

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Ag Resources Division

02.03.03 – Rules Governing Pesticide and Chemigation Use and Application

Who does this rule apply to?

This rule applies to pesticide applicators, handlers and dealers as follows:

- Private pesticide applicators who apply or supervise the use of restricted use pesticides not for compensation;
- Professional pesticide applicators who apply or supervises the use of pesticides for compensation or provides technical advice or recommendations regarding the use of agricultural pesticides;
- Pesticide dealers who distributes pesticides;
- Persons who store, handle, transport, display, distribute pesticides; and
- Persons that dispose of unusable pesticides

What is the purpose of this rule?

This rule establishes the certification and training requirements for pesticide applicators and dealers. This rule also governs the storage, handling, use and application of pesticides, establishes pesticide registration requirements, establishes certain restrictions for the protection of pollinators, and governs the licensing and equipment requirements for Chemigation.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

- [22-3421, Idaho Code](#) – Adoption and Scope of Rules Pesticides and Chemigation

Who do I contact for more information on this rule?

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02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

000. LEGAL AUTHORITY.

Section 22-3421, Idaho Code.

(4-22-24)T

001. SCOPE.

This chapter governs the use and application of pesticides; licensing of pesticide applicators; registration of pesticides; and responsibilities for chemigation in Idaho.

(4-22-24)T

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference:

(3-15-22)

01. U.S. Code of Federal Regulations (CFR) Title 40, Part 165, Subpart E. “Standards for Pesticide Containment Structures,” Sections 165.80 through 165.97 that may be viewed at https://www.govregs.com/regulations/title40_chapter1_part165_subpartE [71 FR 47422, Aug. 16, 2006, as amended at 73 FR 64228, Oct. 29, 2008].

(4-22-24)T

02. U.S. Code of Federal Regulations (CFR) Title 40, Chapter 1, Part 171. “Certification of Pesticide Applicators” that may be viewed at https://www.govregs.com/regulations/title40_chapter1_part171 [82 FR 1028, Jan. 4, 2017].

(4-22-24)T

03. Restrictions For Use Of The Livestock Protection Collars (Compound 1080). <https://agri.idaho.gov/main/wp-content/uploads/2020/06/LPC-RESTRICTIONS.pdf> 82 FR 1042, Jan. 4, 2017.

(4-22-24)T

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to Section 22-3401, Idaho Code, the following are defined as:

(4-22-24)T

01. Antimicrobial Pesticides. Substances or mixture of substances used to destroy or suppress the growth of harmful microorganisms such as bacteria, viruses, or fungi on inanimate objects and surfaces.

(4-22-24)T

02. 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.

(3-15-22)

03. Chemigator. Any person engaged in the application of chemicals through any type of irrigation system.

(3-15-22)

04. Hazard Area. Cities, towns, subdivisions, schools, hospitals, or densely populated areas.

(3-15-22)

05. High Volatile Esters. Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters.

(3-15-22)

06. Limited Supervision. The supervision of a professional commercial apprentice by a supervising applicator licensed in the categories necessary for the pesticide application. The supervising applicator is limited to supervision of two (2) professional commercial apprentice applicators at one (1) time and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications.

(4-22-24)T

07. 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.

(3-15-22)

08. 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.

(3-15-22)

09. On-Site Supervision. A noncertified applicator may apply general use and restricted use pesticides under on-site supervision by a professional applicator with the required license categories. The supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be able to direct the actions of the noncertified pesticide applicator. The supervising applicator may not

supervise more than two (2) noncertified pesticide applicators at one (1) time. (4-22-24)T

10. Pesticide Drift. Movement of pesticide dust or droplets through the air at the time of application or soon after, to any site other than the area intended. (3-15-22)

11. 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. (3-15-22)

12. Seminar. Any Department-approved meeting or activity convened for the purpose of presenting pesticide recertification information. (3-15-22)

13. Sprinkler Irrigation. Method of irrigation in which the water is sprayed, or sprinkled, through the air to the ground surface. (3-15-22)

14. Waters of the State. Any surface waters such as canals, ditches, laterals, lakes, streams, or rivers. (3-15-22)

011. -- 099. (RESERVED)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. PROFESSIONAL APPLICATOR LICENSING.
To obtain a professional applicator's license an applicant must: (3-15-22)

01. Submit Application. Submit an application prescribed by the Department with applicable fee (Section 280). (4-22-24)T

02. Demonstrate Competence. (3-15-22)

a. All professional applicators must pass the Applicator Core Competency exam in addition to any other category. Professional applicators may only make pesticide recommendations or make pesticide applications for any purpose for which they have demonstrated competence. Competence is demonstrated by passing Department examinations and becoming licensed in categories described in Subsection 100.04. (4-22-24)T

b. An applicant will demonstrate core competency in all standards outlined in 40 CFR 171.103(c). (4-22-24)T

03. Certification and Department Examination Procedures. Be certified by passing Department examinations with a minimum score of seventy percent (70%) in the applicable pesticide categories (Subsection 100.04). Examinations shall adhere to standards outlined in 40 CFR 171.103(a)(2). In addition, examinations are: (4-22-24)T

a. Proctored by ISDA staff or by an authorized agent following approved Department procedures. (4-22-24)T

b. Retaken after a minimum waiting period of one (1) day. (4-22-24)T

c. Scores valid for twelve (12) months from the date of the examination. (3-15-22)

d. It is prohibited to: (4-22-24)T

i. Attempt to cheat, or otherwise obtain an unfair advantage on the exam(s). (4-22-24)T

ii. Remove or attempt to remove any test questions or responses or any notes from a testing session. (4-22-24)T

- iii. At any time, improperly access or attempt to improperly access the test site, the test (or any part of the test), an answer key, or any information about the test. (4-22-24)T
- iv. Engage in any way in: (4-22-24)T
 - (1) Theft or attempted theft of test content through platform intrusion. (4-22-24)T
 - (2) Post-exam manipulation of test content, responses, or test administration data. (4-22-24)T
 - (3) Attempting to adversely impact the exam proctor, test center, or testing platforms through any means including cybersecurity means. (4-22-24)T
- v. Attempt to give or receive assistance, including by copying or through the use of an answer key. (4-22-24)T
- vi. Record or copy information during the testing session including questions, answers, identifying information about the version or form of a test, or any other information that compromises the security of the test. (4-22-24)T
- vii. Communicate with other test takers or other individuals in any form while testing is in session. (4-22-24)T
- viii. Allow anyone to see your test questions or answers or attempt to see or copy others' test questions or answers. (4-22-24)T
- ix. Consult notes, other people, electronic devices, textbooks, or any other resources during the test or during breaks. (4-22-24)T
- x. Have subject-related information on your clothing, shoes, or body. (4-22-24)T
- xi. Use or access any prohibited items including devices or aids such as, but not limited to, mobile phones, smartwatches, fitness trackers, other oral or written communication devices or wearable technology, cameras, notes, and reference books, etc., during or in connection with the test, including during breaks. (4-22-24)T
- xii. Fail to turn in or store away a mobile/smartphone in accordance with the test site's collection process. (4-22-24)T
- xiii. Use a prohibited calculator. (4-22-24)T
- xiv. Deliberately attempt to and/or take the test for someone else or attempt to have someone else impersonate you to take the test. (4-22-24)T

04. Categories. All professional applicators must be certified in Applicator Core Competency in one (1) or more of the following categories:

| Category Name | Category Description |
|---------------------------------|---|
| Applicator Core Competency (CO) | Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(c). This category is required for all Idaho Professional Pesticide Applicator Licenses |

| Category Name | Category Description |
|--|--|
| Agricultural Crop Pest Control (AC) | This category applies to professional applicators who use or supervise the use of pesticides in production of agricultural commodities including grasslands, and non-crop agricultural lands. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(i). |
| Aerial Pest Control (AA) | For application of pesticides to all application sites by operating or flying fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15). |
| Anti-Fouling Coatings (FC) | For applicators who use or supervise the use of anti-fouling coatings to control fouling organisms on aquatic vessels, underwater structures, and other similar structures. An applicant will demonstrate practical knowledge of problems caused by fouling organisms, methods of control using fouling organisms using through anti-fouling coatings, characteristics of antifouling coatings, alternative active ingredients other than copper-based paints, and best management practices for application and removal of anti-fouling coatings. |
| Agricultural Livestock Pest Control (LP) | For professional applicators who use or supervise the use of pesticides on animals or to places on or in which animals are confined. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(ii). |
| Aquatic Weed and Pest Control (AP) | For professional applicators who use or supervise the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in as specified in the Public Health (PH) category. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(5). |
| Consultant and Research (CR) | For consultations or recommendations to supply technical advice concerning the use of agricultural pesticides and for the application or supervision of the use of restricted use pesticides (RUPs) for no compensation, to demonstrate the action of the pesticide or conduct research with restricted use pesticides. For all demonstration additional relevant professional applicator categories will be required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(10). |
| Forest Pest Control (FP) | For professional applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed production. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(2). |
| General Vertebrate Control (GV) | For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS). This category applies to professional applicators who use or supervise the use of sodium cyanide and sodium fluoroacetate to control regulated predators. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(11-12). |

| Category Name | Category Description |
|---|---|
| Industrial, Institutional, and Structural Pest Control – Commodity (CP) | For professional applicators who use or supervise the use of pesticides on manufactured products or commodities in the following: Food handling establishments, packing houses, and food-processing facilities; and industrial establishments, including commodity storage facilities, grain elevators, and any other similar areas, public or private, for the protection of stored, processed, manufactured products, or commodities. Applicators must demonstrate a practical knowledge of pests associated with manufactured products or commodities, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with manufactured products or commodities, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. |
| Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP) | For professional applicators who use or supervise the use of pesticides in, on, or around the following: food handling establishments, packing houses, and food-processing facilities; human dwellings; cooling towers; air washers; evaporative condensers; swimming pools; pulp and paper mills; sewer treatment; residential and commercial building; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, and any other structures and adjacent areas, public or private, for the protection of health, dwellings, structures, and stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7). |
| Non-Soil Fumigation (NS) | For professional applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(14). |
| Ornamental Pest (OP) | For professional applicators who use or supervise the use of pesticides to control pests in the maintenance and production of ornamental plants and turf. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(3). |
| Public Health Pest (PH) | For State, Tribal, Federal or other governmental employees and contractors who use or supervise the use of pesticides in government-sponsored public health programs for the management and control of pests having medical and public health importance. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(8). |
| Regulatory Pest Control (RP) | For State, Tribal, Federal, or other local governmental employees and contractors who use or supervise the use of pesticides in government-sponsored programs for the control of regulated pests. Certification in this category does not authorize the purchase, use, or supervision of use of products for predator control pesticides listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l). An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(9). |
| Right-of-Way Herbicide (RW) | For professional applicators who use or supervise the use of pesticides in the maintenance of roadsides, powerlines, pipelines, and railway rights-of-way, and similar areas. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(6). |

| Category Name | Category Description |
|----------------------|---|
| Seed Treatment (ST) | For professional applicators using or supervising the use of pesticides on seeds in seed treatment facilities. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(4). |
| Soil Fumigation (SF) | For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(13). |

(4-22-24)T

a. Professional Commercial Apprentice License. For conducting General Use Pesticide (GUP) applications only in situations applicable to the CP, OP, AC, IP, and RW categories. To obtain a professional commercial apprentice license the applicant must pass the Applicator Core Competency exam with a minimum score of seventy percent (70%) or better, and meet the requirements as outlined in Section 100. Persons with this license may only perform pesticide applications under limited supervision of a properly certified professional applicator. Applicators with this license cannot supervise other pesticide applicators. The professional commercial apprentice license may not be reciprocated with other participating agencies. This license will expire one (1) year from the date of issuance. The professional commercial apprentice license is non-renewable. (4-22-24)T

05. Financial Responsibility. Submits written proof of financial responsibility by any of the following methods: (3-15-22)

a. Liability insurance with an insurance company licensed to do business in Idaho and documented on a form approved by the Director; (3-15-22)

b. A bond that is approved by the Director; (3-15-22)

c. A cash certificate of deposit in escrow with a bank or trust company; (3-15-22)

d. An annuity issued by an insurance company, bank or other financial institution found acceptable to the Director; (3-15-22)

e. An irrevocable letter of credit issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. (3-15-22)

f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as trustee and 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 100.05.h., 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. (4-22-24)T

g. Exclusions. Any exclusion to liability insurance, bond, cash certificate of deposit, annuity or irrevocable letter of credit coverage shall be listed on a form approved by the Director. (3-15-22)

h. Minimum Coverage Required. (3-15-22)

i. Bodily injury - fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000) per occurrence. (3-15-22)

ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (3-15-22)

iii. Maximum deductible - five thousand dollars (\$5,000). (3-15-22)

i. Target Property Not Required to Be Covered. The immediate property being treated is not required to be covered. (3-15-22)

j. Cancellation or Reduction. The applicator must notify the Department in writing immediately after cancellation or reduction below the requirements of the financial coverage. (4-22-24)T

06. Licensing Periods and Recertification. The recertification period for professional applicators will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. For a professional applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, expire on December 31st in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, expire on December 31st in every even-numbered year. The apprentice license may not be recertified and will expire one (1) year from the date that it was issued. Recertification requirements may be accomplished by complying with either Subsection 100.06.a. or 100.06.b. Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed. (4-22-24)T

a. Continuing Education: To recertify, an applicator must accumulate sixteen (16) recertification credits during their recertification period, by attending Department-accredited pesticide seminars which meet the following criteria: (4-22-24)T

i. One (1) credit is issued for each fifty (50) minutes of instruction. (4-22-24)T

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received prior to thirty (30) days shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received after thirty (30) days shall be reviewed by the Department as time and workload allows. (4-22-24)T

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification. (3-15-22)

iv. Verification of attendance at a seminar is accomplished by validating the attendee's pesticide license, using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (4-22-24)T

v. Excess credits may not be carried over to the next recertification period. (4-22-24)T

vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (4-22-24)T

b. Recertification by Examination: A certified applicator who passes the Department's Applicator Core Competency (CO) examination plus examinations for all categories in which intend to license. (4-22-24)T

i. Recertification examinations may be taken by a professional applicator beginning the thirteenth month of the recertification period. (4-22-24)T

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (3-15-22)

c. The Department may grant variances in the recertification of professional applicators' and dealers' licenses. Issuance of variances will not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (3-15-22)

- d. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (4-22-24)T

101. PROFESSIONAL APPLICATOR RECORD KEEPING REQUIREMENTS.

01. Records Requirements. Maintain pesticide application records for two (2) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: (4-22-24)T

- a. The name and address of the person for whom the pesticide was applied; (4-22-24)T
- b. The specific crop, animal, or property treated; (4-22-24)T
- c. The location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated; (4-22-24)T
- d. The size or amount of specific crop, animal, or property treated; (4-22-24)T
- e. The trade name or brand name of the pesticide applied; (4-22-24)T
- f. The total amount of pesticide applied; (4-22-24)T
- g. The EPA registration number of the pesticide applied; (4-22-24)T
- h. The date of application; (4-22-24)T
- i. The time of day when the pesticide is applied; (4-22-24)T
- j. The approximate wind velocity; (4-22-24)T
- k. The approximate wind direction; (4-22-24)T
- l. The full name of the professional applicator applying the pesticide; (4-22-24)T
- m. The license number of the professional applicator applying the pesticide; (4-22-24)T
- n. Full name and license number of professional applicator supervising the pesticide application of the professional applicator holding the Apprentice Category (CA). (4-22-24)T
- o. Worker protection information exchange, if required, prior to pesticide application, including name of grower or operator contacted and date and time of contact. (4-22-24)T

02. Restricted Use Records. Professional applicators who have made an application of a restricted use pesticide shall, within thirty (30) days of the pesticide application, provide a copy of the application records required under this rule for each application of any restricted use pesticide to the person for whom the pesticide application was made. (4-22-24)T

102. -- 149. (RESERVED)

150. PRIVATE APPLICATOR LICENSING.

To obtain a private applicator's license, an applicant must: (4-22-24)T

01. Submit Application. Submit an application prescribed by the Department with applicable fee(s) (Section 250); (4-22-24)T

02. Demonstrate Competence. (4-22-24)T

a. Private applicators may only make pesticide applications using RUP's in categories for which they have demonstrated competency by passing a Department examination based on a US EPA approved Core/Private Applicator manual. The examination must follow the procedures outlined in Subsection 100.03. (4-22-24)T

b. An applicant will demonstrate competency in all standards outlined in 40 CFR 171.105(a). Demonstrate competence as outlined for Professional Applicators (Subsection 100.01). (4-22-24)T

03. Categories. Private applicators must be certified in the Private Applicator category as a prerequisite to all other private applicator license categories:

| Category Name | Category Description |
|--------------------------|---|
| Private Applicator (PA) | For use or supervision of restricted use pesticides to produce agricultural commodities on land owned or operated by applicator or applicator's employer. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the predator control categories outlined in 40 CFR 171.105(b)(c). PA is prerequisite for all Idaho Private Applicator license categories. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(a). |
| Aerial Pest Control (AA) | For application of pesticides to all sites owned or operated by an applicator or applicator's employer by operating or flying fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f). |
| Non-Soil Fumigation (NS) | For applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(e). |
| Soil Fumigation (SF) | For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned or operated by applicator or applicator's employer for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(d). |

(4-22-24)T

04. License Periods and Recertification. The recertification period for private applicator will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. Licenses belonging to private applicators with last names beginning with A through L, expire on the last day of the month listed on the chart in Subsection 150.03.a. in every odd-numbered year, and licenses belonging to private applicators with last names beginning with M through Z, shall expire on the last day of the month listed on the chart in Subsection 150.03.a., in every even-numbered year. Recertification and relicensing may be accomplished by complying with either Subsection 150.03.b. or 150.03.c. Any person with less than thirteen (13) months in the initial licensing period is not required to obtain recertification credits for the initial period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed. (4-22-24)T

a. Licensing schedule.

| Last Name | | Month to License |
|-----------|-----------|------------------|
| Odd Year | Even Year | |

| Last Name | | Month to License |
|-----------|-----|------------------|
| A-D | M-P | March |
| E-H | Q-T | July |
| I-L | U-Z | October |

(3-15-22)

b. Continuing Education: To recertify, and applicator must accumulate seven (7) credits during their recertification period by attending Department-accredited pesticide seminars which meet the following criteria: (4-22-24)T

i. One (1) credit is issued for each fifty (50) minutes of instruction. (4-22-24)T

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received prior to thirty (30) days shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received after the thirty (30) days shall be reviewed by the Department as workload allows. (4-22-24)T

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in 40 CFR 171.105(a). No credit will be given for training given to persons to prepare them for initial certification. (4-22-24)T

iv. Verification of attendance at an accredited seminar is accomplished by validating the attendee's pesticide license using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (4-22-24)T

v. Excess credits may not be carried over to the next recertification period. (4-22-24)T

vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (4-22-24)T

c. Recertification by Examination: A certified applicator passes the Department's private applicator examination(s) for all categories in which they intend to license. (4-22-24)T

i. Examinations may be taken beginning the thirteenth (13th) month of the license period. (4-22-24)T

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (4-22-24)T

iii. Upon passing the examinations, a person is eligible for license renewal for the next licensing period. For the purpose of becoming licensed, examination scores are valid for twelve (12) months after the date of the examination. (4-22-24)T

d. The Department may issue variances for the requirements delineated in Subsection 150.03 in the recertification of private applicators' licenses. Issuance of variances do not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (3-15-22)

e. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (4-22-24)T

151. CHEMIGATOR LICENSING.

01. Chemigator License Required. Anyone wishing to chemigate shall apply for a license to perform chemigation per the process outlined in this section. Additional category certifications may be required. (4-22-24)T

02. Applying for a Chemigator License. Prior to chemigating, a person must: (4-22-24)T

a. Submit an application prescribed by the Department with applicable fees; and (4-22-24)T

b. Demonstrate competency through one (1) of the following methods: (4-22-24)T

i. Complete a Department-approved chemigation training within twelve (12) months of submitting the application. Chemigation trainings for licensure must be a minimum of one (1) hour and at a minimum, address the following content: (4-22-24)T

(1) Background prevention devices, methods, and injection syptes; (4-22-24)T

(2) The mitigation of potential risks associated with chemigation; (4-22-24)T

(3) Pesticide label requirements for chemigation; (4-22-24)T

(4) Identification of approved chemigation equipment; or (4-22-24)T

ii. Pass the Chemigation examination with a minimum score of seventy percent (70%). Examination scores are valid for twelve (12) months after the date of the examination. The examination must follow the procedures outlined in Subsection 100.03 of these rules; or (4-22-24)T

iii. Verify compliance through another Department-approved method. (4-22-24)T

03. License Periods. The licensing period will begin at license issuance and end upon license expiration. License periods will follow the schedule outlined in Subsection 150.03.a. of these rules. Any person with less than thirteen (13) months in the initial licensing period is not required to test or attend chemigation training for the initial period. (4-22-24)T

152. -- 199. (RESERVED)

200. PESTICIDE DEALER LICENSING.

To obtain a pesticide dealer's license, an applicant must: (4-22-24)T

01. Submit Application. Submit an application prescribed by the Department with applicable fee(s) (Section 280); (4-22-24)T

a. Must hold a valid license with the appropriate professional category(s) listed in Subsection 100.04 that pertains to the types of restricted use pesticides sold or distributed. (4-22-24)T

b. Be renewed after August 31 on even numbered years for a twenty-four (24) month duration. (3-15-22)

c. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (4-22-24)T

02. Selling GUPs. Persons selling GUPs will not be required to obtain a pesticide dealer license or maintain distribution records of these products. (4-22-24)T

201. RUP DEALER RECORDS REQUIREMENTS.

01. Records Requirements. Maintain, in a location designated by the pesticide dealer, restricted use pesticide distribution records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records must include the following: (3-15-22)

- a. The name and address of the person purchasing or receiving the restricted use pesticide (RUP); and (3-15-22)
- b. The certified applicator name, license number, license issuing authority, relevant certification category, and expiration date of the license for the person certified to use the RUP; or (4-22-24)T
- c. In the case of distribution of a RUP to another pesticide dealer, the name, license number, and expiration date of the license of the licensed pesticide dealer. (3-15-22)
- d. The brand name and Environmental Protection Agency (EPA) Registration Number for each RUP distributed and if applicable, include any emergency exemption or State special local need registration number; and (4-22-24)T
- e. Date of the distribution of each RUP; and (3-15-22)
- f. The quantity and size of each RUP container distributed and the total quantity of RUP distributed; and (3-15-22)
- g. The pesticide dealer's name, address, and pesticide dealer license number distributing the RUP. (3-15-22)

202. -- 249. (RESERVED)

250. CHANGE OF LICENSE STATUS.

01. Change Notification. Any person who is licensed by this act will 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. (3-15-22)

02. Transferability. Licenses are not transferable. (3-15-22)

251. -- 279. (RESERVED)

SUBCHAPTER B – FEES

280. FEES.

01. Pesticide Registration. One hundred sixty dollars (\$160) per product. (3-15-22)

02. Professional Applicator's License. One hundred twenty dollars (\$120) per licensing period of greater than thirteen (13) months, sixty dollars (\$60) per licensing period of thirteen (13) months or less. (4-22-24)T

03. Commercial Apprentice (CA) Applicator's License. Sixty dollars (\$60) per licensing period of twelve (12) months or less. (3-15-22)

04. Private Applicator's License. A Restricted Use Category, ten dollars (\$10). (4-22-24)T

05. Chemigation License. Twenty dollars (\$20). (4-22-24)T

06. Pesticide Dealer's License. One hundred dollars (\$100) per licensing period of greater than thirteen (13) months, fifty dollars (\$50) per licensing period of thirteen (13) months or less. (4-22-24)T

07. Examination Fee per Examination Category. Ten dollars (\$10). (3-15-22)

281. -- 349. (RESERVED)

SUBCHAPTER C – REGISTRATION AND USE OF PESTICIDES

350. EXPERIMENTAL PERMITS.

Any person who wishes to obtain an experimental permit to register a pesticide under Section 22-3402(5), Idaho Code, must file an application with the Department as outlined in Section 22-3402, Idaho Code, which includes: (4-22-24)T

01. **Active Ingredient.** A statement listing the active ingredient. (3-15-22)
02. **Quantity Statement.** A statement of the approximate quantity to be tested. (3-15-22)
03. **Acute Toxicity.** Available data or information or reference to available data on the acute toxicity of the pesticide. (3-15-22)
04. **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. (3-15-22)
05. **Temporary Tolerance.** If 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. A temporary tolerance is not needed if the food, feed, or fiber crop to which the experimental pesticide is applied will be completely destroyed after the data is collected. (4-22-24)T
06. **Proposed Labeling.** Proposed labeling which must bear: (3-15-22)
 - a. The prominent statement “For Experimental Use Only” on the container label and any labeling that accompanies the product. (3-15-22)
 - b. An adequate caution or warning statement to protect those who may handle or be exposed to the experimental formulation. (3-15-22)
 - c. Name and address of the applicant for the permit. (3-15-22)
 - d. Name or designation of the formulation. (3-15-22)
 - e. Directions for use. (3-15-22)
 - f. A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients. (3-15-22)
07. **Quantity Limit.** The Director may limit the quantity of pesticide covered by the permit or make such other limitations as may be determined necessary for the protection of humans or the environment. (3-15-22)
08. **Experimental Use.** A pesticide for experimental use will not be offered for sale unless a written permit has been obtained from the Director. (3-15-22)

351. -- 399. (RESERVED)

400. PESTICIDE RESTRICTIONS.

01. **Application of Restricted Use Pesticides by Noncertified Applicators.** A noncertified applicator may apply restricted use pesticides (RUPs) under on-site supervision by a professional applicator with the required license categories of the application being supervised if: (4-22-24)T

- a.** Noncertified applicator has completed the following training within twelve (12) months prior to application: (4-22-24)T
- i.** EPA approved Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. (4-22-24)T
 - ii.** The safe operation of any equipment they will use for mixing, loading, transferring, or applying pesticides. (4-22-24)T
- b.** The noncertified application of any pesticide is prohibited for: (4-22-24)T
- i.** Soil or non-soil fumigation; (4-22-24)T
 - ii.** Aerial application. (4-22-24)T
 - iii.** Professional applications conducted by a person under eighteen (18) years of age. (4-22-24)T
- c.** Maintain noncertified applicator training records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: (4-22-24)T
- i.** Noncertified applicator's printed name and signature. (4-22-24)T
 - ii.** Date of training. (4-22-24)T
 - iii.** Full name of the person who provided the training. (4-22-24)T
 - iv.** Trainer's qualification to conduct training. (4-22-24)T
 - v.** Title or a description of the training provided. (4-22-24)T
 - vi.** If the noncertified applicator is a licensed applicator who is not certified to perform the type of application being conducted while under on-site supervision by a professional applicator, the record must include all of the following information: (4-22-24)T
 - (1) Noncertified applicator's name. (4-22-24)T
 - (2) Noncertified applicator's license number. (4-22-24)T
 - (3) Expiration date of the noncertified applicator's license. (4-22-24)T
 - (4) Certifying authority that issued the license. (4-22-24)T
- d.** Requirements for supervisors of noncertified applicators of RUPs under on-site supervision. A certified applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under their on-site supervision: (4-22-24)T
- i.** The noncertified applicator must have access to the applicable product labeling at all times during its use. (4-22-24)T
 - ii.** Where the labeling of pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the noncertified application has been provided clean, label required personal protective equipment in proper operating condition and the personal protective equipment is used correctly. (4-22-24)T
 - iii.** The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions,

precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. (4-22-24)T

iv. The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment. (4-22-24)T

v. The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under their direct supervision. (4-22-24)T

vi. The certified applicator must be physically present at the site of the use being supervised. (4-22-24)T

vii. The certified applicator must create or verify the existence of the records required by Subsection 400.01.c. of this rule. (4-22-24)T

02. Application of General Use Pesticides by Noncertified Applicators. A Professional Commercial Apprentice applicator may apply general use pesticides (GUPs) under CP, OP, AC, IP, and RW categories with limited supervision by a professional applicator that has the required license categories of the application being supervised if: (4-22-24)T

a. All of the following conditions are met: (3-15-22)

i. The Professional Commercial Apprentice applicator has a valid license. (4-22-24)T

ii. Immediate communication requirements exist between the supervising professional applicator and the Professional Commercial Apprentice applicator. (4-22-24)T

b. Applications of RUPs are prohibited under the Professional Commercial Apprentice license. (4-22-24)T

03. Mixer-Loaders. No person will act as a mixer-loader for a professional applicator without first obtaining annual training. (3-15-22)

a. Training will be conducted and certified by the professional applicator who employs the mixer-loader. Training recordkeeping requirements for mixer-loaders shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01.c. of this rule.) (4-22-24)T

b. Training requirements shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01a. of this rule.) (4-22-24)T

04. Non-Domestic Pesticides Restrictions. (3-15-22)

a. Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. (3-15-22)

i. Bidrin (Foliar applications). (3-15-22)

ii. Strychnine (one percent (1%) and above). (3-15-22)

iii. Zinc Phosphide (two point one percent (2.1%) and above). (3-15-22)

b. Ester Restriction. Low volatile liquid ester formulations of herbicides shall not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees

Fahrenheit during the day of application. (3-15-22)

05. Restrictions to Protect Pollinators. (3-15-22)

a. Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. (3-15-22)

b. 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. (3-15-22)

c. 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. (3-15-22)

06. 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. (3-15-22)

07. Wind Velocity Restrictions. No person will apply pesticides in sustained wind speeds that exceed the product label directions. If a pesticide label does not state a specific wind speed limitation, pesticides will not be applied in sustained wind conditions exceeding ten (10) miles per hour. (3-15-22)

a. Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. (3-15-22)

b. Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis. (3-15-22)

c. Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed. (3-15-22)

08. Phenoxy Herbicide Restrictions. (3-15-22)

a. High Volatile Ester Restrictions. No aircraft pilot will apply high volatile ester formulations of 2,4-D: (3-15-22)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (3-15-22)

ii. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (3-15-22)

iii. Waiver of the restriction in Subsections 400.08.a.i. and 400.08.a.ii. may be issued on a project-by-project basis by the Director. (4-22-24)T

b. Low Volatile Ester Restrictions. No aircraft pilot will apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (3-15-22)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees Fahrenheit within twenty-four (24) hours of the expected application time, or (3-15-22)

ii. Within one (1) mile of a hazard area in any other county in Idaho. (3-15-22)

iii. Waiver of the restriction in Subsection 400.08.b.i. may be issued on a project-by-project basis by the Director. (4-22-24)T

c. A continuous smoke column or other device satisfactory to the Director will 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. (3-15-22)

09. Pesticide-Fertilizer Mix Restrictions. No person will distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (3-15-22)

10. Pesticide Drift Prohibitions. The application of pesticides that results in drift outside of the target area is prohibited. (3-15-22)

401. -- 449. (RESERVED)

450. PESTICIDE USE ON SEED CROP FIELDS.

01. Nonfood and Nonfeed Site Conditions. For purposes of pesticide registration, all alfalfa seed, carrot seed, chicory seed, clover seed, collard seed, coriander/cilantro seed, dill seed, endive seed, garden beet seed, kale seed, kohlrabi seed, leek seed, lettuce seed, mustard seed, onion seed, parsnip seed, pollinator rows of hybrid canola seed, radish seed, rutabaga seed, sugar beet seed, Swiss chard seed, and turnip seed crop fields are considered nonfood and nonfeed sites for pesticide use and the following conditions will be met: (3-15-22)

a. No portion of the seeds listed in Section 450.01, 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. (3-15-22)

b. The seed conditioner will keep records of individual growers' seeds listed in Section 450.01 dirt weight and clean weight for three (3) years and will furnish the records to the Director upon request. (3-15-22)

c. All seed screenings will be disposed of at a sanitary landfill, incinerator, or other equivalent disposal site or by a procedure approved by the Director. (3-15-22)

d. The seed conditioner will keep seed screening disposal records for three (3) years from the date of disposal and will furnish the records to the Director upon request. Disposal records will consist of documentation from the disposal site and show the total weight of disposed screenings and the date of disposal. (3-15-22)

e. All seeds listed in Section 450.01 grown or conditioned in this state will bear a tag or container label which forbids the use of the seed for human consumption or animal feed. (3-15-22)

f. No seeds listed in Section 450.01 grown or conditioned in this state will be distributed for human consumption or animal feed. (3-15-22)

g. All portions of the seeds listed in Section 450.01, including but not limited to seed screenings, pellets, meal, whole seed and cracked seed may be composted. All composted material may be applied to agricultural crop land as approved by the Director. (3-15-22)

02. Exemption. Alfalfa seed, kale seed and radish seed crops grown for human consumption are exempt from the requirements of Subsection 450.01 provided: (4-22-24)T

a. All pesticides used are labeled for use on alfalfa seed, kale seed, and radish seed crops and have established residue tolerances which allow food or feed use; and (3-15-22)

b. All producers maintain for three (3) years complete records of all pesticides applied as specified in Pesticide Use and Application Rules Subsection 100.05. (4-22-24)T

451. -- 499. (RESERVED)

500. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.

01. Director's Authority to Dispose. The Director or designated agent may, if deemed necessary for

the protection of the environment, take possession and dispose of canceled, suspended, or otherwise unusable pesticides. (4-22-24)T

02. Prohibited Handling or Disposal. A person shall not dispose of or handle any pesticide or any pesticide containing material as follows: (4-22-24)T

- a. In a manner that results in generating hazardous waste. (4-22-24)T
- b. So as to violate any state or federal pollution control statute. (4-22-24)T
- c. So as to cause or allow burying in a land site in a manner that is not in compliance with applicable state and federal solid waste regulations. (4-22-24)T
- d. So as to cause or allow the storage of pesticides or pesticide-containing materials, including rinseate or wash water, in underground tanks. This prohibition does not apply to watertight catch basins that are used for temporary collection or other recirculating systems as approved by the Director. (4-22-24)T

501. -- 549. (RESERVED)

550. STORAGE OF PESTICIDE CONTAINERS.

01. Protecting Humans and Environment. No person will 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. (3-15-22)

02. Storage by Professional Applicators or Restricted Use Pesticide Dealers. Storage of pesticide containers by professional applicators and RUP dealers must meet the following conditions: (4-22-24)T

- a. Pesticide containers will be stored in one (1) of the following enclosures which when unattended will be locked to prevent unauthorized persons, livestock, or animals from gaining entry: (4-22-24)T
 - i. Closed vehicle; (3-15-22)
 - ii. Closed trailer; (3-15-22)
 - iii. Building or room; (3-15-22)
 - iv. Fenced area with a fence at least six (6) feet high; (3-15-22)
 - v. Truck or trailer with solid sideracks and secured tailgate at least six (6) feet above ground level. (3-15-22)
- b. Pesticide containers will be stored in secured storage out of the reach of children in one (1) of the above enclosures. (4-22-24)T
- c. Warning notices must be posted and visible from all approachable sides of the pesticide storage area and be readable at a distance of twenty-five (25) feet and must be substantially as follows:

“D A N G E R”

**“POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS
KEEP OUT”**

The notice will 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 will also contain the name and telephone number of a person to contact in case of an emergency. (4-22-24)T

03. Exceptions. The provisions of Subsection 550.02 shall not apply to drums of petroleum oils, lime sulfur, and copper sulfate. (3-15-22)

04. Disposal. Any person applying pesticides shall be responsible for the proper disposal of such empty containers. (3-15-22)

551. -- 599. (RESERVED)

SUBCHAPTER D – CHEMIGATION

600. GENERAL CHEMIGATION REQUIREMENTS.

01. Pesticides Labeled for Chemigation. The chemigator will use only pesticides labeled for chemigation when chemigating. (3-15-22)

02. Monitoring Chemigation. Licensed professional applicators that start the application of chemicals through chemigation equipment do not have to be present during the entire application, but must return to monitor the proper application at least once every four (4) hours for the duration of the application. (3-15-22)

03. Chemigation Equipment Standards. Equipment will be placed on the Department's list of approved chemigation equipment after the manufacturers provide to the Department verification that the equipment meets the standards in the Department's chemigation protocol. Prior to chemigating, all chemigation systems must meet the requirements outlined in the Department's chemigation protocol and chemigation system requirements as defined by the Department's chemigation system requirements protocol and meets the standards established in these rules. (4-22-24)T

04. Chemigating Over Waters of the State. Shall be prohibited, except for variances allowed in Section 700. (4-22-24)T

601. -- 999. (RESERVED)