
Who has access to information gathered in an investigation?

Under the Idaho Public Records Law, Idaho Code §§ 9-337 through 9-350, the public has the right to view and obtain case files after a pesticide investigation is completed. The ISDA policy requires that all requests for information involving case files be in writing. The Idaho Public Records Law allows the department to charge a fee for the costs involved in responding to a public information request. These costs may include document duplication, labor, and mailing costs. The ISDA will either approve, partially approve, or deny the request within three business days or notify the applicant that an extension (up to 10 business days) is necessary to process the request.

Will I be compensated for damages?

The Idaho Pesticides and Chemigation Law contains no provisions for compensation to be made to individuals. Private civil action may be required in some instances to recover damages that have been incurred. Professional Applicators are required to carry proof of financial responsibility for property damage or bodily injury associated with pesticide applications.

What are the ISDA's goals for responding to complaints and the completion of a case report?

The ISDA's goal is to respond to alleged incidents of human exposure immediately and, in any case, no later than 24 hours after notification. The ISDA highly recommends that individuals who believe they have been exposed to pesticides remove all contaminated clothing, take a shower, and seek medical attention immediately to treat any symptoms of pesticide poisoning. The ISDA has an Environmental Toxicologist on staff to assist

individuals or their physicians with assessing effects of pesticide exposure.

Normal response time for all other incidents involving pesticides is within 24 to 48 hours after the ISDA has been notified. Each case may vary in the length of time it takes to complete. Variables that affect the duration of an investigation include complicated laboratory analysis, the need for follow-up visits and interviews, and overall investigative caseload. The ISDA's goal is to complete the information gathering and written report within 30 days for human exposure cases and 60 days for all other cases. The ISDA remains committed to providing a professional, unbiased, complete, and thorough investigation.

If you have additional questions or would like to know more about the investigative process, please contact the ISDA office nearest you.

Boise	(208) 332-8613
Coeur d'Alene	(208) 762-9586 or (208) 762-9598
Idaho Falls	(208) 525-7158
Nampa	(208) 442-2803 or (208) 442-2816 or (208) 465-8442 or (208) 465-8478 or (208) 465-8482
Pocatello	(208) 236-6091 or (208) 236-6352
Twin Falls	(208) 736-4759 or (208) 736-4790 or (208) 736-5277

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PESTICIDES

Understanding the Investigation and Enforcement Process

This brochure explains the involvement of the Idaho State Department of Agriculture (ISDA), Division of Agricultural Resources, Compliance Section, in pesticide investigations and enforcement.

Who regulates the use of Pesticides in Idaho?

The Idaho State Department of Agriculture, Division of Agricultural Resources, regulates the registration, sale, distribution, use, storage and disposal of pesticides under the authority of state laws and rules governing pesticides. The Environmental Protection Agency (EPA) has delegated primacy to the ISDA in areas relating to pesticide use and distribution.

What is the role of the ISDA Division of Agricultural Resources Compliance Section?

The role of the Compliance Section is to ensure the safe and proper use of pesticides through education and regulation for protection of the people, animals, wildlife, food safety and environment of the State of Idaho.

What is the role of the ISDA investigator?

The investigator's job is to maintain an unbiased approach in collecting the facts regarding possible misuse of a pesticide. The investigator will document what happened by conducting interviews; collecting statements, application records, and pesticide labels; taking photographs; and making on-site assessments. The investigator may also collect physical evidence such as soil, vegetation, clothing, swabs, water, and other samples. In fairness to everyone involved, it is important for individuals to give the investigator complete and accurate accounts of the events that occurred. The ISDA personnel will collect all samples and evidence for use in an investigation to maintain a proper chain of custody and ensure that the information obtained can be used, if needed, in a formal hearing.

What gives an ISDA investigator the authority to inspect my property and equipment?

The Idaho Pesticides and Chemigation Law, Section 22-3414, Idaho Code, provides that the Director's designated agent (ISDA investigator) may enter any public or private premise at reasonable times for the purpose of:

- Observing the use and application of pesticides;

- Inspecting records that are required to be maintained by the law;
- Inspecting equipment, storage facilities, and disposal areas;
- Investigating complaints of injury regarding human health, plant injury or environmental damage;
- Collecting samples of land or pesticides.

The Idaho Pesticides and Chemigation Law also allows the ISDA to obtain a search warrant in situations where access is denied. Denial of access includes any action that interferes with the normal procedures of the ISDA investigator conducting a routine inspection or investigation.

Will I be kept informed of the progress of the investigation?

As the lead person for the investigation, the ISDA investigator can keep you informed of the progress of the investigation. Certain information may not be released if it is determined that it could interfere with the progress of the investigation or potential enforcement action. Results of the laboratory analysis performed on samples from your property can be shared with you while the investigation is underway. When a decision is made you will be notified whether or not a regulatory action will be taken. You can also contact the nearest field office or the Boise office using the numbers listed in this brochure if you want to be kept informed of the progress of the investigation. You may also request a copy of the report, once the investigation has been completed, by sending a written request for the investigation report to the Boise office.



What happens when the investigator completes the investigation?

After the investigation is completed, the investigator will submit a report to the Boise office. The report will be reviewed to determine if there were any violations of the Idaho Pesticides and Chemigation Law or associated rules and if there is sufficient evidence to support the alleged violation(s). If it is determined that a violation occurred, a decision will be made as to what regulatory action will be taken. The ISDA may take any one of the following actions depending on the severity of the violation and whether the violator has a history of previous violations:

- Issue a written letter of warning;
- Issue a written regulatory letter that requires the violator to document in writing the safeguards the violator will implement in order to prevent a similar incident from occurring again;
- Assess a civil penalty of up to \$3,000 per violation;
- Suspend, deny, revoke, or modify the certified applicator's license;
- Refer for criminal action with misdemeanor penalties of not more than \$1,000 and/or not more than one year in jail.



What should I do if I think there is a problem with the investigation or I forgot to tell the investigator something?

You should call the investigator or the Boise office at the number listed in this brochure. Please call the investigator first. The investigator needs to know all the facts in order to conduct a thorough and professional investigation.