

From: [Sue Skinner](#)
To: [Brian Oakey](#)
Subject: {External}I support keeping the original Aerial Pesticide Applicator rules and strong enforcement against driftI support health & safety standards for pesticide use
Date: Thursday, August 13, 2020 2:52:14 PM

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Dear Mr. Oakey,

I am writing to you today on behalf of myself and my community. I am concerned about the impact of the proposed rules regarding pesticide regulations in the State of Idaho. The proposed rules do not adequately protect public health and the safety of the workers who provide our community with food. Specifically, I am requesting the following changes to the proposed rules:

We request the Department expand the existing definition of hazard areas.

-Incorporate proposed additions in parentheses to the definition below-

Hazard Area. Cities, towns, subdivisions, (schools, hospitals, occupied structures,) or densely populated areas.

Explanation: Schools, hospitals, and occupied buildings should be added to the existing definition of hazard areas. Doing so retains language proposed for deletion in 400.6(a) Low Flying Prohibitions (page 16 of the proposed rule). Inclusion of this language in the definition of hazard areas maintains protection of public safety and more clearly defines areas in which increased caution is warranted to protect vulnerable populations from pesticide spray drift. Doing this retains the intent of 400.6 Low Flying Prohibitions. (In our area Snake River High School, Fort Hall schools and Marsh Valley are vulnerableschools in agricultural areas and there are rural residential areas surrounded by fields as well. The congested area designation under the FAA is not specific enough to be protective.

Children and schools should be specifically protected because of children's' sensitivity to pesticides. Research has suggested that even low levels of pesticide exposure can affect young children's neurological and behavioral development, demonstrating links to physical and mental development. Having been raised on a farm in Twin Falls County and as a native Idahoan, there is a reason that the cancer and oncology centers of local hospitals are large facilities. The litigation nationally over the use of Roundup and the link to non- Hodgkins Lymphoma is a wake-up call to prioritize the health of workers and producers. It is time for Idaho to step up and not step away.

We request the Department add the following definition to the chapter.

-Incorporate proposed new definition below-

32. Occupied Structure: Occupied structure means a building with walls and a roof within which individuals live or customarily work.

Explanation: The definition of occupied structure already exists within Idaho Code (see 47-310) but is not defined in the chapter. Inclusion in the chapter will allow for clarity around what structures are defined as occupied under 400.6(b) Low Flying Prohibition (page 16 of the proposed rule). We also recommend reinstating previously deleted language from 400.6, detailed below. Drift on non-target occupied structures should be specifically prohibited to protect the health of Idahoans living and working near pesticide application sites.

Discussion of 400.06. LOW-FLYING PROHIBITIONS -proposed for deletion (page 16 in the proposed rule):

This is another section suggested for deletion by the IAAA during the 2020 legislative session. It is reasonable for the Department to require Idaho's aerial applicators to adhere to restrictions in this section.

We advise the Department to retain low-flying prohibitions language in the chapter and not defer to the Federal Aviation Administration (FAA). Joint regulation of low-flying aircraft applying pesticides is encouraged. There should be only one point of contact for Aerial Agriculture spraying of pesticides and that should be ISDA. The State of Idaho is not covered by one FAA jurisdiction so one point of contact statewide with the ISDA makes serving the public more efficient.

-Retain the following in full-

06. LOW-FLYING PROHIBITIONS. Aircraft pilots during spray operations are prohibited from turning or low-flying: (3-20-20)T

a. Over cities, towns, schools, hospitals and densely populated areas unless the pilot obtains an agreement in writing for pesticide applications from the authorized agent for the city, town, school, hospital, or densely populated area in question; or (3-20-20)T

b. Directly over an occupied structure without prior notification by some effective means such as daily newspapers, radio, television, telephone, or door-to-door notice. (3-20-20)T

c. Restriction. The low-flying restrictions listed in Subsection 400.06(a) shall only pertain to persons other than those persons whose property is to be treated. (3-20-20)T

Discussion of 400.06. APPLICATION NEAR HAZARD AREAS -proposed for deletion- (page 17 in the proposed rule):

This is another section suggested for deletion by the IAAA during the 2020 legislative session, but not approved by the Senate Agriculture Committee. We urge that this section be retained and strengthened. Proposed language is below. By retaining and strengthening this section ISDA would be fostering further reductions in spray drift and keeping restrictions in line with language under the 400.06(a.ii and b.ii) (page 16 of proposed rules) which as proposed below mirror language changes made in the wind velocity section as it pertains to labels.

-Retain the following and incorporate proposed edits in parentheses-

06. APPLICATION NEAR HAZARD AREAS. An aircraft pilot will not apply any pesticide within one ½ mile of a hazard area unless there is air movement away from the hazard area (or in accordance with the pesticide label, whichever is more restrictive. Applications must be properly noticed.) (3-20-20)T

Please uphold the standards the previous rules enforced and allow for stronger protections for our communities. These rules must reflect the new risk of the population growth of Idaho and the expansion of rural residential areas into agricultural areas. When a producer orders a pesticide application, they expect the applicator to know the rules and that their neighbors, their family and their livestock will be safe when the product is applied. The industry demands the highest professionalism and care because the public expects this. Our workers must be valued and protected. Applicator certification tests and warning signs should be bilingual. Systemic racial barriers must be removed. These rules must be useful to all who live in Idaho. Thank you for the opportunity to comment.

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