

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.03.03 - IDAHO DEPARTMENT OF AGRICULTURE RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-1401

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-3421, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Wednesday, June 18, 2014, 1:30 to 2:30 p.m. (MST)**

**Idaho State Department of Agriculture  
Meeting Rooms A & B  
2270 Old Penitentiary Road  
Boise, Idaho 83712**

A draft of the proposed rule change, as recommended by the Pesticide Licensing Advisory Committee, will be available on June 4, 2014 on the ISDA web site at [www.agri.idaho.gov](http://www.agri.idaho.gov). Comments must be received by ISDA by June 27, 2014.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

All written comments must be directed to Ben Miller and must be delivered on or before June 27, 2014. Comments can be sent via email to [Ben.Miller@agri.idaho.gov](mailto:Ben.Miller@agri.idaho.gov) or via mail to: Ben Miller, Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701.

Interested parties may also attend the negotiated rulemaking meeting at the Idaho State Department of Agriculture on June 18, 2014.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Amends Subsection 02.03.03.500.02 to eliminate the specific names of low volatile liquid ester formulations and the date restriction of May 1 to October 1. These rules have an older restriction that prohibits the use of ester herbicides around any home or garden 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, are 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 also recommended that we remove the specific names of the herbicides.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Ben Miller at (208) 332-8593, or via email at [Ben.Miller@agri.idaho.gov](mailto:Ben.Miller@agri.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Department of Agriculture web site at the following web address: [http://www.agri.idaho.gov/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php).

All written comments must be directed to the undersigned and must be delivered on or before June 27, 2014. Comments can be sent via email to [Ben.Miller@agri.idaho.gov](mailto:Ben.Miller@agri.idaho.gov) or via mail to: Ben Miller, Idaho State Department of Agriculture, PO Box 790, Boise, Idaho 83701.

DATED this 9th day of May, 2014.

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