

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

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

DOCKET NO. 02-0303-1201

#### 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:

**Tuesday -- July 10, 2012 -- 2:30 p.m. (MDT)**

**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 11, 2012 on the ISDA Web site at [www.agri.idaho.gov](http://www.agri.idaho.gov). Comments must be received by ISDA by July 24, 2012.

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

All written comments must be directed to Ben Miller and must be delivered on or before July 24, 2012. 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, ID 83701.

Interested parties may also attend the negotiated rulemaking meeting at the Idaho State Department of Agriculture on July 10, 2012.

**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:

Due to recent changes to soil fumigation labels by the US EPA, all private applicators who want to purchase or apply soil fumigation products will have to attend training every three (3) years, specific to the soil fumigation product they wish to purchase. The US EPA will not require applicators to attend the chemical-specific training, if they maintain the soil fumigation category on their pesticide license. IDAPA 02.03.03.050.c, Rules Governing Pesticide and Chemigation Use and Application will be amended to add a new soil fumigation license category for private applicator licenses.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ben Miller at (208) 332-8593, or via email at [Ben.Miller@agri.idaho.gov](mailto:Ben.Miller@agri.idaho.gov).

DATED this June 8th, 2012.

Brian J. Oakey, Deputy Director  
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