

Notice Number 2023-191

Rule Number Pes 800

1. Agency Name & Address:

**Pesticide Control Board
c/o Department of Agriculture, Markets &
Food
Division of Pesticide Control
25 Capitol Street PO Box 2042
Concord, NH 03302-2042**

2. RSA Authority: RSA 430:31, IV(j)

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Pesticide Management**

6. (a) Summary of what the rule says and of any proposed amendments:

The Pesticide Control Board is proposing to readopt with amendment Chapter Pes 800, which specifies disposal and storage requirements for pesticides, including storage by licensed pesticide applicators, storage of pesticides by pesticide dealers, and bulk storage and related distribution. This chapter also specifies restrictions for the mixing and loading of pesticides.

There is one proposed amendment to Pes 804.08 on secondary containment areas for liquid pesticides. The amendment requires that stationary containers of liquid pesticides with capacities of 300 gallons or greater that are protected by a secondary containment unit be anchored or elevated to prevent flotation in the event that the secondary containment unit fills with liquid.

6. (b) Brief description of the groups affected:

Licensed pesticide dealers and individuals that hold a certificate of registration to use pesticides.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute Rule Intended to Implement
Pes 801.01 – Pes 805.02	RSA 430:32, IV(j)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **David J. Rousseau**

Title: **Director**

Address: **NH Division of Pesticide Control**

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Concord, NH 03302-2042

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TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 29, 2023**

Fax

Email

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, September 19, 2023, 9:30 a.m.**

Place: **Room 201, 25 Capitol Street, Concord, New Hampshire**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:186 , dated 08/09/2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

Federal regulations 40 CFR §165.85(d) and §165.87(d) require stationary containers of liquid pesticides with capacities of at least 500 gallons that are protected by a secondary containment unit be anchored or elevated to prevent flotation if the secondary containment unit fills with liquid. The proposed rules require each stationary container of liquid pesticides with a capacity of 300 gallons or greater that are protected by an existing secondary containment unit be anchored or elevated to prevent flotation in the event that the secondary containment unit fills with liquid. There is no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposal does not impose any programs, responsibilities, or administrative duties upon any political subdivision of the state, and thus does not violate the NH Constitution, Part I, Article 28-a.