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**IDAPA 02
TITLE 03
Chapter 03**

02.03.03 - RULES GOVERNING PESTICIDE USE AND APPLICATION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-3402(6) and 22-3421, Idaho Code. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is Idaho Department of Agriculture Rules Governing Pesticide Use and Application. This chapter has the following scope: to govern the use and application of pesticides; licensing of pesticide applicators and registration of pesticides for use in Idaho; testing and recertification of licensees; record keeping requirements; financial responsibilities; aerial applications of pesticides; wind restrictions; pesticide/fertilizer mix restrictions; experimental use permits; restrictions to protect pollinators; storage of pesticide containers; non-domestic pesticides; phenoxy herbicide restrictions; application of pesticides near hazard areas; microencapsulated methyl parathion restrictions; daminozide (Alar) restrictions; pesticide use on alfalfa seed and clover seed; and unusable pesticides collection and disposal. (3-20-97)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-97)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-3401, Idaho Code, and the following definitions: (3-20-97)

01. 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. (3-20-97)

02. Demonstration and Research. The use of restricted use pesticides to demonstrate the action of the pesticide or conduct research. (3-20-97)

03. Hazard Area. Cities, towns, subdivisions or densely populated areas. (3-20-97)

04. High Volatile Esters. Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters. (3-20-97)

05. 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. (3-20-97)

06. Mixer-Loader. Any person who works under the supervision of a professional applicator in the mixing and loading of pesticides to prepare for, but not actually make, applications. (3-20-97)

07. Recertification. The requalification of a certified person 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. (3-20-97)

08. Seminar. Any Department-approved meeting or activity convened for the purpose of presenting pesticide recertification information. (3-20-97)

005. FINDINGS.

These rules are promulgated pursuant to Section 57-5226, Idaho Code, in compliance with the deadlines in the governing law, Title 22, Chapter 34, Idaho Code. The rule changes are necessitated by the passage of H.B. 453 and

H.B. 454 in February 1996. The rules confer a benefit by combining chemigator licensing with pesticide applicator licensing, simplifying the recertification record keeping and providing a uniform two year license and recertification period for all licenses. (3-20-97)

006. -- 049. (RESERVED).

050. PRIVATE APPLICATOR LICENSING.

01. Private Applicator's License. Applicants who wish to obtain a private applicator's license shall (3-20-97)
- a. Fill out an application prescribed by the Department. (3-20-97)
- b. Take an examination based on the Environmental Protection Agency (EPA) core manual and score a minimum of seventy percent (70%). The examination procedure shall be the same as for professional applicators (Subsection 100.03), except private applicators shall not be assessed an examination fee. (3-20-97)
- c. Private applicators shall be certified and licensed in one or both of the following categories: (3-20-97)
- i. Restricted Use Pesticide (RU). For persons who use or supervise the use of restricted use pesticides to produce agricultural commodities or forest crops on land they or their employer(s) own(s) or operate(s). (3-20-97)
- ii. Chemigation (CH). For persons who apply chemicals through irrigation systems on land they or their employer(s) own(s) or operate(s). (3-20-97)
- d. Non-reading applicators may be certified to purchase and apply a single restricted use pesticide when they have demonstrated their competence in the safe and proper use of such pesticide to the Director or other designated agent. (3-20-97)

02. Recertification. In order for a private applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Beginning July 1, 1996, licenses belonging to private applicators with last names beginning with A through L, inclusive, shall expire on the last day of the month listed on the chart in Subsection 050.02.a. in odd-numbered years, 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 050.02.a., in even-numbered years. The recertification period shall be concurrent with the licensing period. Those persons who are currently licensed as a private applicator or chemigator on June 30, 1996, shall be reissued a private applicator license with the appropriate categories. Those persons who are currently licensed as a private applicator or chemigator on June 30, 1996, shall be grandfathered into the licensing schedule at Subsection 050.02.a. Any person with less than thirteen (13) months in the initial licensing period shall not be required to obtain recertification credits for the initial period. Upon issuance of the replacement license, the previous license shall be null and void. Any private applicator license without an expiration date shall be null and void on December 31, 1996. Recertification and relicensing may be accomplished by complying with either Subsection 050.02.b. or 050.02.c. (3-20-97)

- a. Licensing Schedule. (3-20-97)

Last Name		Month to License
Odd Year	Even Year	
A-D	M-P	MARCH
E-H	Q-T	JULY
I-L	U-Z	OCTOBER

- b. A person shall accumulate recertification credits by attending Department-accredited pesticide instruction seminars. (3-20-97)
- i. A minimum of two (2) credits shall be earned during each recertification period. (3-20-97)
- ii. Guidelines for obtaining recertification credits shall be the same as for professional applicators, as described in Subsections 100.04.a.ii. through 100.04.a.v. Any credits accumulated beyond the required two (2) in a recertification period may not be carried over to the next recertification period. (3-20-97)
- iii. Upon earning the recertification credits as described above, a person shall be considered by the Department to be recertified and eligible for license renewal for the next licensing period. (3-20-97)
- c. A person shall pass the Department's private applicator recertification examination(s) for all categories in which the person intends to license with a minimum score of seventy percent (70%). (3-20-97)
- i. Recertification examinations may be taken by a person beginning the thirteenth (13th) month of the license period. (3-20-97)
- ii. The examination procedures as outlined in Subsection 100.03 shall be followed, except that an examination fee shall not be assessed. (3-20-97)
- iii. Upon passing the recertification examinations, a person shall be considered by the Department to be recertified and eligible for license renewal for the next licensing period. (3-20-97)

051. -- 099. (RESERVED).

100. LICENSING PROFESSIONAL APPLICATORS AND PESTICIDE DEALERS.

- 01. Demonstration of Competence. (3-20-97)
 - a. Professional applicators shall not recommend the application or make an application of any pesticide for any purpose, unless they have demonstrated competence for that purpose, which competence must be demonstrated by passing Department examinations and becoming licensed in the appropriate categories listed in Subsection 100.02. (3-20-97)
 - b. An applicant shall demonstrate competency in the following areas: (3-20-97)
 - i. Labels and labeling, including terminology, instructions, format, warnings and symbols. (3-20-97)
 - ii. Safety factors and procedures, including protective clothing and equipment, first aid, toxicity, symptoms of poisoning, storage, handling, transportation and disposal. (3-20-97)
 - iii. Laws, rules, and regulations governing pesticides. (3-20-97)
 - 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. (3-20-97)
 - v. Mixing and loading, including interpretation of labels, safety precautions, compatibility of mixtures, and protection of the environment. (3-20-97)
 - vi. Methods of use or application, including types of equipment, calibration, application techniques, and prevention of drift and other types of pesticide migration. (3-20-97)
 - vii. Pests to be controlled, including identification, damage characteristics, biology and habitat. (3-20-97)
 - viii. Types of pesticides, including formulations, mode of action, toxicity, persistence, and hazards of

- use. (3-20-97)
- ix. Chemigation practices involving the application of chemicals through irrigation systems. (3-20-97)
02. Certification. A person shall be certified by passing Department examinations with a minimum of seventy percent (70%) in the categories of pesticides they apply. (3-20-97)
- a. Professional applicators shall be certified and licensed in one or more of the following categories: (3-20-97)
- i. Law and Safety (LS). This shall include general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling, and laws. Certification in this category is required when certifying in Subsections 100.02.a.ii. through 100.02.a.ix. (3-20-97)
- ii. Agriculture. For persons doing field crop applications. Agriculture Herbicide (AH). Certification in this category shall also certify a person to make herbicide applications in rights-of-way, forests, and rangelands. Agriculture Insecticide/Fungicide (AI). Certification in this category shall also certify a person to make insecticide/fungicide applications in rights-of-way, forests, and rangelands. Soil Fumigation (SF). (3-20-97)
- iii. Forest Environment (FE). For U.S. Forest Service and Bureau of Land Management personnel, contractors, and private industry personnel who control pests in forests and on rangelands. (3-20-97)
- iv. Right-of-Way Herbicide (RW). For railroads, highway departments and others, for roadside weed control, soil sterilant herbicides, and weed control on public lands (non-crop). Certification in the Agricultural Herbicide category shall exempt the applicant from the need to certify in this category. (3-20-97)
- v. Public Health Pest (PH). For abatement districts and others controlling mosquitoes and other public health pests. (3-20-97)
- vi. Livestock Pest Control (LP). For persons treating livestock pests. (3-20-97)
- vii. Ornamental Herbicide (OH). For persons doing outside urban or residential herbicide applications, with the exception of soil sterilant applications (see Subsection 100.02.a.iv.). Ornamental Insecticide/Fungicide (OI). For persons doing outside urban or residential insecticide and fungicide applications, including exterior applications to residential, urban or commercial buildings, excluding structural destroying pests (see Subsection 100.02.a.ix.). (3-20-97)
- viii. General Pest Control Operations (GP). For persons controlling pests in and around residential, commercial, or other buildings, excluding structural destroying pests. (3-20-97)
- ix. Structural Destroying Pest (SP). For persons involved in the control of pests which destroy wooden structures, such as bridges, houses, offices, and warehouses. (3-20-97)
- x. General Vertebrate Control (GV). For Animal Damage Control personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service, for controlling vertebrates such as rodents, predators, and birds. (3-20-97)
- xi. Rodent Control (RC). For rodent districts and others, for the control of field rodents. Certification in the General Pest Control category shall exempt the applicant from the need to certify in this category. (3-20-97)
- xii. Aquatic Weed Control (AW). For irrigation districts, canal companies and others, for weed control on aquatic sites. (3-20-97)
- xiii. Seed Treatment (ST). For persons doing treatments to protect seeds used for plant reproduction. (3-20-97)
- xiv. Commodity Pest Control (CP). For persons controlling pests in stored commodities. (3-20-97)

- xv. Potato Cellar Pest Control (PC). For persons who apply sprout inhibitors in potato cellars. (3-20-97)
- xvi. Wood Preservative (WP). For persons who apply wood preservatives. (3-20-97)
- xvii. Pest Control Consultant-Statewide (SW). For persons who make recommendations or supply technical advice concerning the use of any pesticide for agricultural purposes. (3-20-97)
- xviii. Demonstration and Research (DR). For persons who apply or supervise the use of restricted use pesticides at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. A person shall be eligible to license in this category by passing the Pest Control Consultant examination. (3-20-97)
- xix. Chemigation (CH). For persons who apply chemicals through an irrigation system, excluding Aquatic Weed Control applicators (see Subsection 100.02.xii.). (3-20-97)
- b. Pesticide Dealers shall be certified and licensed in any category listed in Subsection 100.02 that pertains to the types of restricted use pesticides sold or distributed. (3-20-97)
- c. Mixer-Loaders. No person shall act as a mixer-loader for a professional applicator without first obtaining a mixer-loader license issued by the Department. Professional and private applicators are exempt from this requirement. (3-20-97)
 - i. An applicant must be at least eighteen (18) years of age. (3-20-97)
 - ii. An applicant must be employed by a licensed professional applicator. (3-20-97)
 - iii. Before obtaining a license, an applicant shall receive Department-approved training in areas relevant to the pesticide mixing and loading operation. Such training shall include instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment. (3-20-97)
 - iv. In lieu of training, an applicant may become certified by passing the Department's mixer-loader examination with a minimum score of seventy percent (70%). (3-20-97)
 - v. Application for a mixer-loader license shall be on a form prescribed by the Department. If the training option (Subsection 100.02.c.iii.) is selected, the application form must include the signatures of both the applicant and the professional applicator verifying that the applicant received the required mixer-loader training. (3-20-97)
- 03. Department Examination Procedures. (3-20-97)
 - a. Examinations shall be administered by a designated agent. (3-20-97)
 - b. To pass a Department examination, Professional applicators and pesticide dealers shall obtain a score of seventy percent (70%) or higher. (3-20-97)
 - c. Payment of examination fees shall be received by the Idaho Department of Agriculture before examination results may be released. (3-20-97)
 - d. A minimum waiting period shall be required before an applicant may retake an examination: (3-20-97)
 - i. One (1) week shall be required for the first failure. (3-20-97)
 - ii. Two (2) weeks shall be required for the second failure. (3-20-97)
 - iii. Thirty (30) days shall be required for the third or subsequent failures. (3-20-97)

04. Recertification. Professional applicators shall be required to comply with certain recertification requirements. Beginning July 1, 1996, licenses belonging to professional applicators with last names beginning with A through L, inclusive, shall expire on the last day of the year in odd-numbered years, and licenses belonging to professional applicators with last names beginning with M through Z, inclusive, shall expire on the last day of the year in even-numbered years. Any person with less than thirteen (13) months in the licensing period shall not be required to obtain recertification credits during the initial licensing period. Recertification requirements may be accomplished by complying with either Subsection 100.04.a. or 100.04.b. (3-20-97)

a. A person shall accumulate recertification credits by attending Department-accredited pesticide instruction seminars. (3-20-97)

i. A minimum of five (5) credits shall be earned during each recertification period. (3-20-97)

ii. A completed request for accreditation of a seminar shall be received by the Department not less than thirty (30) days prior to the scheduled seminar. Such a request shall be submitted on a form prescribed by the Department. Under exceptional circumstances, as described in writing by the person requesting accreditation, the thirty (30) day requirement may be waived. (3-20-97)

iii. Credit will be given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.01.b. No credit will be given for training given to persons to prepare them for initial certification. (3-20-97)

iv. The number of credits assigned in advance for a seminar, or a part of a seminar, shall be tentative, and may be revised by the Department if it is later found that the training does not comply with Subsection 100.04.a.iii. (3-20-97)

v. A recertification credit shall be based upon one (1) credit for each one hundred fifty (150) minute period of instruction, as described in Subsection 100.04.a.iii. (3-20-97)

vi. Verification of attendance at a seminar shall be accomplished by validating the attendee's pesticide license, using a stamp, sticker, or other method approved by the Department. A designated agent shall ensure that such attendance records are properly completed. Verification of attendance must be submitted with the license renewal application. (3-20-97)

vii. If a person has accumulated more than five (5) credits during the recertification period, the excess credits may not be carried over to the next recertification period. (3-20-97)

viii. Upon earning the recertification credits as described above, a person shall be considered by the Department to be recertified for the next recertification period corresponding with the next issuance of a license. (3-20-97)

b. A person shall pass the Department's recertification examinations for all categories in which a person intends to license. (3-20-97)

i. Recertification examinations may be taken by a person beginning the thirteenth (13th) month of the recertification period. (3-20-97)

ii. The examination procedures at outlined in Subsection 100.03 shall be followed. (3-20-97)

iii. In addition to examinations for categories listed under Subsection 100.02.a.ii. through 100.02.a.viii., a person must also pass a Law and Safety recertification examination. (3-20-97)

iv. Recertification shall not be achieved by passing an entry-level examination. (3-20-97)

v. Upon passing the recertification examination(s), a person shall be considered by the Department to be recertified for the next recertification period. (3-20-97)

c. Any person who fails to accumulate the required recertification credits prior to the expiration date of their license shall be required to pass the appropriate recertification examination(s) before being licensed. (3-20-97)

05. Licensed Professional Applicator. Only a licensed professional applicator shall operate or supervise the operation of commercial application equipment by being present during the time of operation. (3-20-97)

101. -- 149. (RESERVED).

150. RECORDS REQUIREMENTS.

01. Applicator Records. Professional applicators shall maintain the following pesticide application records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. The records shall be maintained in a location designated by the professional applicator. (3-20-97)

02. Record Contents. Such records shall contain: (3-20-97)

a. The name and address of the owner or operator of each property treated; and (3-20-97)

b. The specific crop, animal, or property treated; and (3-20-97)

c. The trade name or brand name of the pesticide applied; and (3-20-97)

d. The dilution applied or rate of application; and (3-20-97)

e. The total amount of pesticide (active ingredient) applied; and (3-20-97)

f. The date of application; and (3-20-97)

g. The full name of the professional applicator applying the pesticide. NOTE - in addition to the above records requirements, records of aerial applicators shall contain: (3-20-97)

i. The time of day when the pesticide is applied; and (3-20-97)

ii. The approximate wind velocity; and (3-20-97)

iii. The approximate wind direction. (3-20-97)

151. -- 199. (RESERVED).

200. FEES.

01. Pesticide Registration. On and after December 1, 1994, one hundred twenty dollars (\$120) per product. (3-20-97)

02. Professional Applicator's License. On and after July 1, 1996, 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. (3-20-97)

03. Pesticide Dealer's License. On and after November 1, 1991, fifty dollars (\$50). (3-20-97)

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. (3-20-97)

05. Examination Fee Per Examination Category. Ten dollars (\$10). (3-20-97)

201. -- 249. (RESERVED).

250. FINANCIAL RESPONSIBILITY.

01. Proof of Financial Ability. A professional applicator's license will not be issued by the Department until an applicant submits written proof of financial responsibility by any of the following methods: (3-20-97)

a. Liability insurance with an insurance company licensed to do business in Idaho; or (3-20-97)

b. A bond that is approved by the Director; or (3-20-97)

c. A cash certificate of deposit in escrow with a bank or trust company; or (3-20-97)

d. An annuity; or (3-20-97)

e. An irrevocable letter of credit. (3-20-97)

f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as trustee and shall 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, 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. (3-20-97)

g. Under the provisions of this chapter, an irrevocable letter of credit shall not be acceptable unless it is issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. Under the provisions of this chapter, an annuity shall not be accepted by the Department unless it is issued by an insurance company, bank or other financial institution found acceptable by the Director. (3-20-97)

02. Minimum Coverage Required. (3-20-97)

a. Professional applicators. (3-20-97)

i. Bodily injury - twenty five thousand dollars (\$25,000) per person/fifty thousand dollars (\$50,000) per occurrence. (3-20-97)

ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (3-20-97)

iii. Maximum deductible - five thousand dollars (\$5,000). (3-20-97)

03. Exceptions. Any exceptions not covered by such insurance policy, bond, or cash deposit shall be listed. (3-20-97)

04. Cancellation or Reduction. The Department shall be notified in writing at least ten (10) days prior to a notice of cancellation or reduction of the financial coverage (3-20-97)

05. Chemical Injury. These financial requirements do not include, nor are they meant to include, any chemical injury to the immediate property being treated. (3-20-97)

06. Coverage Waived. Subsection 250.02.a.ii. as it pertains to property damage in the amount of "fifty thousand dollars (\$50,000) per occurrence" may be waived on a case-by-case basis by the Director when it can be demonstrated by the applicant that there is not a need for this type of coverage. In addition, any applicator may apply, on a form prescribed by the Director, for an exemption to Subsection 250.01 if that professional applicator will not be making applications of pesticides or will only be making applications for the purpose of demonstration or research. (3-20-97)

251. -- 299. (RESERVED).

300. 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. (3-20-97)

301. -- 309. (RESERVED).

310. LOW-FLYING PROHIBITIONS.

01. Low-Flying Prohibitions. Aircraft pilots during spray operations are prohibited from turning or low-flying: (3-20-97)

a. Over cities, towns and densely populated areas unless authorized by the city or town in question pursuant to an agreement in writing for pesticide applications; or (3-20-97)

b. Directly over an occupied structure such as a residence, a school in session, or a hospital except by permission of the person(s) whose occupied structure is involved. (3-20-97)

02. Restriction. The low-flying restrictions listed in Subsection 310.01 shall only pertain to persons other than those persons whose property is to be treated. (3-20-97)

311. -- 319. (RESERVED).

320. WIND VELOCITY RESTRICTIONS.

No aircraft pilot shall apply any pesticide with an aircraft in sustained wind conditions exceeding seven (7) miles per hour. (3-20-97)

321. CHANGE OF OWNERSHIP.

01. Change Notification. Any person who is licensed by this act shall 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. (3-20-97)

02. Transferable. Licenses are not transferable, and in case of a change of business ownership, a new application and fee are required. No fee is required for a change of business name. (3-20-97)

322. (RESERVED).

323. PESTICIDE-FERTILIZER MIX RESTRICTIONS.

No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (3-20-97)

324. EXPERIMENTAL PERMITS.

Any person who wishes to obtain an experimental permit to accumulate information necessary to register a pesticide for a special local need under Section 22-3402(5), Idaho Code, shall file an application with the Department which contains: (3-20-97)

01. Name. The company name. (3-20-97)

02. Applicant. The name, address, and telephone number of the applicant. (3-20-97)

03. Shipment. The proposed date of shipment or proposed shipping period not to exceed one (1) year. (3-20-97)

04. Active Ingredient. A statement listing the active ingredient. (3-20-97)

05. Quantity Statement. A statement of the approximate quantity to be tested. (3-20-97)

06. Acute Toxicity. Available data or information or reference to available data on the acute toxicity of the pesticide. (3-20-97)

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. (3-20-97)

08. Temporary Tolerance. When 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. (3-20-97)

09. Proposed Labeling. Proposed labeling which must bear: (3-20-97)

a. The prominent statement "For Experimental Use Only" on the container label and any labeling that accompanies the product. (3-20-97)

b. An adequate caution or warning statement to protect those who may handle or be exposed to the experimental formulation. (3-20-97)

c. The name and address of the applicant for the permit. (3-20-97)

d. The name or designation of the formulation. (3-20-97)

e. Directions for use. (3-20-97)

f. A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients. (3-20-97)

10. Quantity Limit. The Director may limit the quantity of pesticide covered by the permit or make such other limitations as he may determine to be necessary for the protection of humans or the environment. (3-20-97)

11. Experimental Use. A pesticide for experimental use shall not be offered for sale unless a written permit has been obtained from the Director. (3-20-97)

325. -- 399. (RESERVED).

400. RESTRICTIONS TO PROTECT POLLINATORS.

01. Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. (3-20-97)

02. 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. (3-20-97)

03. 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. (3-20-97)

401. -- 449. (RESERVED).

450. STORAGE OF PESTICIDE CONTAINERS.

01. Protecting Humans and Environment. No person shall 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. (3-20-97)

02. Storage by Professional Applicators or Pesticide Dealers. Storage of pesticide containers by professional applicators and pesticide dealers: (3-20-97)

a. Empty or partially full 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 - 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, shall be stored in one of the following enclosures which when unattended shall be locked to prevent unauthorized persons, livestock or animals from gaining entry: (3-20-97)

i. Closed vehicle; (3-20-97)

ii. Closed trailer; (3-20-97)

iii. Building or room; (3-20-97)

iv. Fenced area with a fence at least six (6) feet high; (3-20-97)

v. Truck or trailer with solid sideracks and secured tailgate at least six (6) feet above ground level. (3-20-97)

b. Empty or partially full pesticide containers which contain Class 4 pesticides (LD50 over 5000) shall be stored in secured storage out of the reach of children in one of the above enclosures. (3-20-97)

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

"D A N G E R"

**"POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT"**

The notice shall 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 shall also contain the name and telephone number of a person to contact in case of an emergency. (3-20-97)

03. Exceptions. The provisions of Subsection 450.02 shall not apply to drums of petroleum oils, lime sulfur, and copper sulfate. (3-20-97)

04. Disposal. Any person applying pesticides shall be responsible for the proper disposal of such empty containers. (3-20-97)

451. -- 499. (RESERVED).

500. NON-DOMESTIC PESTICIDES.

01. Home and Garden Restrictions. The following listed pesticides shall not be sold to home and garden users, nor shall they be applied by professional applicators around any home or garden. These pesticides shall be registered only when labeled, distributed, sold or held for sale and use other than home and garden use. (3-20-97)

a. Bidrin (Foliar applications). (3-20-97)

b. Disyston (two point one percent (2.1%) and above). (3-20-97)

- c. Guthion (fifteen percent (15%) and above). (3-20-97)
- d. Strychnine (one percent (1%) and above). (3-20-97)
- e. Zinc Phosphide (two point one percent (2.1%) and above). (3-20-97)
- f. All high volatile liquid ester formulations of 2,4-D. (3-20-97)

02. Ester Restriction. Low volatile liquid ester formulations of 2,4-D; 2,4-DP; MCPA and MCPB shall not be applied around any home or garden between May 1 and October 1 of any year or at any time when air temperature exceeds eighty (80) degrees Fahrenheit. (3-20-97)

501. -- 549. (RESERVED).

550. PHENOXY HERBICIDE RESTRICTIONS.

D: 01. High Volatile Ester Restrictions. No aircraft pilot shall apply high volatile ester formulations of 2,4-D; (3-20-97)

- a. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (3-20-97)
- b. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (3-20-97)

c. Waiver of the restriction is Subsections 550.01.a. and 550.01.b. may be issued on a project-by-project basis by the Director. (3-20-97)

02. Low Volatile Ester Restrictions. No aircraft pilot shall apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (3-20-97)

a. In Latah, Nez Perce, and Clearwater Counties in Idaho during the period between May 1 and October 15, or (3-20-97)

- b. Within one (1) mile of a hazard area in any other county in Idaho. (3-20-97)

c. Waiver of the restriction in Subsection 550.02.a. may be issued on a project-by-project basis by the Director. (3-20-97)

03. Hazard Area. Aircraft pilots shall maintain the following spray distances from hazard areas when applying amine or acid formulations of 2,4-D; MCPA; MCPB; and Dicamba:

Mean Sustained Wind Velocity	Downwind	Upwind
0-3 MPH	1/2 mile	600 feet
4-7 MPH	1 mile	200 feet
Over 7 MPH	Do not apply	Do not apply

(3-20-97)

04. Airflow and Temperature Inversion Indicators. A continuous smoke column or other device satisfactory to the Director shall 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. (3-20-97)

05. Other Spraying Equipment. If any aerial applicator wishes to use spraying equipment other than the equipment specified, such equipment must be approved by the Director prior to use. (3-20-97)

551. -- 599 (RESERVED).

600. APPLICATION NEAR HAZARD AREAS.

An aircraft pilot shall not apply any pesticide within one-half (1/2) mile of a hazard area unless there is air movement away from the hazard area. (3-20-97)

601. MICROENCAPSULATED METHYL PARATHION RESTRICTION.

An aircraft pilot shall not apply microencapsulated methyl parathion within one-half (1/2) mile of any canyon breaks or the perimeter thereof, of the Clearwater-Snake River drainage within the boundaries of Latah, Lewis, Clearwater, and Nez Perce Counties in Idaho. (3-20-97)

602. -- 749. (RESERVED).

750. DAMINOZIDE (ALAR) RESTRICTIONS.

01. Reporting Possession. Any person who possesses Daminozide (Alar) shall immediately report in writing to the Idaho Department of Agriculture the amount and location of Daminozide (Alar) in possession. (3-20-97)

02. Permit. No person shall apply Daminozide (Alar) without first obtaining a permit from the Idaho Department of Agriculture. An application for a permit shall contain the following information: (3-20-97)

- a. The applicant's name, address and telephone number; and (3-20-97)
- b. The exact location of proposed treatment; and (3-20-97)
- c. The specific crop to be treated; and (3-20-97)
- d. Total acreage to be treated; and (3-20-97)
- e. The total amount of Daminozide (Alar) to be applied; and (3-20-97)
- f. An agreement by the applicant to identify and segregate any Daminozide (Alar) treated apples. (3-20-97)

03. Notification. Any person intending to apply Daminozide (Alar) shall notify the Idaho Department of Agriculture not less than forty-eight (48) hours prior to actual use. (3-20-97)

04. Introduction. Any person who introduces Daminozide (Alar) treated apples into the marketing channel shall notify the Idaho Department of Agriculture not less than forty-eight (48) hours prior to such action. (3-20-97)

751. -- 799. (RESERVED).

800. PESTICIDE USE ON ALFALFA SEED AND CLOVER SEED.

01. Nonfood and Nonfeed Site Conditions. For purposes of pesticide registration, all alfalfa seed and clover seed crop fields are considered nonfood and nonfeed sites for pesticide use and the following conditions shall be met: (3-20-97)

a. No portion of the seed alfalfa or seed clover plant, 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. (3-20-97)

b. The seed conditioner shall keep records of individual growers' alfalfa and clover seed dirt weight and clean weight for three (3) years and shall furnish the records to the Director forthwith upon request. (3-20-97)

c. All seed screenings shall be disposed of at a controlled dump site, incinerator, or other equivalent disposal site. (3-20-97)

d. The seed conditioner shall keep seed screening disposal records for three (3) years from the date of disposal and shall furnish the records to the Director forthwith, upon request. Disposal records shall consist of documentation from the disposal site and shall show the total weight of disposed screenings and the date of disposal. (3-20-97)

e. All alfalfa or clover seed grown or conditioned in this state shall bear a tag or container label which forbids the use of the seed for human consumption or animal feed. (3-20-97)

f. No alfalfa or clover seed grown or conditioned in this state shall be distributed for human consumption or animal feed. (3-20-97)

02. Exemption. Alfalfa seed grown for human consumption shall be exempt from the requirements of Subsection 800.01 provided: (3-20-97)

a. All pesticides used are labeled for use on alfalfa, and have established residue tolerances which allow food or feed use; and (3-20-97)

b. All producers maintain for three (3) years complete records of all pesticides applied as specified in Pesticide Use and Application Rules Subsection 150.02. These records shall be ready to be inspected, duplicated, or submitted when requested by the Director. (3-20-97)

801. -- 849. (RESERVED).

850. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.

01. Authority. The Director of the Idaho Department of Agriculture or designated agent may, if deemed necessary for the protection of the environment, take possession and dispose of canceled, suspended, or otherwise unusable pesticides. (3-20-97)

02. Participant Transfer of Product Ownership. Persons interested in transferring the ownership of their unusable pesticide products to the Department shall: (3-20-97)

a. Preregister the product on a form prescribed by the Department. (3-20-97)

b. Follow all applicable United States Department of Transportation regulations in the handling, loading, securing and transporting of their products. (3-20-97)

c. Over-pack all torn or leaky containers to prevent a release of product into the environment during transport. (3-20-97)

d. Sign a release, transferring the ownership of the product to the Department. (3-20-97)

e. Comply with all applicable federal, state and local laws, regulations and ordinances. (3-20-97)

03. Department Possession For Disposal. In order to take possession and dispose of unusable pesticide products, the Department shall: (3-20-97)

a. Preregister participants in the area where the collection site is located. (3-20-97)

b. Notify preregistered participants of pesticide products approved for collection and disposal. (3-20-97)

c. Secure appropriate collection site(s) in cooperation with local government and other organizations.

- (3-20-97)
- d. Obtain an Environmental Protection Agency identification number as a hazardous waste generator. (3-20-97)
 - e. Provide and ensure the use of personal protective equipment for Department employees. (3-20-97)
 - f. Ensure that workers unload chemicals from participant's vehicle only in an area developed to contain possible spills. (3-20-97)
 - g. Sign a transfer of ownership, releasing the participant of the product. (3-20-97)
 - h. Transfer the unusable pesticide products as hazardous waste to a hazardous waste contractor(s) for transport and disposal. (3-20-97)
 - i. Comply with all applicable federal, state and local laws, regulations and ordinances. (3-20-97)
04. Contract Transport And Disposal. The contractor(s) providing for the transport and disposal of the hazardous waste shall: (3-20-97)
- a. Provide a representative to participate in the collection site evaluation and selection process. (3-20-97)
 - b. Prepare the selected site collection area in such a manner as to contain possible spills. (3-20-97)
 - c. Certify to the Department that their employees handling the hazardous waste materials meet Occupational Safety and Health Administration safety and training requirements. (3-20-97)
 - d. Certify to the Department that their employees handling or transporting the hazardous waste materials meet United States Department of Transportation training requirements. (3-20-97)
 - e. Provide and ensure the use of personal protective equipment for their employees during collection events. (3-20-97)
 - f. Overpack the hazardous waste materials as required by the disposal facility and the United States Department of Transportation. (3-20-97)
 - g. Obtain and provide the Department with written approval for hazardous waste acceptance from the treatment, storage and disposal facility prior to the collection. (3-20-97)
 - h. Provide the manifest forms, labels and markings for the overpacked containers and provide the placards for the commercial hazardous waste transport vehicles. (3-20-97)
 - i. Label, manifest, mark, and placard the load for proper transportation. (3-20-97)
 - j. Transport hazardous waste materials to the approved disposal site(s). (3-20-97)
 - k. Certify to the Department that the commercial hazardous waste transporter: (3-20-97)
 - i. Is registered through the Environmental Protection Agency and possesses an Environmental Protection Agency identification number. (3-20-97)
 - ii. Is registered through the Environmental Protection Agency in each state through which the hazardous waste is transported. (3-20-97)
 - iii. Is registered with the United States Department of Transportation, Research and Special Programs Administration to transport hazardous waste. (3-20-97)

- iv. Has obtained an Idaho Department of Transportation hazardous waste trip permit and hazardous materials endorsement. (3-20-97)
- v. Has obtained a satisfactory safety rating from the United States Department of Transportation. (3-20-97)
- l. Perform a final cleanup in such a manner as to ensure that the collection site is returned to its original condition. (3-20-97)
- m. Provide complete documentation of collections, transportation and disposal to the Department in a timely manner. (3-20-97)
- n. Comply with all applicable Federal, State and local laws, regulations, and ordinances. (3-20-97)

851. -- 999. (RESERVED).