code or rule. Asked how does that pertain to the private sector?

Ryan-discussed examples of what happens now when there is not a clear distinction on jurisdiction and responsible parties for clean-up. Stated the wording is careful not to step over DEQ. This is to make sure the applicator has resources for unexpected equipment failures or spills.

Mitch-stated he gets that question from people on who they should call if there is a spill. Does this need to be in rule or can it just be offered by ISDA as technical support?

Ryan-discussed the importance of opening up conversation about it, to help address retailers who may not have a spill response plan.

Craig-discussed his personal experience with a spill. Suggested rather than putting something into rule, offering information as a resource.

Lloyd-Consensus that there is no support from industry on the topic of spill response.

Kurt-asked for clarification on the purpose or idea of the proposed rule

Ryan-stated the intent was to provide a resource for applicators to know what to do and to have a plan prior to a spill and to have knowledge of how to dispose of it when they are done cleaning it up.

Kurt-responded that the liability is inherent in the act, and a rule won't prompt a company to be interested in mitigating a spill. Informational resource may help, but if a company doesn't already have a spill response, they aren't going to do it anyways rule notwithstanding.

Lloyd-moved to last topic on being grandfathered into new categories.

Ann-agreed that 'grandfathered' was the term IPMA wanted to hear in discussion on categories.

Lloyd-asked for any follow-up comments, shared some proposed language submitted by Patxi on seminar submission.

Lloyd-noted that group was in general consensus of the language and Ryan will work it in.

Craig-stated he thought the 10mph wind restriction was removed.

Ryan-responded that it was not removed and what the current rule is.

Kurt-asked about record keeping and where the requirements are drawn up from? Wanted to know why certain information needs to be kept in records.

Ryan and Brian-discussed the necessity of requiring the brand name and EPA# on records and why it is currently required.

Kurt-followed up with why is the full name of the person recommending the application and the property owner information required?

Ryan-discussed the necessity for having that information on the records for misuse or wrong application site.

Kurt-discussed the records can take longer to complete than an applicator's actual stop, and it can cause a time constraint. Stated if certain record requirements to be removed, specifically a. and m. under record keeping requirements.

Brian and Ryan-agreed those could be looked at for possible language updates.

Craig-stated throughout the rule there is reference to 'seminars, activities, and events' suggested cleaning up the language for consistencies.

Lloyd-went over language changes that were discussed, the consensus on credits with option 2, categories being divided into subcategories, review fees, integrate IPMA language on cheating, and possibly remove spill language. Asked if there were any other comments, no further comments were made.

Lloyd-advised the next meeting will be June 29, 2023, adjourned meeting at 11:34am

**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](#)

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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

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**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

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

**Cc:** Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Sherman Takatori <[Sherman.Takatori@ISDA.IDAHO.GOV](mailto:Sherman.Takatori@ISDA.IDAHO.GOV)>; Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto: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 22<sup>nd</sup> and Thursday June 29<sup>th</sup>. It also includes a comment period that is open for the submission of written comments through June 30<sup>th</sup>. 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



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**From:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>  
**Sent:** Friday, May 19, 2023 12:45 PM  
**To:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>  
**Cc:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Sherman Takatori <[Sherman.Takatori@ISDA.IDAHO.GOV](mailto: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

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**From:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>  
**Sent:** Friday, May 19, 2023 11:32 AM  
**To:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>  
**Cc:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Sherman Takatori <[Sherman.Takatori@ISDA.IDAHO.GOV](mailto: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](mailto:Ryan.Ward@ISDA.Idaho.Gov)



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**From:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>

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

**To:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>

**Cc:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Sherman Takatori <[Sherman.Takatori@ISDA.IDAHO.GOV](mailto: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

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**From:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>

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

**To:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>

**Cc:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto: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](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](mailto:Ryan.Ward@ISDA.Idaho.Gov)



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

FYI

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**From:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>  
**Sent:** Thursday, May 18, 2023 2:57 PM  
**To:** Sherman Takatori <[Sherman.Takatori@ISDA.IDAHO.GOV](mailto: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](mailto:scanner@ivi.us.com) <[scanner@ivi.us.com](mailto:scanner@ivi.us.com)>

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

**To:** Bob Schmidt <[BobS@ivi.us.com](mailto:BobS@ivi.us.com)>

**Subject:** Scanned File Attached

**From:** [Lloyd Knight](#)  
**To:** [Denise Lauerman](#)  
**Subject:** FW: IDAPA 02.03.03 Comments  
**Date:** Friday, June 30, 2023 8:24:27 AM

---

Please post to the Pesticide rule site.

Thanks.

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

---

**From:** Alan Martinson <[amartinson@latahcountyid.gov](mailto:amartinson@latahcountyid.gov)>  
**Sent:** Thursday, June 29, 2023 11:36 AM  
**To:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
**Subject:** IDAPA 02.03.03 Comments

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---

Hi Lloyd,

I would support the proposed changes to Licensing Periods and Recertification in IDAPA 02.03.03 which increases the number of recertification credits required from 15 to 16, and decreases the minutes per recertification credit from 60 minutes to 50 minutes.

Thanks you for the opportunity to comment.

Alan Martinson  
Latah County Noxious weeds



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**From:** [Lloyd Knight](#)  
**To:** [Denise Lauerman](#)  
**Subject:** FW: IDAPA 02.03.03 Comments  
**Date:** Friday, June 30, 2023 8:24:27 AM

---

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Thanks.

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

---

**From:** Alan Martinson <[amartinson@latahcountyid.gov](mailto:amartinson@latahcountyid.gov)>  
**Sent:** Thursday, June 29, 2023 11:36 AM  
**To:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
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**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  
2270 Old Penitentiary Road  
PO Box 7249  
Boise, Idaho 83707  
208-332-8531  
[Ryan.Ward@ISDA.Idaho.Gov](mailto: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,

**Patxi Larrocea-Phillips**  
Idaho Noxious Weed Control Association  
55 SW 5th Avenue, Suite 100  
Meridian, Idaho 83642

PH: (208) 888-0988  
[patxi@amgidaho.com](mailto:patxi@amgidaho.com)



[www.idahonoxiousweedcontrol.org](http://www.idahonoxiousweedcontrol.org)

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**From:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>

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

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

**Cc:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>; Denise Lauerman <[Denise.Lauerman@isda.idaho.gov](mailto: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 29<sup>th</sup> session of rulemaking please respond to this email on or before June 13<sup>th</sup>, 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,

**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](mailto:Ryan.Ward@ISDA.Idaho.Gov)







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June 8, 2023

Lloyd Knight, Rules Review Coordinator  
Idaho State Department of Agriculture  
PO Box 7249  
Boise, Idaho 83707

**RE: ZBR Rulemaking Comments, IDAPA 02.03.03 Rules Governing Pesticide and Chemigation Use and Application**

Dear Mr. Knight:

I am writing on behalf of the Idaho Conservation League (ICL) to submit comments on the on-going ZBR negotiated rulemaking process for IDAPA 02.03.03 Rules Governing Pesticide and Chemigation Use and Application (the Rules). Since 1973, the Idaho Conservation League has had a long history of involvement with water quality issues. As Idaho's largest state-based conservation organization we represent over 25,000 members and supporters who have a deep personal interest in ensuring the health of our biologic and ecological community is protected throughout the state.

We thank you for the opportunity to submit comments and ask that you please send us any response to public comments on this opportunity from Idaho Department of Environmental Quality (IDEQ). Please feel free to contact us if you have any questions or require additional information.

Sincerely,

**Will Tiedemann**  
Conservation Associate  
Idaho Conservation League  
[wtiedemann@idahoconservation.org](mailto:wtiedemann@idahoconservation.org)  
208.286.444

## **Proposed Spill Prevention Language**

Under the current and on-going rulemaking process for this Rule, a draft version of the updated Rules has been published (“May Strawman Draft”). Within Section 500.01 of the May Strawman Draft, rules on “General Pesticide Spill Cleanup and Containment Requirements” have been proposed. It is ICL’s understanding that the majority (if not all) regulated industry representatives are opposed to these proposed spill cleanup rules. ICL believes these proposed spill cleanup rules are prudent to include as they fulfill requirements from governing Idaho Code. In addition they are a practical and proven protection against potential biological, ecological and water-course damage.

### **Fulfillment of Statutory Requirements.**

In reviewing Idaho Code relevant or governing to the proposed Rule, significant directives and agency abilities on spill cleanup and prevention are addressed. Per Idaho Code 22-3420:

*22-3420. PROHIBITED ACTS: No person shall:*

*Chemigate without installing the proper chemigation equipment to protect against surface or ground water contamination.*

*22-3421. ADOPTION AND SCOPE OF RULES. (1) 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:*

*(b) the safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers; and*

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

Given the coupling of these sections of Idaho Code, it is entirely prudent, if not required by Code to include the proposed spill cleanup language. Pesticide spills are an obvious and real threat to surface water and ground water quality. Failure to include Rule language that protects against and prevents spills would be negligent.

### **Practical and Proven Approach**

[Spill Prevention Control and Countermeasure \(SPCC\) Plans](#) are a well established federal requirement and tool for preventing and cleaning up oil releases that threaten surface water. The proposed spill clean up language in the Rule mirrors the general purpose and requirements of SPCC Plans. Applicable industry routinely develops and implements SPCC Plans. Pesticide spills present a threat to water quality much in the same way petroleum or oil release do, thus, they should not be considered arbitrary or overly burdensome to implement by industry.

As a former environmental engineering consultant, I have prepared numerous SPCC Plans for a variety of facilities (including major hydroelectric dams and open pit mining operations). I can personally attest to their rational and practical requirements for preventing and controlling the spill of hazardous materials.

Ultimately, including the proposed spill cleanup language in the Rules not only satisfies statutory requirements with an industry proven approach, it protects the greater good and public interest. Surface water and ground water quality are critical to human health and the environment. Failure to include the proposed language would sacrifice the protection of this public and the environment need merely to save industry from unproven and undocumented “burden”.

## Re: Rules Governing Pesticide and Chemigation Use and Application IDAPA 02.03.03

Will Tiedemann <[wtiedemann@idahoconservation.org](mailto:wtiedemann@idahoconservation.org)>

Thu 5/25/2023 3:45 PM

To: Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>

Cc: Jonathan Oppenheimer <[joppenheimer@idahoconservation.org](mailto:joppenheimer@idahoconservation.org)>; Chanel Tewalt <[Chanel.Tewalt@ISDA.IDAHO.GOV](mailto:Chanel.Tewalt@ISDA.IDAHO.GOV)>; Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>

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Thanks Lloyd! I anticipate having written comments at some point next week.

On Wed, May 24, 2023 at 3:17 PM Lloyd Knight <[Lloyd.Knight@isda.idaho.gov](mailto:Lloyd.Knight@isda.idaho.gov)> wrote:

Will –

Thanks for the comment and question.

I think the basic context for the proposed addition was to try to add some language to the rule to better clarify for the regulated community and our agency what might be required or advisable for spill prevention. Such language might help in a bit of a gap. That said, industry sees the language and topic as an additional regulatory burden and would like for the language to NOT be included in the rule. We haven't sat down internally to make the final decision, but industry is clearly and unanimously against it, so we need to consider those comments (and yours) as we finalize the rule and move it forward for legislative review.

As you referenced, the DEQ rule is short but descriptive of the requirements necessary for dealing with Hazardous Material Spills...

Let me know if you have any further questions or comments.

Lloyd B. Knight

Deputy Director

Idaho State Department of Agriculture

Office: (208)332-8615

Cell: (208)859-4173

---

**From:** Will Tiedemann <[wtiedemann@idahoconservation.org](mailto:wtiedemann@idahoconservation.org)>  
**Sent:** Wednesday, May 24, 2023 9:56 AM  
**To:** Lloyd Knight <[Lloyd.Knight@ISDA.IDAHO.GOV](mailto:Lloyd.Knight@ISDA.IDAHO.GOV)>  
**Cc:** Jonathan Oppenheimer <[joppenheimer@idahoconservation.org](mailto:joppenheimer@idahoconservation.org)>  
**Subject:** Rules Governing Pesticide and Chemigation Use and Application IDAPA 02.03.03

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Hi Lloyd,

First, I wanted to say thanks for running great meetings on rulemakings this ZBR "season". Between a couple different agencies I've seen it done a few different ways, and I appreciate the way you/ISDA provided concise and effective context to what changes are occurring and why and have encouraged/valued discussion.

Second, I had a question on Rules Governing Pesticide and Chemigation Use and Application IDAPA 02.03.03. I wasn't able to attend yesterday's meeting, but will plan to review the meeting minutes when they are posted. However, I saw IPMA's comments suggesting the added language on General Pesticide Spill Cleanup and Containment Requirements be removed. Can you remind me of some of the context to adding this language? Are there EPA Rule changes driving the inclusion or another specific driving factor? I do see the reference to and am familiar with IDAPA 58.01.02.850. As someone who wrote Oil Spill Prevention Control and Countermeasure (SPCC) Plans for several years, the proposed language is sensible and definitely worth including (IMO). I can definitely submit written comments on this topic, but I wanted to get reminded of their context first.

Thanks!

--



**Will Tiedemann** (he/his)

Conservation Associate



Idaho Conservation League

office: 208.286.4445

--



**Will Tiedemann** (he/his)  
Conservation Associate  
Idaho Conservation League  
office: 208.286.4445

### 02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

#### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-3421, Idaho Code. (3-15-22)

#### 001. TITLE AND SCOPE.

**01. Title.** The title of this chapter is IDAPA 02.03.03, “Rules Governing Pesticide and Chemigation Use and Application.” (3-15-22)

**02. Scope.** This chapter governs the use and application of pesticides; licensing of pesticide applicators; registration of pesticides; and responsibilities for chemigation in Idaho. (3-15-22)

#### 002. – 003. (RESERVED)

#### 004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference: (3-15-22)

**01. U.S. Code of Federal Regulations (CFR) Title 40, Part 165, Subpart E.** “Standards for Pesticide Containment Structures,” Sections 165.80 through 165.97 that may be viewed at [https://www.govregs.com/regulations/title40\\_chapterI\\_part165\\_subpartE](https://www.govregs.com/regulations/title40_chapterI_part165_subpartE). (3-15-22)

**02. U.S. Code of Federal Regulations (CFR) Title 40, Chapter 1, Part 171.** “Certification of Pesticide Applicators” that may be viewed at [https://www.govregs.com/regulations/title40\\_chapterI\\_part171](https://www.govregs.com/regulations/title40_chapterI_part171). (3-15-22)

**03. Restrictions For Use Of The Livestock Protection Collars (Compound 1080).** <https://agri.idaho.gov/main/wp-content/uploads/2020/06/LPC-RESTRICTIONS.pdf> (3-15-22)

#### 005. – 009. (RESERVED)

#### 010. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-3401, Idaho Code, and the following definitions: (3-15-22)

~~**01. Air Gap.** A physical separation between the free flowing discharge end of a domestic water supply system pipeline and an open or non-pressure receiving vessel. (3-15-22)~~

~~**02. Basin Irrigation.** Irrigation by flooding areas of level land surrounded by dikes. (3-15-22)~~

~~**03. Border Irrigation.** Irrigation by flooding strips of land, rectangular in shape and cross-leveled, bordered by dikes. (3-15-22)~~

**01. Antimicrobial Pesticides.** Substances or mixtures of substances used to destroy or suppress the growth of harmful microorganisms such as bacteria, viruses, or fungi on inanimate objects and surfaces. ( )

**042. Certification.** Passing one (1) or more examinations, to initially demonstrate an applicant’s competence, as required by the licensing provisions of this act, in order to use or distribute pesticides, or to act as a pesticide consultant. (3-15-22)( )

~~**05. Check Valve.** A certified valve designed and constructed to close a water supply pipeline, chemical injection line, or other conduit in a chemigation system to prevent reverse flow in that line. (3-15-22)~~

**063. Chemigator.** Any person engaged in the application of chemicals through any type of irrigation

**Commented [RW1]:** Moved to the Chemigation Protocol to reduce red-tape.

**Commented [RW2]:** Moved to the Chemigation Protocol to reduce red-tape.

system. (3-15-22)

~~07. **Cross-Connection.** Any connection that may have chemical injected or introduced into the domestic water supply system and has the potential of or is connected to the domestic water supply system. (3-15-22)~~

~~08. **Demonstration and Research.** The use of restricted use pesticides to demonstrate the action of the pesticide or conduct research. (3-15-22)~~

~~09. **Domestic Water Supply System.** Any system providing water for human use. (3-15-22)~~

~~10. **Drip Irrigation.** A method of microirrigation wherein water is applied as drops or small streams through emitters. (3-15-22)~~

~~11. **Flood Irrigation.** Method of irrigation where water is applied to the soil surface without flow controls, such as furrows, borders or corrugations. (3-15-22)~~

~~12. **Flow Rate.** The weight or volume of flowable material per unit of time. (3-15-22)~~

~~13. **Furrow Irrigation.** Method of surface irrigation where the water is supplied to small ditches or furrows for guiding the water across the field. (3-15-22)~~

~~104. **Hazard Area.** Cities, towns, subdivisions, schools, hospitals, or densely populated areas. (3-15-22)~~

~~105. **High Volatile Esters.** Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters. (3-15-22)~~

~~16. **Injection Pump.** A pump that uses a gear, rotary, piston or diaphragm to develop the pressures exceeding the irrigation system pressure to inject a chemical. (3-15-22)~~

~~17. **Inspection Port.** An orifice or other viewing device from which the low pressure drain and check valve may be observed. (3-15-22)~~

~~06. **Janitorial Services.** Surface cleaning or surface sanitation operations that use General Use Pesticides (GUP) with signal words Danger or Danger Poison and Restricted Use Pesticides. Janitorial Services extend to households and buildings and may include, but are not limited to; bathroom, food storage/processing, food service, retail sales, office, maintenance, educational, government and other like facilities. ( )~~

~~18. **Limited Supervision.** Pertains to the supervision of a currently licensed pesticide applicator who holds the Commercial Apprentice (CA) category. The Supervising Applicator will be currently licensed in the same category necessary for the pesticide application, and is limited to supervising a maximum of two Commercial Apprentice applicators and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications. (3-15-22)~~

~~07. **Limited Supervision.** The supervision of a Professional Commercial Apprentice by a Supervising Applicator licensed in the categories necessary for the pesticide application. The Supervising Applicator is limited to supervision of two Professional Commercial Apprentice applicators at one time and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications. ( )~~

~~1908. **Low Volatile Esters.** Formulations of 2,4-D; 2,4-DP; MCPA and MCPB which contain butoxyethanol, propylene glycol, tetrahydrofurfuryl, propylene glycol butyl ether, butoxy propyl, ethylhexyl and isoctyl esters. (3-15-22)~~

~~209. **Mixer-Loader.** Any person who works under the supervision of a professional applicator in the~~

**Commented [RW3]:** Moved to the Chemigation Protocol to reduce red-tape.

**Commented [RW4]:** Moved to Chemigation Protocol.

**Commented [RW5]:** Janitorial definition added as a reference for the Microbial Pest Management Category.

**Commented [RW6]:** No substantive changes. Definition of Limited Supervision was updated to for added clarity.

mixing and loading of pesticides to prepare for, but not actually make, applications. (3-15-22)

~~21. **On-Site Supervision.** Pertains to the application of Restricted Use Pesticides (RUP): On-Site Supervision of an unlicensed pesticide applicator or a pesticide applicator who does not hold an appropriate category for the RUP being applied. Supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be in a position to direct the actions of the pesticide applicator. The supervising applicator may not supervise more than two pesticide applicators. (3-15-22)~~

~~10. **On-Site Supervision.** A noncertified applicator may apply general use and restricted use pesticides under on-site supervision by a professional applicator with the required license categories. The supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be able to direct the actions of the non-certified pesticide applicator. The supervising applicator may not supervise more than two non-certified pesticide applicators at one time. ( )~~

**Commented [RW7]:** No substantive changes. Definition of On-Site Supervision was updated to for added clarity.

~~2211. **Pesticide Drift.** Movement of pesticide dust or droplets through the air at the time of application or soon after, to any site other than the area intended. (3-15-22)~~

~~23. **Pressure Switch.** A device which will stop the chemical injection pump when the water pressure decreases to the point where chemical distribution is adversely affected. (3-15-22)~~

**Commented [RW8]:** Moved to the Chemigation Protocol to reduce red-tape.

~~2412. **Recertification.** The requalification of a certified person applicator through seminar attendance over a set period of time, or taking an examination at the end of a set period of time, to ensure that the person continues to meet the requirements of changing technology and maintains competence. (3-15-22)( )~~

~~25. **Reduced Pressure Principle Backflow Prevention Assembly (RP).** An assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. (3-15-22)~~

**Commented [RW9]:** Moved to the Chemigation Protocol to reduce red-tape.

~~2613. **Seminar.** Any Department-approved meeting-or activity convened for the purpose of presenting pesticide recertification information. (3-15-22) ( )~~

~~2714. **Sprinkler Irrigation.** Method of irrigation in which the water is sprayed, or sprinkled, through the air to the ground surface. (3-15-22)~~

~~28. **System Interlock.** Safety equipment used to ensure that a chemical injection pump will stop if the irrigation pumping plant stops to prevent the entire chemical mixture from emptying from the supply tank into the irrigation pipeline. The safety equipment may also be used to shut down the irrigation system if the injection system fails. (3-15-22)~~

~~29. **Vacuum Relief Valve.** A device to automatically relieve or break a vacuum. (3-15-22)~~

~~30. **Venturi.** A differential pressure injector that operates on a pressure difference between the inlet and outlet of the injector and creates a vacuum inside the body, which results in suction through the suction port. (3-15-22)~~

~~31. **Venturi Injection System.** A chemical injection system which operates with a Venturi using the suction from the Venturi that can be used to inject and mix chemicals into the water. (3-15-22)~~

~~32. **Working Pressure.** The internal operating pressure of a vessel, tank or piping used to hold or transport liquid. (3-15-22)~~

**Commented [RW10]:** Moved to the Chemigation Protocol to reduce red-tape.

~~3315. **Waters of the State.** Any surface waters such as canals, ditches, laterals, lakes, streams, or rivers. (3-15-22)~~

011. -- 099. (RESERVED)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. **LICENSING PROFESSIONAL APPLICATORS LICENSING.**

To obtain a professional applicator's license an applicant must: (3-15-22) ( )

01. **Submit Application.** Submit an application prescribed by the Department with applicable fee (Section 2580). (3-15-22)( )

02. **Demonstrate Competence.** (3-15-22)

a. All Professional applicators must pass the Applicator Core exam in addition to any other category.

Professional applicators may only chemigate, make pesticide recommendations, the application or make pesticide applications for any purpose for which they have demonstrated competence. Competence is demonstrated by passing Department examinations and becoming licensed in categories described the in Subsection 100.04 categories. (3-15-22)

**Commented [RW11]:** No substantive changes. Statement was added to meet certification requirements in 40 CFR 171.

b. An applicant will demonstrate core competency in ~~the following areas:~~ all standards outlined in 40 CFR 171.103(c) (3-15-22) ( )

~~i. Labels and labeling, including terminology, instructions, format, warnings and symbols. (3-15-22)~~

~~ii. Safety factors and procedures, including protective clothing and equipment, first aid, toxicity, symptoms of poisoning, storage, handling, transportation and disposal. (3-15-22)~~

~~iii. Laws, rules, and regulations governing pesticides. (3-15-22)~~

~~iv. Environmental considerations, including the effect of climate and physical or geographical factors on pesticides, and the effects of pesticides on the environment, and the animals and plants living in it. (3-15-22)~~

~~v. Mixing and loading, including interpretation of labels, safety precautions, compatibility of mixtures, and protection of the environment. (3-15-22)~~

~~vi. Methods of use or application, including types of equipment, calibration, application techniques, and prevention of drift and other types of pesticide migration. (3-15-22)~~

~~vii. Pests to be controlled, including identification, damage characteristics, biology and habitat. (3-15-22)~~

~~viii. Types of pesticides, including formulations, mode of action, toxicity, persistence, and hazards of use. (3-15-22)~~

~~ix. Chemigation practices involving the application of chemicals through irrigation systems, calibration, management, and equipment requirements. (3-15-22)~~

~~x. Responsibilities of supervision of noncertified applicators. (3-15-22)~~

03. **Certification and Department Examination Procedures.** Be certified by passing Department examinations with a minimum score of seventy percent (70%) in the applicable pesticide categories (Subsection 100.04). Examinations shall adhere to standards outlined in 40 CFR 171.103(a)(2). In addition, ~~Examinations are:~~ (3-15-22)( )

~~a. Presented and answered in a written or text-based format; (3-15-22)~~

~~b.a.~~ Proctored ~~and-monitored~~ by ISDA staff or ~~administered~~ by an authorized agent following approved Department procedures. (3-15-22)( )

~~e.~~ ~~Given only to a person who presents valid government-issued identification;~~ (3-15-22)

~~d.~~ ~~Secure with candidates not having verbal or non-verbal communication with anyone other than the proctor during the exam and only have access to reference materials provided by and collected by the proctor;~~ (3-15-22)

~~e.b.~~ Retaken after a minimum waiting period of one (1) ~~week day.~~ (3-15-22) ( )

f. Scores valid for twelve (12) months from the date of the examination. (3-15-22)

d. 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. ( )

iii. At any time, improperly access or attempt to improperly access the test site, the test (or any part of the test), an answer key, or any information about the test. ( )

iv. Engage in any way in:

(i) theft or attempted theft of test content through platform intrusion. ( )

(ii) post-exam manipulation of test content, responses, or test administration data. ( )

(iii) attempting to adversely impact the exam proctor, test center, or testing platforms through any means including cybersecurity means. ( )

v. Attempt to give or receive assistance, including by copying or through the use of an answer key. ( )

vi. Discuss, record, copy or share information about the test 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 (including before the test, during the test, during breaks, or after the test). ( )

vii. Communicate with other test takers or other individuals in any form while testing is in session. ( )

viii. Allow anyone to see your test questions or answers or attempt to see or copy others' test questions or answers. ( )

ix. Consult notes, other people, electronic devices, textbooks, or any other resources during the test or during breaks. ( )

x. Have subject-related information on your clothing, shoes, or body. ( )

xi. Use or access any prohibited items including devices or aids such as, but not limited to, mobile phones, smartwatches, fitness trackers, other oral or written communication devices or wearable

**Commented [HG12]:** This was a result of comments provided during our meeting with the IPMA

**Commented [RW13]:** Added to provide compliance with 40 CFR 171.103(a)

technology, cameras, notes, and reference books, etc., during or in connection with the test, including during breaks. ( )

xii. Fail to turn in or store away a mobile/smartphone in accordance with the test site's collection process. ( )

xiii. Use a prohibited calculator. ( )

xiv. Deliberately attempt to and/or take the test for someone else or attempt to have someone else impersonate you to take the test. ( )

04. **Categories.** All Professional Applicators must ~~Bb~~ be certified and licensed in Applicator Core Competency and one (1) or more of the following categories:

<b>Category Name</b>	<b>Category Description</b>
Applicator Core Competency (CC)	Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. This category is required for all Idaho categories.
Agricultural Herbicide (AH)	For conducting herbicide applications to field crops, including rights-of-way, forests and rangelands.
Agricultural Insecticide/Fungicide (AI)	For conducting insecticide and fungicide applications to field crops including in rights-of-way, forests, and rangelands.
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control.
Space (Area) Fumigation (AF)	For fumigating structures and spaces for pest control including buildings and similar structures, commodity storage facilities and containers, shipholds, railcars, RUP fumigant applications for burrowing rodent control, and sewer lines for root control.
Forest Environment (FE)	For application of pesticides to forests and rangelands, excluding vertebrate predator and avian control by U.S.D.A. Forest Service employees, Bureau of Land Management personnel, contractors, and private industry personnel.
Right-of-Way Herbicide (RW)	For the use of herbicides in the maintenance of rights-of-way, and similar terrestrial areas.

Public Health Pest (PH)	For the management and control of pests having medical and public health importance by employees of abatement districts and other public health related governmental entities.
Livestock Pest Control (LP)	For use of pesticides to control non-vertebrate pests on livestock or where livestock are confined, including the control of nuisance flying insects associated with livestock facilities.
Aerial Pest Control (AA)	For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft.
Ornamental Herbicide (OH)	For conducting outside urban or residential herbicide applications to turfs, flowers, shrubs, trees, and associated landscapes, excluding soil applied, total vegetation control pesticides.
Ornamental Insecticide/ Fungicide (OI)	For conducting outside urban or residential insecticide or fungicide applications to turfs, flowers, shrubs, trees and associated landscapes.
General Pest Control (GP)	For conducting pesticide applications in and around residential, commercial, or other buildings, excluding those applications applicable to Structural Pest Control (SP), Ornamental Herbicide (OH), and Ornamental Insecticide/Fungicide (OI) categories.
Structural Destroying Pest (SP)	For application of pesticides to control pests which destroy wooden structures.
General Vertebrate Control (GV)	For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS).
Rodent Control (RC)	For application of outdoor use non-fumigation rodenticides to control field rodents.
Aquatic Weed and Pest Control (AP)	For application of pesticides to control weeds and other pests to aquatic sites excluding those pests pertaining to the Public Health Pest Control (PH) category by employees of irrigation districts, canal companies, contractors, and others.



Seed Treatment (ST)	For application of pesticides to protect seeds used for plant reproduction.
Commodity Pest Control (CP)	For application of non-fumigation pesticides to control pests in stored commodities.
Potato-Cellar-Pest-Control (PC)	For application of storage-enhancing pesticides in potato cellars.
Chemigation (CH)	For application of chemicals through an irrigation system, excluding Aquatic Weed and Pest Control (AP) category.
Livestock Protection Collars (LPC)	For use of Livestock Protection Collars (LPC) containing the restricted use pesticide (RUP) Compound 1080 to control predatory coyotes by employees of the USDA/APHIS.
Wood Preservative (WP)	For application of wood preservatives.
Pest Control Consultant- Statewide (SW)	For consultations or recommendations to supply technical advice concerning the use of any pesticide for agricultural purposes.
Demonstration and Research (DR)	For application or supervision of the use of restricted use pesticides (RUPs) at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. The Pest Control Consultant Statewide (SW) is required.
Commercial Apprentice (CA)	For conducting General Use Pesticide (GUP) surface applications only in situations applicable to the OI, OH, AI, AH, GP, and RW categories. Persons with this category can only perform pesticide applications under limited supervision, and cannot make any soil-active Total Vegetation Control (TVC) pesticide applications or injectable applications to soil or plants. Applicators with this category cannot supervise other pesticide applicators. This license category will expire on December 31 <sup>st</sup> in the year it was obtained.

(3-15-22)

Category Name	Category Description
Applicator Core Competency (CO)	Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(c). This category is required for all Idaho Professional Pesticide Applicator Licenses.

**Commented [RW14]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

Agricultural Crop Pest Control (AC)	This category applies to commercial applicators who use or supervise the use of pesticides in production of agricultural commodities including grasslands, and non-crop agricultural lands. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(i).
Aerial Pest Control (AA)	For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15).
Anti-Fouling Coatings (AFC)	For applicators who use or supervise the use of anti-fouling coatings to control fouling organisms on aquatic vessels, underwater structures, and other similar structures. An applicant will demonstrate practical knowledge of problems caused by fouling organisms, methods of control using fouling organisms using through anti-fouling coatings, characteristics of antifouling coatings, alternative active ingredients other than copper-based paints, and best management practices for application and removal of anti-fouling coatings.
Agricultural Livestock Pest Control (LP)	For commercial applicators who use or supervise the use of pesticides on animals or to places on or in which animals are confined. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(ii).
Aquatic Weed and Pest Control (AP)	For commercial applicators who use or supervise the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in as specified in the Public Health (PH) category. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(5).
Chemigation (CH)	For commercial applicators who apply chemicals through an irrigation system, excluding applications made to control aquatic organisms. The application of pesticides through a chemigation system will require additional relevant professional applicator categories. An applicant will demonstrate practical knowledge of chemigation including backflow prevention, minimizing risks related to chemigation, and approved chemigation equipment.
Consultant and Research (CR)	For consultations or recommendations to supply technical advice concerning the use of agricultural pesticides and for the application or supervision of the use of restricted use pesticides (RUPs) for no compensation, to demonstrate the action of the pesticide or conduct research with restricted use pesticides. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(10).
<b>Category Name</b>	<b>Category Description</b>
Forest Pest Control (FP)	For commercial applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed production. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(2).
General Vertebrate Control (GV)	For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS). This category applies to professional applicators who use or supervise the use of sodium cyanide and sodium fluoroacetate to control regulated predators. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(11-12).
Industrial, Institutional, and Structural Pest Control (IP)	For commercial applicators who use or supervise the use of pesticides in, on, or around the following: Food handling establishments, packing houses, and food-processing facilities; human dwellings; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, grain elevators, and any other structures and adjacent areas, public or private, for the protection of stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7).

**Commented [RW15]:** To accurately reference the certification standards in 40 CFR 171 the Agricultural Herbicide (AH), Agricultural Insecticide (AI), and Rodent Control (RC) categories were combined into the Agricultural Crop Pest Control (AC).

**Commented [RW16]:** This is a new category to provide applicators a means for compliance. Anti-Fouling Coatings are registered for sale and use in Idaho, but there is no applicable category for compliance

**Commented [RW17]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW18]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW19]:** No substantive changes. Description was edited to provide clarification regarding the need for additional relevant categories for pesticide application through chemigation systems.

**Commented [RW20]:** No substantive changes. The former Demonstration and Research (DR) and Statewide Consultant (SW) categories were combined. Formerly, the SW exam qualified a license holder to receive the DR category without additional exams. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW21]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW22]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW23]:** 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 were 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.

Microbial Pest Management (MP)	For applicators who use pesticides to manage bacteria, fungi, algae, or viruses, in cooling towers, air washers, evaporative condensers, food processing facilities, swimming pools, pulp and paper mills, sewer treatment, residential and commercial building, other applications, including but not limited to janitorial services. An applicant will demonstrate practical knowledge of microbial pests including, but not limited to principles and methods of microbial control, types of antimicrobial pesticides, and factors affecting use of antimicrobial pesticides, to, and contamination of areas treated, acute and chronic exposure of people and pets, and non-target exposures.
Non-Soil Fumigation (NS)	For commercial applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(14).
Ornamental Pest (OP)	For commercial applicators who use or supervise the use of pesticides to control pests in the maintenance and production of ornamental plants and turf. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(3).
Public Health Pest (PH)	For State, Tribal, Federal or other governmental employees and contractors who use or supervise the use of pesticides in government-sponsored public health programs for the management and control of pests having medical and public health importance. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(8).
Regulatory Pest Control (RP)	For State, Tribal, Federal, or other local governmental employees and contractors who use or supervise the use of restricted use pesticides in government-sponsored programs for the control of regulated pests. Certification in this category does not authorize the purchase, use, or supervision of use of products for predator control pesticides listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(9).
Right-of-Way Herbicide (RW)	For commercial applicators who use or supervise the use of pesticides in the maintenance of roadsides, powerlines, pipelines, and railway rights-of-way, and similar areas. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(6).
<b>Category Name</b>	<b>Category Description</b>
Seed Treatment (ST)	For commercial applicators using or supervising the use of pesticides on seeds in seed treatment facilities. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(4).
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(13).

**Commented [RW24]:** This is a new category to provide applicators a means for compliance. Professional Anti-Microbial pesticide applicators are required to be licensed, but there is no applicable category for licensure for compliance.

**Commented [RW25]:** No substantive changes from the Area Fumigation category (AF). Description language and CFR reference updated to accurately reference 40 CFR 171.

**Commented [RW26]:** To accurately reference the certification standards in 40 CFR 171, the Ornamental Herbicide (OH) and Ornamental Insecticide Fungicide categories were combined into the Ornamental Pest 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.

**Commented [RW27]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW28]:** New category based on the CFR.

**Commented [RW29]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW30]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW31]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

a. **Professional Commercial Apprentice License.** For conducting General Use Pesticide (GUP) surface applications only in situations applicable to the MP, OP, AC, IP, and RW categories. To obtain a Professional Commercial Apprentice License the applicant must pass the Applicator Core Competency exam with a minimum score of 70% or better, and meet the requirements as outlined in section 100. Persons with this license may only perform pesticide applications under limited supervision of a properly certified professional applicator. Applicators with this license cannot supervise other pesticide applicators. This license will expire one year from the date of issuance. The Professional Commercial Apprentice License is non-renewable.

**Commented [HG32]:** This was a result of comments provided during our meeting with the IPMA

b. Professional applicators who engage in janitorial services and use pesticides for cleaning, surface sanitation and similar activities using general use pesticides with the labeled signal words Warning or Caution, are exempt from professional applicator licensing requirements as outlined in § 22-3404 (2)(3)(4) Idaho Code.

**Commented [HG33R32]:** Per Ryan: The change from the expiration on 12/31 of the year issued to 1 year from the date of issuance was requested by the IPMA.

05. **Records Requirements.** Maintain pesticide application records for three (3) years, ready to be

**Commented [RW34]:** Exemption from licensure for cleaning companies using low toxicity pesticides for sanitation.

inspected, duplicated, or submitted when requested by the Director. Such records shall contain: (3-15-22)

- a. The name and address of the owner or operator of each property treated; (3-15-22)
- b. The specific crop, animal, or property treated; (3-15-22)
- c. The location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated; (3-15-22)
- d. The size or amount of specific crop, animal, or property treated; (3-15-22)
- e. The trade name or brand name of the pesticide applied; (3-15-22)
- f. The total amount of pesticide applied; (3-15-22)
- g. The dilution applied or rate of application; (3-15-22)
- h. The EPA registration number of the pesticide applied; (3-15-22)
- i. The date of application; (3-15-22)
- j. The time of day when the pesticide is applied; (3-15-22)
- k. The approximate wind velocity; (3-15-22)
- l. The approximate wind direction; (3-15-22)
- m. The full name of the person recommending the pesticide application; (3-15-22)
- n. The full name of the professional applicator applying the pesticide; (3-15-22)
- o. The license number of the professional applicator applying the pesticide; (3-15-22)
- p. Full name and license number of professional applicator supervising the pesticide application of the professional applicator holding the Apprentice Category (CA); (3-15-22)
- q. Worker protection information exchange, if required, prior to pesticide application, including name of grower or operator contacted and date and time of contact. (3-15-22)

**065. Financial Responsibility.** Submits written proof of financial responsibility by any of the following methods: (3-15-22)

- a. Liability insurance with an insurance company licensed to do business in Idaho and documented on a form approved by the Director; (3-15-22)
- b. A bond that is approved by the Director; (3-15-22)
- c. A cash certificate of deposit in escrow with a bank or trust company; (3-15-22)
- d. An annuity issued by an insurance company, bank or other financial institution found acceptable to the Director; (3-15-22)
- e. An irrevocable letter of credit issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. (3-15-22)
- f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as

trustee and remain on file with the Department until it is released, canceled, or discharged by the Director. Any certificate of deposit, annuity, or irrevocable letter of credit must maintain a cash value equal to the requirements of Subsection ~~250.02~~ 100.05.b, less any penalty for early withdrawal. Accrued interest upon a certificate of deposit or annuity shall be payable to the purchaser of the certificate or annuity. (3-15-22)( )

g. Exclusions. Any exclusion to liability insurance, bond, cash certificate of deposit, annuity or irrevocable letter of credit coverage shall be listed on a form approved by the Director. (3-15-22)

h. Minimum Coverage Required. (3-15-22)

i. Bodily injury - fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000) per occurrence. (3-15-22)

ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (3-15-22)

iii. Maximum deductible - five thousand dollars (\$5,000). (3-15-22)

i. Target Property Not Required to Be Covered. The immediate property being treated is not required to be covered. (3-15-22)

j. Cancellation or Reduction. The applicator must notify the Department in writing immediately after cancellation or reduction of the financial coverage. (3-15-22)

**076. Licensing Periods and Recertification.** The recertification period for professional applicators will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. ~~The apprentice category (CA) will not be able to recertify. This license category will expire on the 31st of December in the year that it was issued. In order f~~ or a professional applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, ~~inclusive~~, expire on December 31st in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, ~~inclusive~~, expire on December 31st in every even-numbered year. The apprentice license may not be recertified and will expire one year from the date that it was issued. Recertification requirements may be accomplished by complying with either Subsection 100.076.a. or 100.076.b. Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed. (3-15-22)( )

**Commented [RW35]:** Language to clarify that a license is active upon issuance.

**Commented [RW36]:** At the request of the IPMA the Professional Commercial Apprentice license would be valid for 1 year from the date of issuance.

a. Continuing Education: To recertify, ~~Aan~~ person applicator must accumulate fifteen (15) recertification credits during their recertification period, by attending Department-accredited pesticide ~~instruction~~ seminars ~~and which~~ meet the following criteria: (3-15-22)( )

**Commented [RW37]:** No substantive changes. Language was amended to match the recertification process between Professional and Private applicators.

i. ~~Complete a minimum of fifteen (15) credits, based upon~~ One (1) credit is issued for each one (1) hour of instruction ~~for each recertification period.~~ (3-15-22)( )

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department not less than thirty (30) days prior to the scheduled seminar. ~~Under exceptional circumstances, as described in writing by the person requesting accreditation, the thirty (30) day requirement may be waived.~~ (3-15-22)( )

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification. (3-15-22)

iv. Verification of attendance at a seminar is accomplished by validating the attendee's pesticide

license, using a ~~stamp, sticker, or other~~ method approved by the Department. Verification of attendance must be submitted with the license renewal application. (3-15-22)( )

v. ~~Excess credits may not be carried over to the next recertification period.~~ ( )

vi. ~~Upon earning the recertification credits as described above, license holder is recertified for the next recertification period corresponding with the next issuance of a license, provided that the license renewal application is submitted within twelve (12) months after the expiration date of the license.~~ ( )

b. **Recertification by Examination:** ~~A person certified applicator who~~ passes the Department's recertification and Applicator Core Competency (CO) ~~recertification~~ examination plus examinations for all categories in which ~~a person they~~ intends to license. (3-15-22)( )

i. ~~Recertification e~~ examinations may be taken by a professional applicator beginning the thirteenth month of the recertification period. ~~Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period.~~ (3-15-22)( )

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (3-15-22)

iii. ~~Excess credits may not be carried over to the next recertification period, if a person accumulates more than fifteen (15) credits during the recertification period.~~ (3-15-22)

iv. ~~Upon earning the recertification credits as described above, license holder is recertified for the next recertification period corresponding with the next issuance of a license, provided that the license renewal application is submitted within twelve (12) months after the expiration date of the license.~~ (3-15-22)

e. ~~Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate recertification examination(s) before being licensed.~~ (3-15-22)

~~d.c.~~ The Department may grant variances in the recertification of professional applicators<sup>2</sup> and dealers<sup>2</sup> licenses. Issuance of variances will not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (3-15-22)( )

d. Licenses are eligible for renewal no sooner than **45 days from the expiration date.** ( )

**Commented [RW38]:** No substantive changes. Language was amended to match the recertification process between Professional and Private applicators.

**101. Professional Applicator Record Keeping Requirements.**

**01. Maintain pesticide application records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain:**

a. Name and address of the owner or operator of each property treated; (3-15-22) ( )

b. Specific crop, animal, or property treated; (3-15-22) ( )

c. Location by the address, general legal description (township, range, and section) or latitude/ longitude of the specific crop, animal, or property treated; (3-15-22) ( )

d. Size or amount of specific crop, animal, or property treated; (3-15-22) ( )

e. Trade name or brand name of the pesticide applied; (3-15-22) ( )

f. Total amount of pesticide applied; (3-15-22) ( )

g. Dilution applied or rate of application; (3-15-22) ( )

**Commented [RW39]:** This is a logistical requirement for our licensing team to process licenses

- h. EPA registration number of the pesticide applied: (3-15-22) ( )
- i. Date of application: (3-15-22) ( )
- j. Time of day when the pesticide is applied: (3-15-22) ( )
- k. Approximate wind velocity: (3-15-22) ( )
- l. Approximate wind direction: (3-15-22) ( )
- m. Full name of the person recommending the pesticide application (3-15-22) ( )
- n. Full name of the professional applicator applying the pesticide; (3-15-22) ( )
- o. License number of the professional applicator applying the pesticide; (3-15-22) ( )
- p. Full name and license number of the professional applicator supervising the pesticide application of the Apprentice License holder. (3-15-22) ( )
- q. Worker protection information exchange, if required, prior to pesticide application, including name of grower or operator contacted and date and time of contact. (3-15-22) ( )

**1012. -- 149. (RESERVED)**

**150. PRIVATE APPLICATOR LICENSING.**

To obtain a private applicator's license, an applicant must:

**01. Applying for a Private Applicator's License.** To obtain a private applicator's license and applicant must: (3-15-22)

**a.01. Submit Application.** Submit an application prescribed by the Department with applicable fee(s) (Section 2580); (3-15-22) ( )

**02. Demonstrate Competence.**

**b. a. Private applicators may only chemigate or make pesticide applications using RUP's in categories for which they have demonstrated competency by passing an Department examination based on the a US Environmental Protection Agency (EPA) approved eCore/Private Applicator manual, with a minimum score of seventy percent (70%). Examination scores are valid for twelve (12) months after the date of the examination. The examination procedure is the same as for professional applicators must follow the procedures outlined in (Subsection 100.023).** (3-15-22)( )

**b. An applicant will demonstrate competency as in all standards outlined for Professional Applicators (Subsection 100.01) in 40 CFR 171.105(a).** (3-15-22)( )

**023. License Categories.** Private applicators must be certified in the PA category as a prerequisite to all other Private Applicator categories: (3-15-22) ( )

**a. Private applicators are certified and licensed in one (1) or more of the following categories:**

Category-Name	Category-Description

Restricted-Use Pesticide (RU)	For use or supervision of restricted use pesticides to produce agricultural commodities or forest crops on land owned or operated by applicator or applicator's employer.
Aerial Pest Control (AA)	For application of pesticides to all application sites owned or operated by applicator or applicator's employer by operating or flying fixed-wing or rotary aircraft.
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned or operated by applicator or applicator's employer for the growing of agricultural commodities, excluding rodent control.
Space (Area) Fumigation (AF)	For fumigating structures and spaces for pest control with a Restricted-Use Pesticide (RUP) including buildings and similar structures, commodity storage facilities and containers, shipholds, railcars owned or operated by applicator or applicator's employer and for RUP fumigant applications for burrowing rodent control.
Chemigation (CH)	For application of chemicals through irrigation systems on land owned or operated by applicator or applicator's employer.

(3-15-22)

Category Name	Category Description
Private Applicator (PA)	For use or supervision of restricted use pesticides to produce agricultural commodities on land owned or operated by applicator or applicator's employer. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the predator control categories outlined in 40 CFR 171.105(b)(c). PA is prerequisite for all Idaho Private Applicator license categories. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(a).
Aerial Pest Control (AA)	For application of pesticides to all sites owned or operated by an applicator or applicator's employer by operating or flying fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f).
Chemigation (CH)	For application of chemicals through an irrigation system, excluding pesticides to control aquatic organisms. Chemigation of pesticides will require additional relevant private applicator categories. An applicant will demonstrate practical knowledge of chemigation including backflow prevention, minimizing risks related to chemigation, and approved chemigation equipment.
Non-Soil Fumigation (NS)	For applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(e).
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned or operated by applicator or applicator's employer for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(d).

( )

**Commented [RW40]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW41]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW42]:** No substantive changes. Description was edited to provide clarification regarding the need for additional relevant categories for pesticide application through chemigation systems.

**Commented [RW43]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

**Commented [RW44]:** No substantive changes. Description was edited to accurately reference certification standard in 40 CFR 171.

03. License Periods and Recertification. ~~In order~~ The recertification period for a private applicator's



license to be renewed, the license holder must complete the recertification provisions of this section. will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. Licenses belonging to private applicators with last names beginning with A through L, ~~inclusive~~, expire on the last day of the month listed on the chart in Subsection 150.03.a. in every odd-numbered year, and licenses belonging to private applicators with last names beginning with M through Z, ~~inclusive~~, shall expire on the last day of the month listed on the chart in Subsection 150.03.a., in every even-numbered year. ~~The recertification period is concurrent with the licensing period. Any person with less than thirteen (13) months in the initial licensing period is not required to obtain recertification credits for the initial period.~~ Recertification and relicensing may be accomplished by complying with either Subsection ~~0~~150.03.b. or ~~0~~150.03.c. ~~Any person with less than thirteen (13) months in the initial licensing period is not required to obtain recertification credits for the initial period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed.~~ (3-15-22)( )

a. Licensing schedule.

Last Name		Month to License
Odd Year	Even Year	
A-D	M-P	March
E-H	Q-T	July
I-L	U-Z	October

(3-15-22)

b. ~~Continuing Education: To recertify, A an person applicator must accumulates six (6) recertification credits during their recertification period, by attending Department-accredited pesticide instruction seminars, which meet the following criteria:~~ (3-15-22)( )

**Commented [RW45]:** No substantive updates. Edited to match formatting between Private and Professional licenses.

i. ~~A minimum of six (6) credits shall be earned during each recertification period.~~ (3-15-22)

ii. ~~One (1) credit is issued for each one (1) hour of instruction.~~ ( )

iii. ~~To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department not less than thirty (30) days prior to the scheduled seminar.~~ ( )

iv. ~~The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification.~~ ( )

v. ~~Verification of attendance at an accredited event is accomplished by validating the attendee's pesticide license, using a method approved by the Department. Verification of attendance must be submitted with the license renewal application.~~ ( )

vi. ~~Guidelines for obtaining recertification credits are described in Subsections 100.06.a.ii. through 100.06.a.v. Any Excess credits accumulated beyond the required six (6) in a recertification period may not be carried over to the next recertification period.~~ (3-15-22)( )

vii. ~~Upon earning the recertification credits, a person is eligible for license renewal as described above, license holder is recertified for the next licensing period, recertification period corresponding with the next issuance of a license, provided that the license renewal application is submitted within twelve (12) months from the expiration date of the license.~~ (3-15-22)( )

c. **Recertification by Examination:** A person certified applicator passes the Department's private applicator ~~recertification~~ examination(s) for all categories in which they person intends to license ~~with a minimum score of seventy percent (70%)~~. (3-15-22)( )

i. ~~Recertification e~~Examinations may be taken beginning the thirteenth (13th) month of the license period. (3-15-22)( )

ii. The examination procedures as outlined in Subsection 100.03 will be followed, ~~except that examination fees are not assessed~~. (3-15-22)( )

iii. Upon passing the ~~recertification~~ examinations, a person is eligible for license renewal for the next licensing period. For the purpose of becoming licensed, ~~recertification~~ examination scores are valid for twelve (12) months after the date of the examination. (3-15-22)( )

d. The Department may issue variances for the requirements delineated in Subsection 150.03 in the recertification of private applicators' licenses. Issuance of variances do not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (3-15-22)

e. Licenses are eligible for renewal no sooner than 45 days from the expiration date. ( )

**Commented [RW46]:** This is a logistical requirement for our licensing team to process licenses

151. -- 199. (RESERVED)

## 200. LICENSING OF PESTICIDE DEALERS LICENSING.

To obtain a pesticide dealer's license, an applicant must:

~~01. Obtaining Pesticide Dealer's License.~~ To obtain a pesticide dealer's license an applicant must: (3-15-22)

~~a. 01. Submit Application.~~ Submit an application prescribed by the Department with applicable fee(s) (Section 2580); (3-15-22)( )

~~b.a. Obtain~~ Must hold a valid license with in the appropriate professional agricultural category(s) listed in Subsection 100.04 that pertains to the types of restricted use pesticides sold or distributed. (3-15-22)( )

~~e.b.~~ Be renewed after August 31 on even numbered years for a twenty-four (24) month duration. (3-15-22)

c. Licenses are eligible for renewal no sooner than 45 days from the expiration date. ( )

**Commented [RW47]:** This is a logistical requirement for our licensing team to process licenses

~~02. Selling GUPs.~~ Persons selling GUPs will not be required to obtain a pesticide dealer license, or maintain distribution records of these products. ( )

## 201. RUP Dealer Records Requirements:

~~401. Records Requirements.~~ Maintain, in a location designated by the pesticide dealer, restricted use pesticide distribution records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records must include the following: (3-15-22)( )

**Commented [RW48]:** Record keeping is not a requirement for RUP Dealers to "Obtain" a license. Record keeping requirements were moved out of the

i. The name and address of the person purchasing or receiving the restricted use pesticide (RUP); and (3-15-22)

ii. The certified applicator name, license number, license issuing authority, relevant certification category, and expiration date of the license for the person certified to use the RUP; or (3-15-22)( )

**Commented [RW49]:** Additional dealer record keeping requirements were added to comply with 40 CFR 171.311(f)

iii. In the case of distribution of a RUP to another pesticide dealer, the name, license number, and expiration date of the license of the licensed pesticide dealer. (3-15-22)

iv. The brand name and Environmental Protection Agency (EPA) Registration Number for each RUP distributed; and if applicable, include any emergency exemption or State special local need registration number.

(3-15-22)( )

v. Date of the distribution of each RUP; and (3-15-22)

vi. The quantity and size of each RUP container distributed and the total quantity of RUP distributed; and (3-15-22)

vii. The pesticide dealer's name, address, and pesticide dealer license number distributing the RUP. (3-15-22)

~~02. Selling GUPs. Persons selling only GUPs will not be required to obtain a pesticide dealer license or maintain distribution records of these products.~~ (3-15-22)( )

~~2012.~~ -- 249. (RESERVED)

#### 250. CHANGE OF LICENSE STATUS.

01. **Change Notification.** Any person who is licensed by this act will immediately notify the Director, in writing, of any change of status of any person or agent so named, or of any change in the business name, organization, or any other information shown in the licensing application. (3-15-22)

02. **Transferability.** Licenses are not transferable. (3-15-22)

251. -- 279. (RESERVED)

### SUBCHAPTER B – FEES

#### 280. FEES.

01. **Pesticide Registration.** One hundred sixty dollars (\$160) per product. (3-15-22)

02. **Professional Applicator's License.** One hundred twenty dollars (\$120) per licensing period of fourteen (14) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less. (3-15-22)

03. **Commercial Apprentice (CA) Applicator's License.** Sixty dollars (\$60) per licensing period of twelve (12) months or less. (3-15-22)

04. **Private Applicator's License.** A Restricted Use Category, ten dollars (\$10); a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories. (3-15-22)

05. **Pesticide Dealer's License.** One hundred dollars (\$100) per licensing period of fourteen (14) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less. (3-15-22)

06. **Examination Fee per Examination Category.** Ten dollars (\$10). (3-15-22)

281. -- 349. (RESERVED)

### SUBCHAPTER C – REGISTRATION AND USE OF PESTICIDES

**350. EXPERIMENTAL PERMITS.**

Any person who wishes to obtain an experimental permit to register a pesticide ~~for a special local need~~ under Section 22-3402(5), Idaho Code, must file an application with the Department which includes: (3-15-22) ( )

- 01. **Name.** Company name. (3-15-22)
- 02. **Applicant.** Name, address, and telephone number of the applicant. (3-15-22)
- 03. **Shipment.** Proposed date of shipment or proposed shipping period not to exceed one (1) year. (3-15-22)
- 04. **Active Ingredient.** A statement listing the active ingredient. (3-15-22)
- 05. **Quantity Statement.** A statement of the approximate quantity to be tested. (3-15-22)
- 06. **Acute Toxicity.** Available data or information or reference to available data on the acute toxicity of the pesticide. (3-15-22)
- 07. **Statement of Scope.** A statement of the scope of the proposed experimental program, including the type of pests or organisms involved, the crops and animals for which the pesticide is to be used, the areas where the applicant proposes to conduct the program, and when requested by the Director, the results of previous tests. (3-15-22)
- 08. **Temporary Tolerance.** ~~When If~~ the pesticide is to be used on food or feed, a temporary tolerance must be obtained from the EPA or evidence that the proposed experiment will not result in injury to humans or animals, or illegal residues entering the food chain. A temporary tolerance is not needed if the food, feed, or fiber crop to which the experimental pesticide is applied will be completely destroyed after the data is collected. (3-15-22) ( )
- 09. **Proposed Labeling.** Proposed labeling which must bear: (3-15-22)
  - a. The prominent statement "For Experimental Use Only" on the container label and any labeling that accompanies the product. (3-15-22)
  - b. An adequate caution or warning statement to protect those who may handle or be exposed to the experimental formulation. (3-15-22)
  - c. Name and address of the applicant for the permit. (3-15-22)
  - d. Name or designation of the formulation. (3-15-22)
  - e. Directions for use. (3-15-22)
  - f. A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients. (3-15-22)
- 10. **Quantity Limit.** The Director may limit the quantity of pesticide covered by the permit or make such other limitations as may be determined necessary for the protection of humans or the environment. (3-15-22)
- 11. **Experimental Use.** A pesticide for experimental use will not be offered for sale unless a written permit has been obtained from the Director. (3-15-22)

351. -- 399. (RESERVED)

**400. PESTICIDE RESTRICTIONS.**

- 01. **Application of Restricted Use Pesticides by Noncertified Applicators.** An ~~non~~certified

applicator may apply restricted use pesticides (RUPs) under on-site supervision by a professional applicator with the required license categories of the application being supervised if: (3-15-22)( )

a. ~~One or both of the following conditions are met:~~ Noncertified applicator has completed the following training within twelve (12) months prior to application: (3-15-22)( )

i. ~~Uncertified applicator completes Applicator Core Competency (CO).~~ (3-15-22)

ii. ~~Uncertified applicator has completed~~ EPA approved Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. (3-15-22)( )

ii. The safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides. ( )

b. The ~~non~~certified application of any pesticide is prohibited for: (3-15-22)( )

i. Soil or ~~area (space)~~ non-soil fumigation; (3-15-22)( )

ii. Aerial application ~~of pesticides.~~ (3-15-22)( )

iii. Professional applications conducted by a persons under eighteen (18) years of age. ( )

c. Maintain noncertified applicator training records for three (3) years, ready to be inspected duplicated or submitted when requested by the Director. Such records shall contain: ( )

i. Noncertified applicator's printed name and signature. ( )

ii. Date of training. ( )

iii. Full name of the person who provided the training. ( )

iv. Trainer's qualification to conduct training. ( )

v. Title or a description of the training provided. ( )

vi. If the noncertified applicator is a licensed applicator who is not certified to perform the type of application being conducted while under on-site supervision by a professional applicator, the record must include all of the following information: ( )

(a) Noncertified applicator's name. ( )

(b) Noncertified applicator's license number. ( )

(c) Expiration date of the noncertified applicator's license. ( )

(d) Certifying authority that issued the license. ( )

d. Requirements for supervisors of noncertified applicators of RUPs under on-site supervision. A certified applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under his or her on-site supervision: ( )

i. The noncertified applicator must have access to the applicable product labeling at all times during its use. ( )

**Commented [RW50]:** Updated language for noncertified applicators as required by 40 CFR 171.

ii. Where the labeling of pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the noncertified application has been provided clean, label required personal protective equipment in proper operating condition and the personal protective equipment is used correctly. ( )

iii. The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. ( )

iv. The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment. ( )

v. The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under his or her direct supervision. ( )

vi. The certified applicator must be physically present at the site of the use being supervised. ( )

vii. The certified applicator must create or verify the existence of the records required by 400.01(c). ( )

**02. Application of General Use Pesticides by Noncertified Applicators.** A Professional Commercial Apprentice applicator may apply general use pesticides (GUPs) under MP, OIP, OH, AIC, AH, GP, and RW categories with limited supervision by a professional applicator that has the required license categories of the application being supervised if: ( )

(3-15-22)

a. All of the following conditions are met: (3-15-22)

i. The Professional Commercial Apprentice applicator has a valid ~~(CA)~~ license category. (3-15-22)( )

ii. Immediate communication requirements exist between the supervising professional applicator and the Commercial Apprentice applicator. (3-15-22)

b. Applications of RUPs; ~~Total Vegetation Control pesticide, or injectables to soil or plants~~ are prohibited under the Professional Commercial Apprentice CA license category. (3-15-22)( )

**03. Mixer-Loaders.** No person will act as a mixer-loader for a professional applicator without first obtaining annual training. (3-15-22)

a. Training will be conducted and certified by the professional applicator who employs the mixer-loader. ~~Certification of training on a form prescribed by the Department must include the signatures of both the mixer-loader and the professional applicator providing the training. Training recordkeeping requirements for mixer-loaders shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (400.01(c)).~~ (3-15-22)( )

b. Training ~~includes areas relevant to the pesticide mixing and loading operation and instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment;~~ requirements shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (400.01(a)). (3-15-22)( )

**04. Non-Domestic Pesticides Restrictions.** (3-15-22)

**a.** Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. (3-15-22)

i. Bidrin (Foliar applications). (3-15-22)

ii. Strychnine (one percent (1%) and above). (3-15-22)

iii. Zinc Phosphide (two point one percent (2.1%) and above). (3-15-22)

**b.** Ester Restriction. Low volatile liquid ester formulations of herbicides shall not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees Fahrenheit during the day of application. (3-15-22)

**05. Restrictions to Protect Pollinators.** (3-15-22)

**a.** Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. (3-15-22)

**b.** Green Pea Exception. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time. (3-15-22)

**c.** Other Exceptions. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. (3-15-22)

**06. Deviations from Pesticide Labels and Labeling.** Any licensed professional or private applicator may deviate from pesticide label directions for use only as EPA or state laws, rules, and regulations permit.(3-15-22)

**07. Wind Velocity Restrictions.** No person will apply pesticides in sustained wind speeds that exceed the product label directions. If a pesticide label does not state a specific wind speed limitation, pesticides will not be applied in sustained wind conditions exceeding ten (10) miles per hour. (3-15-22)

**a.** Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. (3-15-22)

**b.** Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis. (3-15-22)

**c.** Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed. (3-15-22)

**08. Phenoxy Herbicide Restrictions.** (3-15-22)

**a.** High Volatile Ester Restrictions. No aircraft pilot will apply high volatile ester formulations of 2,4-D: (3-15-22)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (3-15-22)

ii. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (3-15-22)

iii. Waiver of the restriction ~~is in~~ Subsections 400.058.a.i. and 400.058.a.ii. may be issued on a project-by-project basis by the Director. (3-15-22)( )

b. Low Volatile Ester Restrictions. No aircraft pilot will apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (3-15-22)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees Fahrenheit within twenty-four (24) hours of the expected application time, or (3-15-22)

ii. Within one (1) mile of a hazard area in any other county in Idaho. (3-15-22)

iii. Waiver of the restriction in Subsection 400.058.b.i. may be issued on a project-by-project basis by the Director. (3-15-22)( )

c. A continuous smoke column or other device satisfactory to the Director will be employed to indicate to the pilot of any aircraft the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke, at the time and place of application when applying any formulation of 2,4-D; MCPA; MCPB and Dicamba. (3-15-22)

09. **Pesticide-Fertilizer Mix Restrictions.** No person will distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (3-15-22)

10. **Pesticide Drift Prohibitions.** The application of pesticides that results in drift outside of the target area is prohibited. (3-15-22)

401. -- 449. (RESERVED)

**450. PESTICIDE USE ON SEED CROP FIELDS.**

01. **Nonfood and Nonfeed Site Conditions.** For purposes of pesticide registration, all alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, and turnip seed crop fields are considered nonfood and nonfeed sites for pesticide use and the following conditions will be met: (3-15-22)

a. No portion of the seeds listed in Section 450.01, including but not limited to seed screenings, green chop, hay, chaff, combine tailings, pellets, meal, whole seed and cracked seed, may be grazed, used, or distributed for food or feed purposes. (3-15-22)

b. The seed conditioner will keep records of individual growers' seeds listed in Section 450.01 dirt weight and clean weight for three (3) years and will furnish the records to the Director upon request. (3-15-22)

c. All seed screenings will be disposed of at a sanitary landfill, incinerator, or other equivalent disposal site or by a procedure approved by the Director. (3-15-22)

d. The seed conditioner will keep seed screening disposal records for three (3) years from the date of disposal and will furnish the records to the Director upon request. Disposal records will consist of documentation from the disposal site and show the total weight of disposed screenings and the date of disposal. (3-15-22)

e. All seeds listed in Section 450.01 grown or conditioned in this state will bear a tag or container label which forbids the use of the seed for human consumption or animal feed. (3-15-22)

f. No seeds listed in Section 450.01 grown or conditioned in this state will be distributed for human consumption or animal feed. (3-15-22)



g. All portions of the seeds listed in Section 450.01, including but not limited to seed screenings, pellets, meal, whole seed and cracked seed may be composted. All composted material may be applied to agricultural crop land as approved by the Director. (3-15-22)

**02. Exemption.** Alfalfa seed, kale seed and radish seed crops grown for human consumption are exempt from the requirements of Subsection ~~8045~~0.01 provided: (3-15-22)( )

a. All pesticides used are labeled for use on alfalfa seed, kale seed, and radish seed crops and have established residue tolerances which allow food or feed use; and (3-15-22)

b. All producers maintain for three (3) years complete records of all pesticides applied as specified in Pesticide Use and Application Rules Subsection ~~1500.025~~. (3-15-22)( )

451. – 499. (RESERVED)

**500. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.**

**01.** The Director or designated agent may, if deemed necessary for the protection of the environment, take possession and dispose of canceled, suspended, or otherwise unusable pesticides. (3-15-22)( )

**02.** A person shall not dispose of or handle any pesticide or any pesticide containing material as follows: ( )

a. In a manner that results in generating hazardous waste. ( )

b. So as to violate any state or federal pollution control statute. ( )

c. So as to cause or allow burying in a land site in a manner that is not in compliance with applicable state and federal solid waste regulations. ( )

d. So as to cause or allow the storage of pesticides or pesticide-containing materials, including rinsate or wash water, in underground tanks. This prohibition does not apply to watertight catch basins that are used for temporary collection or other recirculating systems as approved by the director. ( )

**Commented [RW51]:** Prohibition against dumping of pesticides as to generate hazardous waste.

501. – 549. (RESERVED)

**550. STORAGE OF PESTICIDE CONTAINERS.**

**01. Protecting Humans and Environment.** No person will handle, transport, display, or distribute pesticides in such a manner as to endanger humans and their environment, or to contaminate food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. (3-15-22)

**02. Storage by Professional Applicators or Restricted Use Pesticide Dealers.** Storage of pesticide containers by professional applicators and ~~pesticide~~ RUP dealers must meet the following conditions:(3-15-22)( )

a. Pesticide containers ~~which contain Class 1 — highly toxic pesticides (LD50 of 50 or below) and which require the skull and crossbones insignia and the words “Danger/Danger — Poison” on the label; and Class 2 (moderately toxic) pesticides (LD50 — 500) which carry a “Warning” statement on the label; and Class 3 (slightly toxic) pesticides (LD50 of 500-5000) and which carry a “Caution” statement on the label,~~ will be stored in one of the following enclosures which when unattended will be locked to prevent unauthorized persons, livestock or animals from gaining entry: (3-15-22)( )

i. Closed vehicle; (3-15-22)

ii. Closed trailer; (3-15-22)

- iii. Building or room; (3-15-22)
- iv. Fenced area with a fence at least six (6) feet high; (3-15-22)
- v. Truck or trailer with solid sideracks and secured tailgate at least six (6) feet above ground level. (3-15-22)

b. Pesticide containers ~~which contain Class 4 pesticides (LD50 over 5000)~~ will be stored in secured storage out of the reach of children in one of the above enclosures. (3-15-22)( )

c. Warning notices, must be posted and visible from any direction all approachable sides of the pesticide storage area, and will be posted around all storage areas where pesticide containers which hold or have held pesticides required to be labeled with the signal words "Warning" or "Danger—Poison" are stored. Each warning notice will be of such size that it is readable at a distance of twenty-five (25) feet and must be substantially as follows:

**“D A N G E R”**

**“POISON STORAGE AREA  
ALL UNAUTHORIZED PERSONS  
KEEP OUT”**

The notice will be repeated in an appropriate language other than English when it may be reasonably anticipated that persons who do not understand the English language will come to the enclosure. The notice will also contain the name and telephone number of a person to contact in case of an emergency. (3-15-22)( )

**03. Exceptions.** The provisions of Subsection 550.02 shall not apply to drums of petroleum oils, lime sulfur, and copper sulfate. (3-15-22)

**04. Disposal.** Any person applying pesticides shall be responsible for the proper disposal of such empty containers. (3-15-22)

**05. 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. ( )
- 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. ( )

**Commented [RW52]:** The spill response plan is a resource for applicators to reduce the impact of pesticide spills. Pesticide stewardship will extend the availability of pesticides for applicators, reduce/eliminate extensive cleanup costs accrued from larger spills, and protect the environment.

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. ( )

551. -- 599. (RESERVED)

#### SUBCHAPTER D – CHEMIGATION

##### 600. GENERAL CHEMIGATION REQUIREMENTS.

**01. Pesticides Labeled for Chemigation.** The chemigator will use only pesticides labeled for chemigation when chemigating. (3-15-22)

**02. Monitoring Chemigation.** Licensed professional applicators that start the application of chemicals through chemigation equipment do not have to be present during the entire application, but must return to monitor the proper application at least once every four (4) hours for the duration of the application. (3-15-22)

**03. Chemigation Equipment Standards.** Equipment will be placed on the Department's list of approved chemigation equipment after the manufacturers provide to the Department verification that the equipment meets the standards established in these rules. (3-15-22)

**04. Chemigating Over Waters of the State.** ~~Chemigating over waters of the state s~~ shall be prohibited, except for variances allowed in Section 700. (3-15-22)

601. -- 649. (RESERVED)

##### 650. IRRIGATION SYSTEMS.

~~Equipment required for each type of irrigation system when chemigation is to be used includes:~~ Defined in the ISDA Chemigation System Requirement Protocol document located at [agri.idaho.XXXXXX.gov](http://agri.idaho.gov) (3-15-22)( )

~~01. Sprinkler or Drip Irrigation.~~ ~~If chemicals are being chemigated through the sprinkler or drip~~

**Commented [RW53]:** Chemigation protocols were moved to a "protocol" to reduce red-tape in the rule.

irrigation system, the chemigator will verify that the system complies with either Subsection 650.01.a. or 650.01.b. plus the additionally specified equipment for each: (3-15-22)

- a. Irrigation Line Check Valve, (Section 665); with the following: (3-15-22)
  - i. Automatic Low Pressure Drain, (Section 695); (3-15-22)
  - ii. Inspection Port, (Section 690); (3-15-22)
  - iii. Vacuum Relief Valve or a combination Air and Vacuum Relief Valve, (Section 685); (3-15-22)
  - iv. Chemical Injection System, (Section 670); (3-15-22)
  - v. Chemical Injection Line Shut-Down (System Interlock), (Section 660); (3-15-22)

b. Gooseneck Pipe Loop, Downhill and Over A Hill backflow prevention devices may be used For surface water, (Section 680); with (3-15-22)

- i. Chemical Injection System, (Section 670); (3-15-22)
- ii. Chemical Injection Line Shut-Down (System Interlock), (Section 660). (3-15-22)

**02. Flood, Basin, Furrow, or Border Irrigation.** If a chemical, including anhydrous ammonia, will be applied by flood, basin, furrow, or border chemigation through a gravity flow system, the chemigator will verify that the system uses a gravity flow dispensing system that meters the chemical into the water at the head of the field and downstream of a hydraulic discontinuity such as a drop structure or weir box to decrease potential for water source contamination from backflow if water flow stops. (3-15-22)

**03. Domestic Water Supply System Cross-Connected for Chemigation.** Any irrigation system used for chemical application cross-connected to a domestic water supply system will be verified that the system contains either Subsection 650.03.a. or 650.03.b. plus all other additionally specified equipment for each; (3-15-22)

a. Reduced Pressure Principle Backflow Prevention Assembly (RP) that: (3-15-22)

i. Is located on the irrigation pipeline between the water supply pump and the point of chemical injection, and downstream from any domestic water supply diversion point. (3-15-22)

ii. Keep contaminated water from flowing back into a domestic water supply system when some abnormality in the system causes pressure to be temporarily higher in the contaminated part of the system than in the domestic water supply system piping. (3-15-22)

iii. Has been manufactured in full conformance with the American National Standards Institute (ANSI)/American Water Works Association (AWWA) ANSI/WWA C511 Standard for Reduced Pressure Principle Backflow Prevention Assemblies established by the AWWA; and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR); or an equivalent, Department approved testing facility. (3-15-22)

b. Chemical Injection System (Section 670); with either Subsection 650.03.b.i. or 650.03.b.ii. (3-15-22)

i. Chemical Injection Line Shut-Down (System Interlock), (Section 660); (3-15-22)

ii. Air Gap (AG). The water from the domestic water supply system will be discharged into a reservoir tank prior to the chemical injection. An air gap will be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel—in no case less than one (1) inch. Chemical injection will not occur

upstream of the air gap; and (3-15-22)

(a). Chemical Injection System, (Section 670); and (3-15-22)

(b). Chemical Injection Line Shut Down (System Interlock), (Section 660). (3-15-22)

**651. -- 659. (RESERVED)**

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

In every chemigation system, a functional system interlock designed and installed to shut down the chemical injection unit when chemical distribution is adversely affected will connect the water supply pump and the chemical injection unit or connect the irrigation line pressure switch and the chemical injection unit if there is no water supply pump and the system is pressurized. The chemical injection line will contain one (1) of the following interlocks found in Subsections 660.01 through 660.05, to ensure that a chemical injection pump will stop if the irrigation pump stops to prevent the entire chemical mixture from emptying from the supply tank into the irrigation pipeline: (3-15-22)

**01. Electrical Interlock.** Electrical interlock which contains one (1) of the four options in Subsections 660.01.a. through 660.01.d. plus all of the additionally specified equipment for each: (3-15-22)

**a. Electric Motor-Driven Irrigation Pump or Power Panel.** The electrical controls for the irrigation pump panel or power panel at the pivot or linear will be interlocked with an electric powered chemical injection pump so that if the water pump shuts off or the pressure switch shuts off power at the panel, the chemical injection pump will shut off (it is recommended that the interlock also be provided to shut off the irrigation system if the chemical injection pump shuts off); plus (3-15-22)

i. Injection Line Check Valve, (Section 670), will be installed; and (3-15-22)

ii. In pressurized irrigation systems, the irrigation line or water pump will include a functional pressure switch. (3-15-22)

**b. Solenoid-Operated Valve.** A functional automatic quick-closing check valve and a functional normally closed solenoid operated valve connected to the system interlock will be: (3-15-22)

i. Normally be closed; open only when there is adequate pressure in the irrigation line to ensure uniform chemical distribution; and (3-15-22)

ii. Be located on the intake side of the injection pump; (3-15-22)

iii. Open only when there is adequate pressure in the irrigation line to insure uniform chemical distribution; and (3-15-22)

iv. In pressurized irrigation systems, include a functional pressure switch for the irrigation line or water pump. (3-15-22)

**c. A functional automatic quick-closing check valve and a functional normally closed hydraulically operated check valve.** The hydraulically operated check valve will: (3-15-22)

i. Be connected to the main water line such the way the valve only opens when the main water line is adequately pressurized; (3-15-22)

ii. In pressurized irrigation systems, include a functional pressure switch for the irrigation line or water pump; (3-15-22)

**d. A functional automatic quick-closing check valve and a functional vacuum relief valve located in the chemical injection line between the positive displacement chemical injection pump and the chemical check valve**

which: (3-15-22)

i. Is appropriate only for those chemigation systems using a positive displacement chemical injection pump and is not for use with Venturi injection systems; (3-15-22)

ii. Is elevated at least twelve (12) inches above the highest fluid level in the chemical supply tank and is the highest point in the injection line; (3-15-22)

iii. Opens at six (6) inches water vacuum or less and is spring loaded or otherwise constructed such that it does not leak on closing; (3-15-22)

iv. Prevents leakage from the chemical supply tank on system shutdown; (3-15-22)

v. Is constructed of chemically resistant materials; (3-15-22)

vi. In pressurized irrigation systems, the irrigation line or water pump shall include a functional pressure switch. (3-15-22)

**02. Mechanical Interlock.** Irrigation pumps driven by an internal combustion engine will be interlocked between the chemical injection pump and the irrigation pump by either of the options in Subsections 660.02.a. or 660.01.b. plus the additionally specified equipment Subsection 660.02.c.: (3-15-22)

a. By operating the chemical injection equipment from the engine electrical system, or an electrical generator driven by the pumping plant power unit. (3-15-22)

b. By belt from the drive shaft of the irrigation pump or an accessory pulley of the engine with (3-15-22)

i. Injection Line Check Valve, (Section 670), installed in pressurized irrigation systems, a functional pressure switch included for the irrigation line or water pump. (3-15-22)

**03. Hydraulic Interlock.** Hydraulic interlock with functional, normally closed, hydraulically operated check valve. The control line must be connected to the main water line such that the valve opens only when the main water line is adequately pressurized. This valve must prevent leakage from the chemical supply tank on system shutdown. The valve must be constructed of chemically resistant materials, such as a Venturi System. (3-15-22)

**04. Human Interlock.** A human interlock shall consist of human supervision on site during the injection of a chemical into the irrigation system for one (1) hour or less to shut down the system in case of failure of the injection pump or irrigation system; with (3-15-22)

a. Injection Line Check Valve (Section 665) installed; (3-15-22)

b. In pressurized irrigation systems, a functional pressure switch included for the irrigation line or water pump. (3-15-22)

**05. Other Approved Options.** Any other option approved by the Director. (3-15-22)

**661. – 664. (RESERVED)**

**665. INJECTION LINE CHECK VALVE.**  
A functional, spring-loaded injection line check valve. (3-15-22)

**01. Attributes:** A minimum of ten (10) pounds per square inch (psi) opening (cracking) pressure: (3-15-22)

a. Located between the chemical injection pump and the point of chemical injection into the irrigation

line; (3-15-22)

b. Made of chemically resistant material; (3-15-22)

c. Designed to prevent irrigation water under operating pressure from entering the chemical injection line; and (3-15-22)

d. Designed to prevent leakage from the chemical supply tank on system shut down. (3-15-22)

02. **Substitute System.** The injection line check valve is a substitute for both the solenoid operated valve and the functional, automatic, quick closing check valve in the chemical injection line. (3-15-22)

666.—669. (RESERVED)

**670. CHEMICAL INJECTION SYSTEM.**

All chemical injection systems, except for flood, basin, furrow, or border chemigation through a gravity flow system, will use either: (3-15-22)

01. **Metering Pump.** Such as a positive displacement injection pump effectively designed and constructed of materials that are compatible with chemicals and capable of being fitted with a system interlock; or (3-15-22)

02. **Venturi System.** Including those inserted directly into the main water line, those installed in a bypass system, and those bypass systems boosted with an auxiliary water pump that meet the following criteria: (3-15-22)

a. Booster or auxiliary water pumps shall be connected with the system interlock such that they are automatically shut off when the main line irrigation pump stops, or in cases where there is no main line irrigation pump, when the water pressure decreases to the point where pesticide distribution is adversely affected; (3-15-22)

b. Venturies shall be constructed of chemically resistant materials; and (3-15-22)

c. The line from the chemical supply tank to the Venturi will contain a functional, automatic, quick closing check valve to prevent the flow of liquid back toward the chemical supply tank. This valve will be located immediately adjacent to the Venturi chemical inlet. (3-15-22)

d. This same supply line will also contain either a functional normally closed solenoid operated valve connected to the system interlock or a functional normally closed hydraulically operated valve which opens only when the main water line is adequately pressurized. (3-15-22)

e. In bypass systems as an option to placing both valves in the line from the chemical supply tank, the check valve may be installed in the bypass immediately upstream of the Venturi water inlet and either the normally closed solenoid or hydraulically operated valve may be installed immediately downstream of the Venturi water outlet. (3-15-22)

671.—674. (RESERVED)

**675. IRRIGATION LINE CHECK VALVE.**

01. **Construction.** Construction will: (3-15-22)

a. Consist of at least a single check valve; (3-15-22)

b. Be heavy duty with all materials resistant to corrosion or protected to resist corrosion; (3-15-22)

c. Be spring loaded with a chemically resistant and resilient seal that provides a watertight seal against

reverse flow; (3-15-22)

d. Not consist of metal to metal seal surfaces; (3-15-22)

e. Be rated at a pressure equal to or greater than the system working pressure; and (3-15-22)

f. Be positioned and oriented according to manufacturer specifications to ensure proper functioning. (3-15-22)

g. Be located in the pipeline between the irrigation pump and the point of chemical injection into the irrigation pipeline, and downstream from a vacuum relief valve and automatic low pressure drain. (3-15-22)

h. Be leveled and on a horizontal plane with deviation of not more than ten (10) degrees from horizontal when installed. (3-15-22)

i. Be labeled with the following: (3-15-22)

i. Manufacturer's name and model; (3-15-22)

ii. Direction of flow. (3-15-22)

**02. Model Certification.** The manufacturer of the irrigation line check valve will provide verification to the director that the valve model has been tested and certified by an independent laboratory such as the Center For Irrigation Technology, Fresno, California and Great Plains Meter, Inc. Aurora, Nebraska, or other Department approved facility as meeting the following leakage test criteria: (3-15-22)

a. **Low Pressure Drip Test.** A check valve withstands for sixteen (16) hours without leakage at the valve seat an internal hydrostatic pressure equivalent to the head of a column of water five (5) feet (1.5m) high retained within the downstream portion of the valve body. No leakage occurs as evidenced by wetting of paper placed beneath the valve assembly. This test is to be conducted with the valve in both the horizontal and vertical position if intended for such use. (3-15-22)

b. **High Pressure Test.** A check valve withstands for one (1) minute, without leakage at joints or at the valve seat, an internal hydrostatic pressure of two (2) times the rate of working pressure of the valve. (3-15-22)

676.—679. (RESERVED)

**680. GOOSENECK PIPE LOOP, DOWNHILL AND OVER A HILL.**

**01. Location.** Will be located in the main water line downstream of the irrigation water pump. (3-15-22)

**02. Position.** The bottom side of the pipe at the loop apex will be at least twenty four (24) inches above the highest sprinkler or other type of water emitting device on the highest part of the field. (3-15-22)

**03. Pipe Loop.** The loop will contain either a vacuum relief or combination air and vacuum relief valve at the apex of the pipe loop, and if the water pump is portable and the apex is a straight, horizontal section of pipe, the pipe will be level. (3-15-22)

**04. Location of Chemical Injection Port.** The chemical injection port will be located downstream of the apex of the pipe loop and at least six (6) inches below the bottom side of the pipe at the loop apex. (3-15-22)

**05. Use Restriction.** Is not to be allowed when pumping from a groundwater source. (3-15-22)

681.—684. (RESERVED)



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

**01. Location.** Will be located on top of the horizontal irrigation pipeline on the upstream side of the check valve. (3-15-22)

**02. Orifice Size.** Have have a total (individually or combined) orifice size of at least three-fourths (3/4) inch diameter for a four (4) inch pipe, a one (1) inch diameter for a five (5) to eight (8) inch pipe, a two (2) inch diameter for a nine (9) to eighteen (18) inch pipe, and a three (3) inch diameter for a nineteen (19) inch and greater pipe. (3-15-22)

**686.—689. (RESERVED)**

**690. INSPECTION PORT.**

The inspection port can be combined with a mounting of a vacuum relief or combination air and vacuum relief valve and: (3-15-22)

**01. Location.** Location Be located: (3-15-22)

a. On the pipeline between the irrigation pump and the irrigation pipeline check valve directly above the low pressure drain; (3-15-22)

b. Near the irrigation line check valve to allow for inspections and check for malfunctioning of the irrigation line check valve and low pressure drain. (3-15-22)

**02. Orifice Size.** Have a minimum diameter opening of four (4) inches from which the check valves and low pressure drain will be visible; (3-15-22)

**03. Mounting:** Be mounted with quick disconnects, quick coupler, ring lock or flange fittings, dresser couplings or other fittings that allow for easy removal of the inspection port with any bolts located on the outside of the irrigation water pipe; and (3-15-22)

**691.—694. (RESERVED)**

**695. AUTOMATIC LOW PRESSURE DRAIN.**

**01. Criteria.** An automatic low pressure drain will meet the following criteria: (3-15-22)

a. Is installed upstream of the irrigation line check valve at the lowest point of the horizontal water supply pipeline; (3-15-22)

b. Does not extend into the horizontal pipe beyond the inside surface of the bottom of the pipe; (3-15-22)

c. Is at least three-fourths (3/4) inch in diameter with a closing pressure of not less than five (5) psi; (3-15-22)

d. If the drain is within twenty (20) feet of the water source, contains a corrosion resistant tube, pipe, hose, or similar conduit one-half (1/2) inch in diameter to discharge a solution at least twenty (20) feet down slope from the irrigation water source and away from any other water sources; and (3-15-22)

e. Does not have any valves located on the outlet side of the drain tube. (3-15-22)

**696.—699. (RESERVED)**

**700. VARIANCES.**

~~The Department may grant variances with such conditions and safeguards as it determines are necessary to prevent contamination or pollution of the waters of the state. Issuance of variances do not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. Such variances may be granted upon a request from the owner or operator of the property affected and approval by the Director. The application will state fully the grounds of the application and the facts relied upon. Upon the Department's further investigation, if certain antipollution devices otherwise required by these rules or the Pesticide and Chemigation Act, are not necessary or consequences inconsistent with the rules or act, such variances may be granted.~~ (3-15-22)

~~701. — 999. (RESERVED)~~



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IPMA is the premier voice for Idaho's pest management industries with the primary goal of protecting the health, property, and general welfare of our clients.

June 14, 2023

To: Lloyd Knight and Ryan Ward

From: IPMA

Re: IDAPA Rulemaking - Continuing Educational Credits

We were discussing the Option 4 points and had some questions we would like answered before the June 29, 2023, negotiated rulemaking meeting, so we can discuss more. They are listed below.

#### **Option 4**

To recertify a license an applicator must accumulate 16 credits earned by attending accredited (1 CEU = 50-minutes of instruction) seminars. The credits must be comprised of a minimum of:

1. 8 Core credits
2. 2 credits per category held.
3. Once a license holder has earned the 2 credits per category, the remaining credits may be earned in any category.

1. Example #1 – License 12345 – CO, OP
  1. 8 Core credits
  2. 2 Ornamental Pest credits
  3. 6 credits from any ISDA approved seminar with any designation
  4. TOTAL = 16 credits

2. Example #2 – License 12346 – CO, AC, RW
  1. 8 Core
  2. 2 Agricultural Crop credits
  3. 2 Right Away credits
  4. 4 credits from any ISDA approved seminar with any designation.
  5. TOTAL = 16 credits

3. Example #3 – License 12347 – CO, IP, OP, NS, AP
  1. 8 Core credits
  2. 2 Industrial Pest credits
  3. 2 Ornamental Pest credits
  4. 2 Non-Soil Fumigation credits
  5. 2 Aquatic Pest credits
  6. TOTAL = 16 credits
  
4. Example #4 – License 12348 – CO, AC, AF, AP, CH, FP, LP, NS, RP, SF
  1. 8 Core credits
  2. 2 Agricultural Pest credits
  3. 2 Anti-Fouling Coating credits
  4. 2 Aquatic Pest credits
  5. 2 Chemigation credits
  6. 2 Forest Pest credits
  7. 2 Livestock Pest credits
  8. 2 Non-Soil Fumigation credits
  9. 2 Regulatory Pest credits
  10. 2 Soil Fumigation credits
  11. TOTAL = 26 credits

\*If a license holder earns the 8 Core credits, and earns the 16 credits, but fails to earn credits specific to one or more categories held, the license will be issued, but the categories where credits were not earned will not be on the newly issued license, and the license holder will have to retest to become certified in those deficient categories.

### **Questions from IPMA**

1. What will happen with Private Applicators and the two-year 6 credits requirements they need for recertification? If they are attending the same 50-minute seminars, shouldn't they need 7 points now (6 x 10 minutes = 60 extra minutes needed)? And if they have categories on their license, shouldn't they attend at least one (1) category specific course credit for each category like SF or CH? This should be consistent with Professional Applicators for recertification requirements.
2. How will individuals with both Professional and Private licenses be handled with recertification requirements? Category specific needs?
3. How will Licensed Applicators with the CR (Consultant and Research) category get points to suffice this category's requirements? If they go to an AP training, doesn't it suffice both AP and CR?

4. Some categories have few training opportunities in the state and/or those listed on the ISDA website (examples like AP, FE, or AFC). Will ISDA offer more opportunities for recertification for these types of category specific training? Maybe other state's approvals accepted for training requirements (not just reciprocal states)?
5. How will ISDA monitor and list category specific recertification points for applicators, so they are aware of their current points and those future recertification needs?
6. We request an addition to the rule that the recertification credits-earned search page must be updated monthly by ISDA, including category specific training attended for applicators. At this time the last time this page was updated was 2/24/2023. This database should be updated each month for use, transparency, and functionality. Other states actually have databases that say a certain two-year category-specific recertification requirement has been met.
7. If an individual adds categories to his/her license, will they need category-specific recertification during that current license period for those added categories?
8. Some categories overlap like FE or AP/AC or RW and AC? How will the overlapping be handled with recertification credits?
9. How will reciprocal state licenses be handled since other states may not have the same requirements now?
10. How would this option affect Dealer Licenses?

Submitted by:  
IPMA  
Executive Coordinator  
Ann Bates

**From:** [Ryan Ward](#)  
**To:** [Ann Bates](#); ["Sherer, Pat"](#); [Patxi Larrocea-Phillips](#); [Roger Batt](#); [kyle@amgidaho.com](mailto:kyle@amgidaho.com); [David Lehman](#); [Adam Schroeder](#); [Ann Bates](#); [Brandon Cole](#); [Craig Nuthak](#); [Josh Hansen](#); [Kimberly Tate](#); [Mike Jurak](#); [Rob Wasia](#); [Ronda Hirnyck](#); [Sherman Takatori](#); [Todd Sawyer](#); [Tom Gritzmacher](#); [Tracy Walton](#); [Jonathan Oppenheimer](#); [Jeremy Varley](#); [Ryan Ward](#); [Andrea Thompson](#); [Nicholas Zurfluh](#); [Mitch Whitmill](#); [amartinson@latahcountyid.gov](mailto:amartinson@latahcountyid.gov); [hollie@inlagrow.org](mailto:hollie@inlagrow.org); [chase.youngdahl@bonnercountyid.gov](mailto:chase.youngdahl@bonnercountyid.gov); [Bryce Fowler](#); [KatieV@SawtoothLaw.com](mailto:KatieV@SawtoothLaw.com)  
**Cc:** [Lloyd Knight](#); [Denise Lauerman](#)  
**Subject:** IDAPA Rulemaking - Continuing Educational Credits  
**Date:** Tuesday, June 6, 2023 3:17:32 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

During the negotiated rulemaking meeting on 5/22, three possible solutions for continuing educational credits were proposed for pesticide applicator recertification. The three proposals varied in terms of the length of time required, the total number of credits to recertify, and the content of the courses. The requirements for continuing educational credits are outlined in 40 CFR 171.107(b).

***Continuing education programs.*** A certified applicator may be found eligible for recertification upon successfully completing a continuing education program pursuant to the certifying authority's EPA-approved certification plan.

- (i) **The quantity, content, and quality of a continuing education program to maintain applicator certification must be sufficient to ensure the applicator continues to demonstrate the level of competency required by [§ 171.103](#) (*§ 171.103 Standards for certification of commercial applicators*) for commercial applicators or [§ 171.105](#) (*§ 171.105 Standards for certification of private applicators*) for private applicators.**
- (ii) Any continuing education course or event relied upon for applicator recertification must be approved by the certifying authority as being suitable for its purpose in the certifying authority's recertification process.
- (iii) A certifying authority must ensure that any continuing education course or event, including an online or other distance education course or event, relied upon for applicator recertification includes a process to verify the applicator's successful completion of the course or event.

	Category Specific Courses
Washington	No
Idaho	No
Oregon	Yes / Core Credits / Aerial
Utah	Yes
Nevada	Yes
Montana	Yes
Wyoming	No

To meet requirement (i), States across the country have moved to requiring category specific training for applicators to recertify licenses. In the 2022 review of the ISDA's certification plan,

the EPA commented “How ID ensures category-specific competency standards through their recertification process.” There was considerable pushback from EPA on this issue, and it is still unclear if the plan under the current model will be approved.

In response to the comments and discussion during the rulemaking meeting, a hybrid option was created using (Option 2, 50 minutes per CEU, and 16 credits per 2 years) and (Option 3, category specific training) as an attempt to mutually satisfy the concerns of industry and to address the EPA’s push toward category specific training. With the proposed consolidation of categories in the 2024 draft rule, category specific training would be less burdensome than under the current categories. With the interest from industry and the EPA to amend the recertification process this may be a good time to address both issues.

#### **Option 4**

To recertify a license an applicator must accumulate 16 credits earned by attending accredited (1 CEU = 50-minutes of instruction) seminars. The credits must be comprised of a minimum of:

- 8 Core credits
- 2 credits per category held.
- Once a license holder has earned the 2 credits per category, the remaining credits may be earned in any category.
  - Example #1 – License 12345 – CO, OP
    - 8 Core credits
    - 2 Ornamental Pest credits
    - 6 credits from any ISDA approved seminar with any designation
    - TOTAL = 16 credits
  - Example #2 – License 12346 – CO, AC, RW
    - 8 Core
    - 2 Agricultural Crop credits
    - 2 Right Away credits
    - 4 credits from any ISDA approved seminar with any designation.
    - TOTAL = 16 credits
  - Example #3 – License 12347 – CO, IP, OP, NS, AP
    - 8 Core credits
    - 2 Industrial Pest credits
    - 2 Ornamental Pest credits
    - 2 Non-Soil Fumigation credits
    - 2 Aquatic Pest credits
    - TOTAL = 16 credits
  - Example #4 – License 12348 – CO, AC, AF, AP, CH, FP, LP, NS, RP, SF
    - 8 Core credits
    - 2 Agricultural Pest credits
    - 2 Anti-Fouling Coating credits
    - 2 Aquatic Pest credits
    - 2 Chemigation credits
    - 2 Forest Pest credits
    - 2 Livestock Pest credits
    - 2 Non-Soil Fumigation credits
    - 2 Regulatory Pest credits
    - 2 Soil Fumigation credits
    - TOTAL = 26 credits

\*If a license holder earns the 8 Core credits, and earns the 16 credits, but fails to earn credits specific to one or more categories held, the license will be issued, but the categories where credits were not earned will not be on the newly issued license, and the license holder will have to retest to become certified in those deficient categories.

From a report taken from the ISDA licensing database in May 2023, after the proposed category consolidation, of the 4254 professional license holders only 133 (3%) would hold more than five categories, and of those only 13 licensees hold more than nine categories, six of which are government employees.

# of Categories	Licensed Applicators
1	323
2	1528
3	1066
4	705
5	499
6	80
7	23
8	17
9	3
10	2
11	2
12	2
16	2
18	2
<b>Grand Total</b>	<b>4254</b>

If there is interest in forming a work group to discuss the CEU process prior to the 6/29/23 rulemaking meeting, please respond to this email **by the end of business on 6/13/23**.

**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](mailto:Ryan.Ward@ISDA.Idaho.Gov)





**From:** [Ryan Ward](#)  
**To:** [Ann Bates](#); ["Sherer, Pat"](#); [Patxi Larrocea-Phillips](#); [Roger Batt](#); [kyle@amgidaho.com](#); [David Lehman](#); [Adam Schroeder](#); [Ann Bates](#); [Brandon Cole](#); [Craig Nuthak](#); [Josh Hansen](#); [Kimberly Tate](#); [Mike Jurak](#); [Rob Wasia](#); [Ronda Hirmyck](#); [Sherman Takatori](#); [Todd Sawyer](#); [Tom Gritzmacher](#); [Tracy Walton](#); [Jonathan Oppenheimer](#); [Jeremy Varley](#); [Ryan Ward](#); [Andrea Thompson](#); [Nicholas Zurfluh](#); [Mitch Whitmill](#); [amartinson@latahcountyid.gov](#); [hollie@inlagrow.org](#); [chase.youngdahl@bonnercountyid.gov](#); [Bryce Fowler](#); [KatieV@SawtoothLaw.com](#)  
**Cc:** [Lloyd Knight](#); [Denise Lauerman](#)  
**Subject:** IDAPA Rulemaking - Industrial Pest Categories Commodity and Non-Commodity  
**Date:** Tuesday, June 6, 2023 3:13:10 PM  
**Attachments:** [image001.png](#)

Good afternoon,

As we discussed during the negotiated rulemaking session on May 22<sup>nd</sup>, there was interest in separating the Industrial Pest category into two categories. The categories would be defined by the application of pesticides to a commodity, or a non-commodity. I have created a draft of the two category descriptions as seen below.

Industrial, Institutional, and Structural Pest Control – Commodity (CP)	For commercial applicators who use or supervise the use of pesticides on manufactured products or commodities in the following: Food handling establishments, packing houses, and food-processing facilities; and industrial establishments, including commodity storage facilities, grain elevators, and any other similar areas, public or private, for the protection of stored, processed, manufactured products, or commodities. Applicators must demonstrate a practical knowledge of pests associated with manufactured products or commodities, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with manufactured products or commodities, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts.
Industrial, Institutional, and Structural Pest Control – Non- Commodity (IP)	For commercial applicators who use or supervise the use of pesticides in, on, or around the following: Food handling establishments, packing houses, and food-processing facilities; human dwellings; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, and any other structures and adjacent areas, public or private, for the protection of stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7).

If the modification to the category descriptions are acceptable, they will be added to the draft rule.

**If there is interest in forming a workgroup for additional discussion to further modify the Industrial Pest Categories prior to the 6/29 rulemaking meeting, please respond to this email by the end of business on 6/13/23.**

**Ryan Ward**, Administrator  
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**From:** [Ryan Ward](#)  
**To:** [Ann Bates](#); ["Sherer, Pat"](#); [Patxi Larrocea-Phillips](#); [Roger Batt](#); [kyle@amgidaho.com](mailto:kyle@amgidaho.com); [David Lehman](#); [Adam Schroeder](#); [Ann Bates](#); [Brandon Cole](#); [Craig Nuthak](#); [Josh Hansen](#); [Kimberly Tate](#); [Mike Jurak](#); [Rob Wasia](#); [Ronda Hirnyck](#); [Sherman Takatori](#); [Todd Sawyer](#); [Tom Gritzmacher](#); [Tracy Walton](#); [Jonathan Oppenheimer](#); [Jeremy Varley](#); [Ryan Ward](#); [Andrea Thompson](#); [Nicholas Zurfluh](#); [Mitch Whitmill](#); [amartinson@latahcountyid.gov](mailto:amartinson@latahcountyid.gov); [hollie@inlagrow.org](mailto:hollie@inlagrow.org); [chase.youngdahl@bonnercountyid.gov](mailto:chase.youngdahl@bonnercountyid.gov); [Bryce Fowler](#); [KatieV@SawtoothLaw.com](mailto:KatieV@SawtoothLaw.com)  
**Cc:** [Lloyd Knight](#); [Denise Lauerman](#)  
**Subject:** IDAPA Rulemaking - Professional Applicator Recordkeeping Requirements - Amended  
**Date:** Tuesday, June 6, 2023 2:48:36 PM  
**Attachments:** [image001.png](#)

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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 29<sup>th</sup> session of rulemaking please respond to this email on or before June 13<sup>th</sup>, 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,

**Ryan Ward**, Administrator  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
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## Idaho Noxious Weed Control Association

55 SW 5th Ave., Ste. 100 | Meridian, ID 83642 | PH: 208-888-0988 | FX: 208-888-4586  
June 28, 2023

Lloyd Knight  
Rules Review Coordinator  
Idaho State Department of Agriculture  
PO Box 7249  
Boise, Idaho 83707

Mr. Knight,

The Idaho Noxious Weed Control Association (INWCA) represents a membership dedicated to the control of noxious weeds and invasive species in Idaho. Those members are made up of private property owners and individuals employed by a local, state, or federal entity, or by a tribe. The common denominator is that all members have an interest in vegetation management across Idaho and a vast majority hold an applicator's license in Idaho.

The INWCA supports the option of increasing credit hours to 16 credits while reducing the time limit for each credit hour from 60 minutes to 50 minutes. This would have the net effect of reducing a licensed applicator's time in classes from 900 minutes to 800 minutes over a two-year period. Additionally, this would create more opportunity for an applicator to attend another class with the addition of one credit hour. This benchmark more similarly situates Idaho to surrounding states. Therefore, the INWCA agrees with this change to the administrative rule.

Next, the INWCA has struggled with the strict sideboards set around the application deadline. Building flexibility into the application process with accountability and foresight should provide opportunities for stakeholders to hold recertification seminars for applicators with the proper accreditation. The INWCA urges the adoption of language that creates a baseline for recertification seminars to apply for credit. INWCA would suggest the baseline is thirty (30) days for an application to be submitted. However, INWCA urges flexibility in the process so that an application can be amended if needed before the conference is held. This should be reflected in rule since there have been occasions where the INWCA did apply for credit in a timely manner and had one late abstract come in a week after the deadline, but it was not considered for credit. INWCA suggested and recommends the following language:

*To request accreditation for a seminar not provided by the Department, an applicant must submit an application to the department not less than thirty (30) days prior to the*

*scheduled seminar. Applications received not less than thirty (30) days prior to the scheduled seminar shall receive preference for credit approval and said applications shall have the ability to amend their application prior to the scheduled seminar. Applications received after the thirty (30) days shall be reviewed at the discretion of the Department and may not receive credit.*

Finally, the INWCA would request that ISDA remain with the current framework where there is no mandatory category specific training. The INWCA has logistical concerns about how this would be implemented for current stakeholders and the burden on companies, organizations or entities that are providing recertification credits. Further, because there is such a vast number of categories, we have concerns that it would be difficult to find instructors that would continually and consistently provide credit for each category. Therefore, INWCA would request that we maintain the current system without category specific training.

The INWCA appreciates the opportunity to comment on the administrative rules.

Sincerely,

Shawn Strong  
President

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



**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 22<sup>nd</sup> at 8:30am. On-site room and Teams meeting available.

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

**IDAHO DEPARTMENT OF AGRICULTURE**

**2270 Old Penitentiary Road  
PO Box 7249  
Boise, ID 83707**

**Negotiated Rulemaking for IDAPA 02.02.03  
Minutes of June 29, 2023, Meeting**

**Department staff:** Ryan Ward  
Brian Slabaugh  
Mike Watson  
Blaine Sterling  
Hillarie Gray  
Elizabeth Palmateer  
Chanel Tewalt  
Lloyd Knight  
Dallas Burkhalter

**Stakeholders:** Mitch Whitmill-Jefferson County/IAWCS  
Ann Bates-INLA  
Ben Miller-Simplot/IPMA  
Pat Sherer-Simplot/IPMA  
Elizabeth Criner – Far West Agribusiness Association  
Patxi Larrocea-Phillips-AMG/ID Noxious Weed Control Association  
Craig Nuthak-Locust Ag, IPMA  
Adam Schroeder-Ada County  
Alan Martinson-INWA  
Austin Walters-Weed Man  
Will Tiedeman-ICL  
Kirk Dean-Barrier/IPMA

Meeting started at 8:40am-Lloyd shared additional comments that came in last minute, as well as previous meeting minutes and where to find them and comment periods. Went over the overall proposed rule changes so far: removal of the chemigation definitions, addition of new



definitions, category updates and definitions, cheating language, record keeping requirements, credits and recertification.

### **Credits and Certification**

Ryan- started on licensing changes: number of credits required, broke down the minutes per year comparison with other states. Went over the 3 options previously proposed and what the consensus was from industry from last meeting. Went over new language. Addressed a comment submitted by INWCA for support of the proposed change.

Lloyd- asked for consensus from the group from 60 minutes to 50 minutes and the move from 15 credits to 16 credits.

Patxi-stated the NWCA is in support with the 16 credit, 50 minutes version. It aligns us with surrounding states.

Ben-stated he thinks IPMA is in support of this too, wants to make sure the private applicator will be rolled into the additional credit requirement.

Ryan-stated that yes, the private applicator would go from 6 to 7 credits.

Mitch-stated he had a consensus from coworkers and other superintendents, and they would support the 50-minute change. They have concerns about finding qualified people to hold the category specific seminars if that is the way ISDA will have to go. Proposed an alternative way to obtain credits, from work experience by working under the guidance of a more experienced applicator. A way to receive credits according to hours worked for each season.

### **Categories and Category Specific Training**

Lloyd-asked if the language on the category specific credits was in current document.

Ryan-responded it is not included in this draft because there was no consensus on implementation of category specific credits from the previous meeting.

Ryan-responded to Mitch's comment, that some companies will already seek credit for 'field training' that they give their employees, more like hands on training. It still needs to be pre-approved with an agenda similar to a regular seminar.

Patxi-stated INWCA would prefer not to go to a category specific type of recertification due to the burden on applicators, private entities, and agency.

Ben-thinks the category specific training will be forced on us from EPA eventually. Our group is on board with category specific since that is what we will be forced to do.

Adam- stated, as far as Ada County goes, if EPA does not have a requirement yet, we should not implement that until EPA has more guidance on how to establish it

Pat-agrees that we do not need to do CS credits if it is not required but would be good to prepare for it later down the line.

Craig-in agreeance that we should table the CS, how would the barcode reader work on CS meetings?

Ryan-it will be a big lift to change to it and will be a lot of things to discuss and think about and plan for.

Ben-is this an area in the CT plan, is this why Idaho's is not approved?

Ryan-it was brought up in CT plan, but not reason why Idaho's was not approved, it is more in line with CFR reference and definitions and getting language right with categories certification standards.

Lloyd-incorporation by reference also allows for clean language. Is it fair to say that the consensus of the group that we will NOT move forward with category specific at this time? Anyone disagree?

No disagreement, consensus to not address in rule change at this time.

Moved to seminar submission and applications.

### **Seminar Submission and Approval**

Lloyd read over the updated language and asked if there were any questions or objections.

Consensus was agreeable to the language.

### **Categories**

Ryan-the language was changed in the Consultant & Research category definition, to add CFR reference to include application specific certification and the commodity pest subcategory was added.

Lloyd-asked if there were any questions.

Craig-asked why would we need the demonstration and the category specific to application.

Ryan- the additional application category is only for doing demonstrations and not for consulting.

Ben-there could be someone who needs both IIHS categories, would that cause any problems or confusion for them to have both? could a turf farm, tree farm, and nursery be considered an ag commodity?

Ryan-the definition of commodity in CFR.

Ben-suggested if should we include the definition of commodity in rule?

Lloyd-stated it is already in the CFR, but if the group feels it would be helpful, we can see about adding it in there.

Ben-thinks it tightens them up a little more to include them.

Lloyd-asked if the general consensus was that they were in agreement with the language

General consensus on category language.

Lloyd-circle back to seminar approval language, wants to address the wording with 'department discretion.'

Ann-suggested removing the word 'discretion'

Pat-suggested 'shall be reviewed by the department if time allows'

## **Recordkeeping**

Ryan-discussed the removal of Name of person recommending the application, Name and address of property owner, and what the USDA record keeping requirements are. Discussed the changes and current proposed language.

Lloyd-opened it up for comments.

Kirk-Utah only requires 2-year retention, but Idaho requires 3 years. Would be in favor of moving it to 2 years

Ryan-is not opposed to moving to 2 yrs. record requirements.

Lloyd-asked if anyone opposed to changing from 3 year to 2 years record retention.

Consensus approved on change.

Craig-if we are changing that to 2 yrs., will dealer records be changed to 2 yrs.?

Ryan-we will have to look into that.

Kirk-addressed the start and end times; did not see the USDA requirements and saw that it only referenced an ag application. Wants it removed from urban application record requirements. Did not feel 'good practices' should be written into rule.

Lloyd asked if anyone disagrees with removing start and end times for urban application?

Consensus was agreeable, no objections.

Kirk-next wants to address target pest requirements.

Ryan-this is a label requirement, it helps to identify the purpose of the application.

Kirk wants to know what the compelling reason for having the 'target pest' recorded would be.

Ryan-it provides clarity for licensure, it would put the applicator at risk if there were an investigation to not have it, and to protect the applicator.

Lloyd-clarified that it is not required by the CFR.

Ryan-it is a label requirement.

Craig-the target pest is on the label anyway.

Kirk-rate of application is confusing to him, it is already a mandate to put the total amount of product applied, shouldn't make the applicator do the math.

Brian-to help with clarity and identify compliance with label requirements. Clarity is important to be in compliance with the CFR records requirements.

Kirk-feels enough information is already on the form and any additional information can be found by doing math.

Will Tiedemann-the requirements provides checks and balances for compliance and a little bit of effort is worth the extra time to have that extra information and prudent record keeping has a benefit at the end of the day.

Lloyd-any other comments?

Kirk would like to see application records to be faster for the applicator.

Brian wanted to address a previous question about dealer record requirements, it is for 2 yrs.

### **Private Applicator**

Ryan-the changes for 6 credits to 7 credits have been reflected in the copy

Lloyd-asked if there was consensus.

Consensus is agreeable.

Lloyd-recertification language on private applicators will be updated.

Pat-suggested to match language on recertification for both pro and private.

### **Record Keeping**

Adam-wants to go back to records, and clause to send application record to landowner within 30 days.

Ryan-yes that is a federal requirement and is not just for ag.

Adam-when we make a RUP application, do we now need to send a report or just make it available to the owner?

### **Spill Prevention**

Will-wants to go to section 500 and spill prevention plan, asked if it was taken out?

Lloyd-mention that in the last meeting there was a strong response from industry that they did not want it included

Will-understands the burden to industry, but there is language in Idaho code that is prudent to having a spill plan for protecting ground water and water of the states. There is plenty of language in Idaho code that supports pollution prevention. They affect waters of the state that benefit all Idahoans and asks industry to overlook the bottom line of the industry, to protect the surface waters and ground waters of Idaho.

Ben-stated that industry wasn't exactly against it, just didn't like how it was written, and yes it will be a burden to some companies. Thinks it's going overboard with a vague rule on spill response. Would like to see more training available first.

Ryan-the FIFRA is the cradle to the grave, handling and transportation is during the life of the pesticides. This is a response from applicators having a spill and not knowing what to do. Once the pesticide hits the ground and becomes unusable it is now hazardous waste. The tank farms did have an exemption for bulk tank farms.

Craig-as far as people calling when there is a spill, ISDA can direct them to Chemtrek.

Lloyd-asked if there were any sections or topics anyone wanted to talk about? No objections. Comment deadline is end of business tomorrow June 30<sup>th</sup>. Next will come up with a proposed rule to be published on the website. Thanked everyone for their participation. Stopped recording and ended meeting. At 10:18am.

**From:** [Lloyd Knight](#)  
**To:** [Kirk's Barrier Email](#)  
**Cc:** [Denise Lauerman](#)  
**Subject:** RE: Source documents  
**Date:** Friday, June 9, 2023 3:16:48 PM

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Denise – can you please post this thread to the website for the pesticide rule? Thanks.

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

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**From:** Kirk's Barrier Email <kirk@barrierpestcontrol.com>  
**Sent:** Friday, June 9, 2023 2:27 PM  
**To:** Ryan Ward <Ryan.Ward@ISDA.IDAHO.GOV>  
**Cc:** Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>  
**Subject:** Re: Source documents

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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Ryan,

Thanks for the information!

Kirk Dean  
Barrier Pest Control

(208) 249-9666

On Jun 9, 2023, at 11:02 AM, Ryan Ward <[Ryan.Ward@isda.idaho.gov](mailto:Ryan.Ward@isda.idaho.gov)> wrote:

Good morning Kirk,  
In an attempt to address the concerns brought forth in the 5/22 rulemaking meeting, the proposed recordkeeping requirements were amended to include only those elements required by the Code of Federal Regulations, information necessary to verify label compliance, or compliance with state rule (categories, apprentice, etc.).

I have included the draft rule below with the justification for each of the recordkeeping requirements.

1. Full name and license number of the professional applicator applying

the pesticide. **Complies w/7 CFR § 110.3(a)(5)**

1. If applied by a professional commercial apprentice, the full name and license number of the professional applicator supervising the pesticide application. – **to identify compliance w/ 02.03.03.400.02 and define category**
1. Date and time of application, including both start and end times. **Complies w/7 CFR § 110.3(4), 40 CFR § 170.311(b)(1)(iv), to identify compliance with IDAPA 02.03.03.400.05, and label restrictions (pollinators, inversion conditions, etc.)**
1. Weather conditions - wind speed, wind direction, and temperature, if applicable – **to identify compliance w/02.03.03.400.04(b); 02.03.03.400.07; and common label restrictions - Idaho Code § 22-3420(1).**
1. Full name of responsible party for the property to which the pesticide was applied. **Complies w/7 CFR § 110.3(e)**
1. Location by the address, general legal description (township, range, and section) or latitude/ longitude of the specific crop, animal, or property treated. **Complies w/7 CFR § 110.3(a)(3)**
1. Trade name or brand name and the EPA registration number pesticide applied. **Complies w/7 CFR § 110.3(a)(1)**
1. The rate of application, including the amount of formulated product per volume or weight to be applied on a given unit area. **To identify compliance w/label restrictions - Idaho Code § 22-3420(1).**
1. Total dilution applied, if applicable, (dilution is comprised of formulated product plus carrier). **To identify compliance w/label restrictions - Idaho Code § 22-3420(1)**
1. Total amount of pesticide applied. **Complies w/7 CFR § 110.3(a)(2)**
1. Target pest or pests. **To identify compliance w/label restrictions - Idaho Code § 22-3420(1); and 02.03.03.100.04 categories**
1. Specific crop, animal, or property treated. **Complies w/7 CFR § 110.3(a)(3)**
1. The size (area or volume) or amount (number of trees, livestock, pounds of treated commodity etc.) of specific crop, animal, or property treated. **Complies w/7 CFR § 110.3(a)(3)**
1. Application method or equipment. **To identify compliance w/label restrictions - Idaho Code § 22-3420(1); and 02.03.03.100.04 categories**

Please feel free to contact me with any additional questions.

**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](mailto:Ryan.Ward@ISDA.Idaho.Gov)  
<image001.png>

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**From:** Kirk's Barrier Email <[kirk@barrierpestcontrol.com](mailto:kirk@barrierpestcontrol.com)>  
**Sent:** Thursday, June 8, 2023 5:23 PM  
**To:** Ryan Ward <[Ryan.Ward@ISDA.IDAHO.GOV](mailto:Ryan.Ward@ISDA.IDAHO.GOV)>  
**Subject:** Source documents

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Ryan,

Other than this information on the EPA's CFR(<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-E/part-110/section-110.3>) is there any other guidelines that you get from the EPA as to how you go about looking at recordkeeping requirements? Other source documents I mean?

Thanks,

Kirk Dean  
Barrier Pest Control

(208) 249-9666



A review of the things I request be taken away as record keeping requirements.

1. Please require only the day, month, and year for commercial/private/urban applications. Only agricultural applications should require start and end times, as is required in 40 CFR 170.311(b)(1)(iv).
  1. 7 CFR 110.3(b)(4) only requires day, month, and year.
  2. 40 CFR 170.311(b)(1)(iv) refers to agricultural applications only (see 40 CFR 170.311(b). (b) states that this regulation is “...for any pesticides that are used on the agricultural establishment....”
  3. Why is Idaho requiring MORE than what the EPA is requiring?
  4. IDAPA states in (02.03.03.400.05) that “Any pesticide that is toxic to bees shall not be applied to any agricultural crop....except during the period beginning three (3) hours before sunset until three (3) hours after sunrise.” This rule applies to pesticides applied to agricultural crops (see above). Applications such as these would be lawful ONLY by someone who is licensed to make an agricultural pesticide application to an agricultural crop. Therefore, only those applications should require start and end times.
2. Please do not require the Target Pest or Pests
  1. It is not required by the EPA or other federal regulatory agency.
  2. Washington state does not require Target Pest or Pests
  3. This is an example of regulatory creep
    1. The slow but inexorable creation of more and more rules to cover all eventualities
    2. The Department of Ag has gotten by without this information for all these years until now. What is the compelling reason that overrides the inconveniences and inefficiencies this creates?
  4. The burden of adding more records starts becoming undue
    1. Each item an applicator has to record takes time.
    2. Time=wages=money
    3. There is also an opportunity cost. What could the applicator do if he spent less time record keeping? Make another sales visit per week? Spend just a little more time with his family?
    4. Some may argue that software mostly does it for you.
      1. Sure, software has made it a lot easier. But there is a cost for such convenience. Software platforms are expensive, Barrier spent \$13,004.77 in fiscal year 2022 for software that (in part) helped us do our chemical recording quickly. But what if you can't afford it? What if you're a startup company or a small landowning farmer? You have to do it by hand, the old fashioned way. Each little record for each little chemical applied takes a LOT of time. How do I know? Not too long ago I was just a startup and couldn't afford the software...and spent a lot of time getting our records right.
      2. Some have argued that even if by hand or assisted by software it doesn't take THAT much time. What's the big deal about an extra 10 seconds? Our applicators do 15-20 different site applications per day. So, an average of 17.5 chemical records needs to be created. About three

minutes per day per technician. 15 minutes per week. 60 minutes per month. 12 hours per year. Now multiply that number by however many applicators you have multiplied by let's say, \$20/hour? A company with 10 applicators would spend \$2500/year for each additional chemical record requirement that gets added.

3. It's one thing when someone else is paying for those seconds and minutes and hours as they accumulate over the years. Quite another if it's YOU paying the bills. How would you feel if a government agency added a regulation to your household that cost you \$2500/year? Would you be thrilled?
5. Please do not mandate the rate of application as a record keeping requirement.
  1. It is not required by the EPA or other federal regulatory agency
  2. Rate of application is a mathematical equation based off of:
    1. Total pesticide applied (required by the EPA)
    2. Total area treated (required by the EPA)
    3. Rate of application is redundant
  3. If your investigators find it to be vital to acquire the rate, have them simply do the math from the required information (Total applied and Total area treated). Let's save the applicator some time, please.
  4. You might argue that the applicator should be doing rate of application calculation anyway to ensure a legal application. No doubt this is true. But that's not the argument. It's about whether or not you should have to take the time to RECORD your calculation, information that is ALREADY extractable from the records that are actually required by the EPA.
  5. Why is it vital to the department that the applicator make this record? To make them show their work? Again, let's save the applicator some time.
  6. Yesterday it was stated that the department does 500 or so record inspections in a year. Easily there are many, many times that in terms of chemical records being created. The time it takes your investigators do the math to find the rate of application is CERTAINLY dwarfed by the time taken for the hundred of thousands (if not millions) of chemical records being made by applicators state-wide. Again, let's save our fellow Idahoans some time.
2. In the meeting on the 29th, multiple times I heard something to the effect like "These records that we are requiring are for the benefit of the applicator, or to promote best practices." To that I would say: What if the applicators tell you (like now) that they don't want that kind of benefit? Do you want to "benefit" us against our will?
3. As for best practices, since when is it in the mandate of the department to make best practices a matter of legal or illegal? Promote, sure. But making best practices a law by fiat is outside (or should be outside) the scope of the department.