

From: [julia page](#)
To: [Brian Oakey](#)
Subject: {External}pesticide and chemigation rules
Date: Tuesday, July 21, 2020 2:21:15 PM

Dear Deputy Director Oakey,

I am concerned about the weakening of the pesticide and chemigation rules that the department offered with the "straw man" set of rules that started this round of negotiated rulemaking. I urge the department to restore the rules on low-flying prohibitions, wind velocity restrictions, phenoxy herbicide restrictions and hazard area restrictions. All of those were part of the rules until the 2020 session. The language is known and should be reinstated or strengthened.

The incident in 2019 where a group of farmworkers were sprayed and a dozen had to be treated at area hospitals should have prompted a fresh look at the rules to figure out what went wrong and keep it from happening again. Protection of human health has to remain a priority for ISDA. Paradoxically, the reaction of the aerial applicators seemed to be the opposite. For one thing, some, or a least one pilot I heard testify to a legislative committee, claimed that the poisoning didn't occur. Others felt that the warning letter from ISDA concerning the incident was governmental overreach. Others testified that it was very difficult already to spray safely when wind and weather conditions change so quickly. Others cited their investment in planes and how difficult it was to operate a business successfully under the current rules.

Again, protection of human health has to be a priority for ISDA. Clearly something went wrong last year. I urge the department to remain in charge of administering the specifics of the pesticide and chemigation program and not pass the responsibility off to Federal agencies by writing rules that defer to the pesticide label as adequate protection. Yes, the label is the law, but the specifics of applying pesticides safely (considering wind speed and direction and other local factors) and enforcing compliance should remain with ISDA and not the Feds.

As a practical matter, how would anyone on the ground know what was being applied on a given day when a spray plane was overhead? Is it safe to go outside? To walk through a field? Eat from a garden or orchard near a field that had been sprayed? If the spraying occurred this morning, yesterday, 2 days ago, was it safe now? Adequate notification has to be a part of a protective program and common sense also has to prevail. If an adjacent field has farm workers in it, is it safe to spray? ISDA has to balance the needs of many.

Thanks for the opportunity to comment at this point in the negotiation.

Sincerely,

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