

## **Negotiated Rulemaking Chat Box Comments – August 4, 2020**

from Elaine to everyone: 10:14 AM

was the FAA invited to today's meeting

from Jonathan Oppenheimer to everyone: 10:14 AM

Can you explain the "immediate communication" requirement for the CA category. Does that include cell phone contact?

from Elaine to everyone: 10:16 AM

follow up on Jonathan's question. The supervisor is on site?

from Bates (privately): 10:17 AM

Regarding the applicator core competency law and safety exam. Will current applicators be grandfathered in or do they need to take the exam?

from Sue Skinner to everyone: 10:18 AM

Thank you for the drift changes. Tell us how ISDA will work with FAA on drift and low flight gray areas. Will you have an MOU with FAA?

from Elaine to everyone: 10:19 AM

application near hazard area wasn't covered in the ISDA analysis of low flying. As you noted over half the letters you received addressed hazard area. Can you refer us to the FAA rule that addresses hazard area

from Bates (privately): 10:19 AM

OI will not be allowed for spider barrier now?

from Sue Skinner to everyone: 10:21 AM

Does the FAA office in Boise have jurisdiction for all of Idaho? Is there one call in number for complaints?

from Elaine (privately): 10:23 AM

follow up to Sue Skinnners question. If an incident like what happened in Parma in June of 2019 happens and citizens contact FAA about the low flying, will FAA point the citizens back to ISDA for the drift and the and citizen

from Elaine (privately): 10:24 AM

sorry for the typo, i can't see the whole message as I type!

from Doug Paddock He/Him IORC to everyone: 10:25 AM

Pertaining to low flying prohibitions--Will there be individuals who were previously required to be notified under 400.06 but will not receive notification under the FAA's definition of congested area? By

my reading anyone living in an occupied structure would be notified under ISDA rule, but they won't be notified under FAA unless the area is congested. Can you help us understand this better?

from Bates (privately): 10:27 AM

To clarify change - page 7 under the apprentice change from foliar to surface, this will now include both foliar and ground application - correct?

from Doug Paddock He/Him IORC to everyone: 10:32 AM

It would be great if we could get FAA to address this before the draft rule is finalized.

from Elaine to everyone: 10:32 AM

I agree with Doug's comment, how to we get FAA involved.

from Elaine to everyone: 10:34 AM

I just want to state my concern with FAA rules for application over non congested area. They state application can be closer than 500' but they don't say how close

from Bates (privately): 10:34 AM

For Urban Professional applicators, General pest will allow for the treatment for mosquitoes - correct

from Elaine to everyone: 10:34 AM

this doesn't seem to protect human health

from Elaine to everyone: 10:35 AM

I also want to state my concern that FAA rules don't mention notification in Spanish

from Elaine to everyone: 10:36 AM

your document does not address...the non congested 500' point I just made

from Jonathan Oppenheimer to everyone: 10:36 AM

Recognizing that the FAA does have regulations on low-flying, the removal of the Hazard Area Restriction from ISDA rule does not have any comparable protection from FAA. In particular, we are concerned about schools, hospitals or other sensitive areas that are located outside of areas that would meet the definition of "congested area" per FAA regs. Can you discuss how existing Hazard Area restrictions are going to be addressed?

from Sue Skinner to everyone: 10:39 AM

It is my understanding that some labels are bilingual. Can you explain to us what restrictions ISDA has for requiring bilingual labeling of warning signs at pesticide storage areas and chemigation tanks

from Bates (privately): 10:41 AM

How will categories be reciprocated with other states with changes in category definition? For example, there are different definitions for Public Health for Washington and OR. Will Aerial Applicators be

reciprocated with OR and WA now? Oregon makes aerial applicators take specific category exams like AH on top of the National exam category exam. Have we talked to our reciprocating states about the changes we are proposing and the effects?

from Doug Paddock He/Him IORC to everyone: 10:41 AM

David, to me we are referring to how people are notified when they live near application sites.

from Doug Paddock He/Him IORC to everyone: 10:45 AM

I would appreciate that David. Thank you.

from Jonathan Oppenheimer to everyone: 10:45 AM

Ditto, thanks David.

from Jonathan Oppenheimer to everyone: 10:48 AM

Please note that the FAA link for "low flying complaints" on the document that was distributed entitled "Idaho's Low-Flying Rules Compared to Federal Aviation Administration Regulations" is non-functional.

from Jonathan Oppenheimer to everyone: 10:51 AM

Does ISDA have any insight into how and whether FAA monitors notification requirements?

from kdevries (privately): 10:52 AM

[https://www.faa.gov/about/office\\_org/field\\_offices/fsdo/lgb/local\\_more/media/FAA\\_Guide\\_to\\_Low-Flying\\_Aircraft.pdf](https://www.faa.gov/about/office_org/field_offices/fsdo/lgb/local_more/media/FAA_Guide_to_Low-Flying_Aircraft.pdf)

from kdevries (privately): 10:52 AM

This was the link that was broken, apologies all!

from Jonathan Oppenheimer to everyone: 10:53 AM

I do not see a link

from David Lehman to everyone: 10:53 AM

Here is the CFR to minimum altitude: <https://www.govinfo.gov/content/pkg/CFR-2013-title14-vol2/pdf/CFR-2013-title14-vol2-sec91-119.pdf>

from kdevries to everyone: 10:53 AM

[https://www.faa.gov/about/office\\_org/field\\_offices/fsdo/lgb/local\\_more/media/FAA\\_Guide\\_to\\_Low-Flying\\_Aircraft.pdf](https://www.faa.gov/about/office_org/field_offices/fsdo/lgb/local_more/media/FAA_Guide_to_Low-Flying_Aircraft.pdf)

from Elaine to everyone: 10:54 AM

that would be great Brian

from Jonathan Oppenheimer to everyone: 10:54 AM

Is ISDA talking with folks with the Boise FSDO, Salt Lake City FSDO or Spokane FSDO? Or is there a regional oversight office?

from David Lehman to everyone: 10:55 AM

Related to Congested Areas:

<http://www.aerolegalservices.com/Articles/Congested%20Areas%20Under%20FAR%2091-119%202008-08-28.shtml>

from Sue Skinner to everyone: 10:56 AM

just want to say that the negotiated rulemaking process is much appreciated. Good to hear all sides.

from Doug Paddock He/Him IORC to everyone: 11:00 AM

Thank you ISDA staff for holding these stakeholder meetings, and David and the others for asking and answering good questions.

from Adam Schroeder (privately): 11:02 AM

Thank you ISDA and others for all of the hard work and cooperation with stakeholders, and for a productive rulemaking process!