

Potential Rulemaking Items for Board Consideration

BPC Rule	Potential Change	Reason for Change
20	Incorporate Positive Identification of Proper Treatment Site by Commercial Applicators into rule (see policy)	Clarity; policies are not enforceable
22 Section 2D	Exempt “linear” (ROW) projects from the Identifying and Recording Sensitive Areas requirement.	Because it is impractical to identify all sensitive areas within 500 feet of a ROW, the staff routinely grants variances from this requirement. Since the Board always grants variances with the same conditions, does it make sense to codify the de facto standard in rule?
22 Section 2D	Exempt the requirement for Identifying and Recording Sensitive Areas for category 7E (Biting Fly and other Arthropod Vectors (ticks)) as it is for 3B (turf), 3A (ornamental tree and plant) and 7A (structural)	Since all areas in a residential area are technically sensitive areas, there is no point in mapping them. Requiring signs serves a more useful purpose of alerting people entering a treated area.
22 Section 2D	Exempt the requirement for Identifying and Recording Sensitive Areas for category 6B (Industrial/Commercial/Municipal Vegetation Management) as it is for 3B (turf), 3A (ornamental tree and plant) and 7A (structural)	Since all areas in a residential area are technically sensitive areas, there is no point in mapping them. Requiring signs serves a more useful purpose of alerting people entering a treated area.
28 Section 3	Add category 7E to those required to post signs.	see above
28 Section 3	Add category 6B to those required to post signs.	see above
26 Section 1	Change the definition of “occupied buildings” to mean fully enclosed indoor spaces inside buildings	To clarify the intent of the rule and eliminate the need for the policy which states that open air structures are not buildings for the purpose of the rule.
27 Section 2B(4)ii	Add the words “in school buildings” to make it clear that all application records are required to be maintained	Fix a mistake from the last rulemaking and clarify the requirement
29 Section 6	Incorporate the policies around plants with a dermal toxicity hazard and invasive plants into rule.	Clarity; policies are not enforceable; eliminate the need for variances
31 Section 1E	Exempt employees and volunteers who supervise children from licensing requirements for the use of insect repellents to those children	Clarity
31 Section 4	Allow for reciprocal licenses for aerial applicators in the event of a vector-borne disease threat or other emergency	Eliminate the bottleneck of getting aerial applicators licensed in an emergency situation.
31 Section 5A(V)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods
32 Section 2A(4)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods

33 Section 2A(4)a,b	Revise the waiting periods for re-taking exams after failing	Some Board members questioned the propriety of the 15 and then 30 day (after failing twice) wait periods
41 Section 3	Remove hexazinone from Chapter	Was originally included so that only licensed applicators would have access to it; because farmers are now required to have an AgBasic License, there is no need for the special requirements.
New chapter	Create licensing and certification requirements for those who make pesticide recommendations as part of their job	To ensure that people making pesticide recommendations are aware of key laws about proper pesticide use.