

IN THE SENATE

SENATE BILL NO. 1332

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO PESTICIDES AND CHEMIGATION; AMENDING SECTION 22-3404, IDAHO CODE, TO REVISE CERTAIN EXEMPTIONS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-3404, Idaho Code, be, and the same is hereby amended to read as follows:

22-3404. PESTICIDE AND CHEMIGATION APPLICATORS -- CLASSIFICATION LICENSING REQUIREMENTS. (1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include, but are not limited to, professional and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

(2) Professional Applicators. ~~—~~ ~~n~~ No person shall act as a professional applicator without first obtaining a professional applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department and shall be accompanied by a fee as prescribed by rule; and

(b) ~~e~~ On the application for a license to perform chemigation, the applicant must certify that the equipment and system he plans to use for chemigation meet department standards and that the owner and persons operating the equipment have read the Idaho rules for chemigation and that the owner intends to operate and maintain the chemigation system according to the rules. On the application for licensure, the department may require other information as it deems necessary; and

(c) ~~a~~ An applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides or chemicals in areas relevant to the operations he intends to undertake, or proper equipment and methods for injecting chemicals through irrigation systems; and

(d) ~~s~~ Show proof of financial responsibility as prescribed by rule; and

(e) ~~a~~ An examination fee will be charged as prescribed by rule and an additional examination fee of five dollars (\$5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(f) ~~±~~ If at any time a licensed professional applicator fails to maintain the financial responsibility required by paragraph (d) of this subsection, his license shall be automatically suspended until the department receives verification that he is in compliance with paragraph (d) of this subsection.

(3) Private Applicator. ~~—~~ ~~n~~ No person shall act as a private applicator without first obtaining a private applicator license issued by the department.

1 (a) Application for a license shall be on a form prescribed by the  
2 department; and

3 (b) ~~On~~ the application for a license to perform chemigation, the  
4 applicant must certify that the equipment and system he plans to use for  
5 chemigation meet department standards and that the owner and persons  
6 operating the equipment have read the Idaho rules for chemigation  
7 and that the owner intends to operate and maintain the chemigation  
8 system according to the rules. On the application for licensure, the  
9 department may require other information as it deems necessary; and

10 (c) ~~An~~ applicant must be at least eighteen (18) years of age and must  
11 pass the department's examination in order to demonstrate his knowledge  
12 of how to apply, use and handle pesticides or chemicals in areas  
13 relevant to the operations he intends to undertake or proper equipment  
14 and methods for injecting chemicals through irrigation systems; and

15 (d) ~~An~~ applicant must pay a license fee as prescribed by rule.

16 (4) If the director finds an applicant qualified for a professional or  
17 private applicator's license~~, and~~ and if an applicant applying for a license  
18 to engage in the application of pesticides or chemicals has met all of the  
19 requirements of any applicable federal or state laws, regulations and rules,  
20 the director shall issue the license. The license or permit may restrict  
21 the applicant to the use of a certain type or types of equipment, pesticides  
22 or chemicals. If a license or permit is not issued as applied for, the  
23 department shall inform the applicant in writing of the reasons therefor.

24 (5) The director may by rule require professional applicators to  
25 maintain and furnish records forthwith pertaining to the application of  
26 pesticides and other relevant information as he may deem necessary.

27 (6) Licenses issued to dealers~~, and~~ and professional and private  
28 applicators shall expire as designated by the director unless suspended or  
29 revoked as provided for in section 22-3409, Idaho Code.

30 (7) Exemptions:

31 (a) The following persons are exempt from subsections (2), (3) and  
32 (4) of this section unless the person is applying chemicals through an  
33 irrigation system:

34 1. Any person applying pesticides other than restricted-use  
35 pesticides for himself or on an exchange of service basis, and who  
36 does not publicly hold himself out as a professional applicator;  
37 and

38 2. ~~Any~~ person using hand-powered equipment to apply pesticides  
39 other than restricted-use pesticides to lawns, or to ornamental  
40 trees and shrubs ~~owned by such person, or as an incidental part~~  
41 ~~of his business of taking care of yards for remuneration, and~~  
42 who employs two (2) or fewer persons in his business who apply  
43 pesticides and is not holding himself out as a professional  
44 applicator; and

45 3. ~~Any~~ industry, governmental, ~~U~~ university of Idaho research  
46 personnel and extension research personnel who apply pesticides  
47 other than restricted-use pesticides to experimental plots or to  
48 demonstrate the use of pesticides; and

- 1           4. ~~a~~Any veterinarian who applies pesticides as an integral  
2           part of his business and does not publicly hold himself out as a  
3           professional applicator.  
4           (b) Federal, state, and other governmental agencies are exempt from the  
5           licensing fees provision of subsections (2) and (3) of this section.  
6           (c) Professional applicators who do not apply pesticides may receive  
7           an exemption from the proof of financial responsibility required in  
8           subsection (2)(d) of this section, upon submitting a completed form  
9           prescribed by the department.