

EMERGENCY RULE

Agency # 003.11

Revise Section X, Paragraph D of the Arkansas Regulations on Pesticide Classification to read as follows:

- D. From April 15th through September 15th of each year, the following conditions shall apply:
1. Pesticides labeled for agricultural use that contain the active ingredient(s) assigned to this Class, may not be applied by ground or air in Clay, Greene, Craighead, Poinsett, Cross, Crittenden, St. Francis, Lee, Phillips, and Mississippi Counties.
 2. Where no viable alternative is believed to exist, a permit may be obtained from the Plant Board to allow an exemption to these restrictions. Said permit must be obtained prior to application and will require a permit application fee in the amount of \$100. The application for the permit must be on forms authorized by the Plant Board. This exemption is conditioned on the producer complying with the following requirements:
 - a. The permittee must have the permit in his/her possession prior to making the application and it must be made available to the Plant Board or its designee upon request.
 - b. For each application the following information must be recorded:
 - i. A physical description of the location of the field;
 - ii. Date of the application;
 - iii. Start and stop time for each load applied to the field;
 - iv. Wind speed (may not be less than 2 mph), wind direction, ambient temperature, and precipitation condition at ten minute intervals during the application of each load. Said measurements must be made at the field of application;
 - v. The producer must be present during the application and sign the document containing the information.
 - c. The above information must be filed with the Plant Board's Pesticide Division along with a GPS map of the application to the field within 10 days of the date of application.
 - d. Applications made within four (4) miles of susceptible crops (defined as

cotton when applying 2,4-D) must be done when the wind is blowing at least two (2) mph away from the susceptible crop.

3. In the remainder of the State the following conditions shall apply:
 - a. A buffer zone between the field to be treated and susceptible crops (susceptible crops is cotton when applying 2,4-D containing products) of four (4) miles for aerial application and one (1) mile for ground application shall be maintained.
 - b. Applications made within four (4) miles of susceptible crops must be done when the wind is blowing at least two (2) miles per hour away from the susceptible crop.
 - c. Applications may be made within the applicable buffer zones if the owner or supervisor of the sprayed or treated field has obtained a waiver from the producers of all susceptible crops within the buffer zone. The waiver shall be developed by the Plant Board and provided to said producers by the owner or supervisor of the sprayed or treated field. A copy of the waiver must be provided to the applicator who sprays or treats the field. The applicator shall retain the record for a period of three (3) years. When making an application within the applicable buffer zone, at the time of application, the wind must be blowing away from susceptible crops.
4. Failure to comply with the requirements for a Class F product when using a Class F product will result in enforcement action being taken against the producer and the applicator in accordance with the Plant Board's Penalty Matrix. Any penalty mandated by the Penalty Matrix may have additional civil penalty added to it to bring the amount of the assessment up to the maximum amount allowed by law.