IDAHO PESTICIDE MANAGEMENT PLAN
RULE MAKING COMMITTEE

Minutes of the January 29, 2004 Meeting
Idaho State Department of Agriculture

Gary Bahr called the meeting to order at 9:00 am.

Those in attendance included:

Gary Bahr, ISDA
Rick Carlson, ISDA
Keith Esplin, Potato Growers of Idaho
Scott McKinnie, Far West Fertilizer Association
Don Munkers, Idaho Rural Water Users Association
Ken Neely, Idaho Department of Water Resources
Wayne Newbill, IASCD
Craig Tesch, ISDA
Tom Turco, Central District Health
Garrett Weight, EPA
Cathy Parsons, ISDA

Gary noted that the Technical Committee had revised the Response Section but had not yet reviewed any additional sections. They have scheduled an additional meeting for February 5 to try to catch up.

Gary provided copies of the revised timeline for completion and discussion. The next policy committee meeting is scheduled Tuesday, February 17, 2004.

Gary noted that the draft record keeping section will need to be carefully developed. Oregon's program resulted in the necessity of hiring an additional 19 people to implement it and has cost several million dollars. The Oregon program is being streamlined to remain in place—less data collection, etc. If ISDA does record keeping for the PMP process, it would be very site specific and limited in aerial extent and the number of records that would need to be submitted.

Gary explained the Technical Committee changes to the Response to a Pesticide Detection section and again stated there are four projected levels of response. He noted that 02. g. had been changed to clarify that BMPs are voluntary. In response to a question, he stated that the Soil Conservation Commission is the lead agency for compiling accepted BMPs in their Agricultural Pollution Abatement Plan (APAP) which includes lists of the USDA NRCS cost share practices. Gary stated that he would provide copies of the pesticide management BMP to committee members.

Don asked how notifications of pesticide detections, etc. would be provided to public drinking water systems and Committee members agreed that a review of the procedures for this should be done. The Generic PMP says that the state will cooperate with these systems.

Craig provided a listing of suggested definitions to be included in the rule and Gary requested committee members to review this listing as each section is discussed to make sure that needed definitions are included and unnecessary ones deleted. Committee members suggested that definitions be added for MCL, HAL, and RfD for acute and chronic levels. Also, a definition for probability and vulnerability mapping should be added.

Committee members suggested the following changes:

Policies for Pesticide Management Plan.

Committee members outlined a typographical error in subsection 02: **The Policy of the state of Idaho**

Response to a Pesticide Detection

01. Level One Response: When ~~a~~ pesticide detection(s) in an area is at or above the detection limit yet below 20% of the Reference Point, the department ~~shall~~ may:

The changes were suggested to provide staff the ability to take more than one sample from a well to determine a trend before having to take action. This is partially due to the fact that there are so many detections at the Level One category. There was some discussion about the actual meaning of "in an area" and whether or not that term should be defined. Gary noted that this could be a future topic of discussion. Craig will look at other states to see if the term has been defined, or to see how they have used the term.

01.c. Review use practices, soils, hydrogeology, and vulnerability within ~~vicinity~~ area of pesticide detection.

02. Level Two Response. When ~~a~~ pesticide detection(s) in an area are at 20% to less than 50% of the Reference Point, the department ~~shall~~ may:

Garrett Wright will take up the question of "shall" vs "may" at Region X EPA. Garrett requested that Gary write an email to Garrett requesting review of this issue.

03. Level Three Response. When ~~a~~ pesticide detection(s) in an area is at 50% to less than 100% of the Reference point, the department shall:

The change to detection(s) was made to allow staff to the latitude in when to take action—not force action to be taken at only one detection.

03.b. Install wells if the Department determines them necessary for evaluating ground water quality and BMP effectiveness.

The change was made to allow staff latitude to determine if these kinds of wells would be appropriate on a case-by-case basis.

04. d. Provide health information and alternatives for attaining safe water.

Committee members stated that this subsection needs to be clarified to make sure that the Department is responsible for only providing information about safe drinking water alternatives—not for providing safe drinking water.

~~Ground~~ Water Quality Monitoring Programs.

Committee members requested that "ground" be dropped to allow for all water quality monitoring programs if they become necessary in the future.

(1)(b) Committee members asked Gary to revise this statement to add some kind of wording to link monitoring to vulnerability mapping. The section needs to be revised.

(2) Committee members stated the concept for this section is that we would look at data from other agencies such as DEQ, IDWR, USGS, public drinking water systems to the extent that scientific data is available to implement this rule, ie to be able to use other data but not for regulatory action (for example, information not in compliance with the Quality management Plan would not be used for regulatory action). Committee members asked if we would want to include acceptable data sources in this section. The technical committee will look into this.

Gary stated that the Quality Assurance committee led by the Department of Water Resources has not met for many years but he could bring this issue up during the meetings with them. There is a need to update the Memorandum of Understanding between DEQ, IDWR, and ISDA; which in part provides the Department of Agriculture the authority to manage the state agricultural ground water quality program.

Evaluation and use of monitoring results. Committee members requested that this draft section be included with the Water Quality Monitoring Program section and noted that parts (2)-(4) were redundant. They also suggested that section (5) be moved to the Enforcement Section.

~~Ground~~ Water Standards Section.

(1) The Department hereby adopts the following standards:

The department will use reference points in referring to pesticide standards, and shall use first EPA Maximum Contaminant Level (MCL), Health Advisory Levels (HALs), and Reference Dose (RfD) in that order of availability.

Gary stated that he took much of this information from the Montana PMP Rule (page 6, section 200). He noted there are no MCLs for pesticides occasionally detected in Idaho such as: Dacthal, Prometon, Triallate, Metribuzin, etc. Garrett Wright and others suggested using the DEQ standards; and using EPA numbers for the reference doses. The committee needs to craft language for these draft rules that clearly states they are to protect ground water and interconnected surface water. However, this reference should not be complicated.

Tom stated that it would probably be best to list the actual MCL rather than citing a reference and necessitating another search for the actual information. Policy committee members suggested that the Technical Committee review this section to determine appropriate wording (ie, does the Technical Committee agree that a standard table should be included?) However, they emphasized that this should be as simple as possible. This could add expense to the rules over time if the MCLs are changed by EPA and the Idaho DEQ.

Gary stated that Gary and Rick Carlson would present what other states have done and provide a report about how they listed non-promulgated standards.

Members also questioned if these standards could be "incorporated by reference" and how would we get standards established if needed. Other questions included: how confident do we feel using a RfD in a regulatory context. Both Scott and Keith recommended staying with a RfD versus establishing a state standard such as Wisconsin Dept of Agriculture has done (stay with MCLs, HALs, and RfDs). They noted that HALs and MCLs are set; and RfDs are generic. RfD should be in the definitions. RfDs are listed in the EPA Registration Eligibility Definition Documents (REDD). Gary will summarize how other states have dealt with this section. Gary will provide EPA lists of MCLs, HALs, and RfDs.

Generic and Chemical Specific Pesticide Management Plans. Gary reviewed this section and noted that "agricultural chemicals" should be changed to "pesticides."

In **Chemical specific Pesticide Management Plans (PMP)** other changes were suggested that include:

01.b. be changed to **when EPA restricts the pesticide's sale or use in the state, or otherwise initiates action against a pesticide because of ground water concerns.** There was a request that this be blended with the current draft section c.

d. addresses conditional registrations. Committee members suggested that the and/or be revised to **and.**

Subsections e, f, and g should be 01. and 02. and 03.

Gary will also provide additional information on conditional registrations.

The meeting adjourned at 3:00 pm.