



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: Department of Agriculture		STARS Agency Code: 210	Fax Number: 334-3547	Date: 4/16/2014
Contact Person: Ben Miller	Title: Bureau Chief	Phone: 332-8593	Email: Ben.Miller@agri.idaho.gov	
Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: 332-8500	Email: Brian.Oakey@agri.idaho.gov	

Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):
Idaho Code § 22-3421

Title, Chapter, and Possible Docket (IDAPA) Number:
IDAPA 02.03.03, Rules Governing Pesticide and Chemigation Use and Application

This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary	Effective Date:
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If this is a temporary rule:

Necessary to protect the public health, safety, or welfare; or

Compliance with deadlines in amendments to governing law or federal programs; or

Conferring a benefit.

Please explain:

If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): This rule does not impose a fee or charge.

Agency has determined according to Idaho Code 67-5220(1):

This rule is to be negotiated Negotiation of this rule is not feasible

If rule is negotiated:

Agency certifies that the rule has been or will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). *(indicate which)*

If rule negotiation is not feasible, the agency has determined:

Rule is temporary; or Lack of identifiable representatives of affected interests; or

Rule is simple in nature; or Affected interests are not likely to reach consensus; or

Other.

Please explain:

Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: ISDA does not anticipate any fiscal impact from the changes to be made to the rule during this rulemaking.

Provide a short explanation of the need for this rule: The Rules Governing Pesticide and Chemigation Use and Application have an older restriction in 02.03.03.500.02 that prohibits the use of ester herbicides on lawns after May 1. The industry has informed us that this date is not needed because many parts of the state do not reach the eighty (80) degree threshold until June or July, if at all, and has requested the removal of the date. The temperature restriction is a much better cut-off mechanism to reduce the likelihood of possible damage throughout the different parts of the state. Also, the newer low volatile ester herbicides being used around homes and gardens in Idaho are safer, more stable, and more

effective than older ester herbicides and have adequate restrictions on the label to protect against volatilization. Since there are other formulations of ester herbicides not listed in the current rule, the industry recommended that we remove the specific names of the herbicides.

Provide a short summary of the changes this rule makes:

Amend IDAPA 02.03.03.500.02, Rules Governing Pesticide and Chemigation Use and Application, to eliminate the specific names of the low volatile liquid ester formulations and the date restriction of May 1 to October 1.

Provide a list of those persons or interest group(s) affected by this rule:

Pesticide applicators, growers, dealers, retailers and registrants.

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

This was requested by industry to update the rule to meet with current practices.

DFM Analyst Fiscal Impact Review:

NA

DFM Analyst Signature & Date:

Anita Hamann, May 5, 2014

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Cally Younger, May 8, 2014

Recommend:

Yes No

DFM Administrator Action:

- Approved
 Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)
 Not Approved

DFM Administrator Signature & Date:

 5/9/2014

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

Yes No

DFM Administrator Signature & Date:

Approved:

Yes No

PARF No. 2014-210-9