

**From:** [Elaine Kazakoff](#)  
**To:** [Brian Oakey](#)  
**Cc:** [Janis Perry](#)  
**Subject:** {External}Final Comments on IDAPA 02.03.03  
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October 7, 2020

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Deputy Director Oakey,

For me the story starts on May 26 2019 when according to a report by Kevin Kostka, Pesticide Compliance Program Manager for the Division of Agricultural Resources, 13 farm workers were admitted to West Valley Medical Center for observation and treatment of suspect(ed) (pesticide) exposure symptoms. This incident resulted in what I would describe as a warning letter to the pilot responsible for the pesticide drift. Kevin Kostka found that this incident was avoidable and that the pilot applied pesticides in a faulty careless, or negligent manner. No fine was assessed.

ISDA has a responsibility to insure worker safety. I believe that some of the changes ISDA is making to the rules on Pesticide and Chemigation do not increase farm worker safety. Specifically ISDA is eliminating a section from IDAPA 02.03.03 that refers to hazard area.

APPLICATION NEAR HAZARD AREAS. An aircraft pilot shall not apply any pesticide within one-half (1/2) mile of a hazard area unless there is air movement away from the hazard area. (3-20-20)T 09.

I request that the Hazard section be reinstated and I also request that ISDA amend the definition of Hazard Area to include: farm fields that are occupied by farmworkers or other appropriate language that indicates spraying is not safe when humans are active in areas below and liable to experience pesticide drift.

**Proposed Definition Hazard Area:** Cities, towns, subdivisions, schools, hospitals, densely populated areas or outdoor spaces where people are congregated.

This change in the definition along with the reinstatement of the Hazard Area rule would make it clear that aerial applicators absolutely should not spray when workers are in a field below that is adjacent to the area being sprayed.

With these protections in place I'd like to think the Parma workers would not have suffered harm.

I appreciate your consideration of these suggestions and urge you to adopt them.

Best,

Elaine Kazakoff