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**Questions**

3 messages

Lisser, Krista

Fri, Nov 5, 2021 at 4:08 PM

To: Amanda Perez Pintado

Amanda,

Please see our responses to your questions in red below:

**1. What should a worker do if they were exposed to pesticides?**

Workers who have been exposed to pesticides should immediately notify their supervisor and follow any safety response and reporting requirements specific to their place of employment. Pesticide label directions for pesticide exposure should be followed when product information is known and readily available. Information regarding pesticides and pesticide exposure may be obtained from the National Pesticide Information Center at 800-858-7378 or npic@ace.orst.edu. The Department recommends individuals seek immediate medical attention when required or recommended by one of these sources or if no additional information is available. Individuals may also contact the Illinois Department of Agriculture's pesticide hotline at 800-641-3934.

After seeking appropriate medical attention, individuals wishing to file a pesticide misuse complaint may do so by contacting the Illinois Department of Agriculture within 30 days of the incident or within 30 days of first noticing symptoms:

**2. What state agency or agencies should a worker take a complaint to if they were exposed to pesticides?**

Individuals wishing to pursue an alleged case of pesticide misuse may file a complaint form with the Illinois Department of Agriculture. (Department) Complaint forms are readily available via the Department's website or by contacting the Bureau of Environmental Program's pesticide hotline at 800-641-3934. In some circumstances, a worker may want to contact another state agency or local authority, but the Department can only speak to its own role in these complaints.

**3. What actions does IDOA take after a person notifies they have been exposed to pesticides?**

Once a complaint form is filed with the Department, a field investigator is assigned the case. Cases involving a potential human exposure are given priority. In most cases, the inspector will interview the complainant and inspect the site of the alleged misuse. Various types of samples, such as plants, water or soil, may be collected for analysis. In cases involving human exposure, clothing worn during the incident may be collected and analyzed for pesticide residue. The investigator may also interview applicators in the area, examine pesticide records and collect weather data in an attempt to determine the nature and cause of the damage or incident. The field investigator then submits a report to the Department enforcement staff for review and action.

Both parties involved in the complaint will receive written notification at the conclusion of the review of the investigation, regardless of whether the claim could be substantiated, or an enforcement action is taken. All enforcement actions are prescribed by the Illinois Pesticide Act

(415 ILCS 60/24.1). Penalties range from advisory or warning letters to monetary penalties of \$750 to \$10,000, depending on the type and severity of the violation. Penalties are determined through a point system defined in the Illinois Pesticide Act. The Department's role in pesticide misuse incidents is limited to determining whether a violation of the Pesticide Act has occurred and taking enforcement action when such a violation is found.

**4. Does IDOA keep records of how often human exposures to pesticides occur?**

The Department tracks the total number of alleged pesticide misuse complaints claiming human exposure on an annual basis. Cases of human exposure to pesticides are reported annually to the US Environmental Protection Agency.

**5. In events of human exposure to pesticides, why is IDOA in charge of investigating instead of a health agency?**

The Illinois Pesticide Act (Act) (415 ILCS 60/1 et seq.) authorizes the Department of Agriculture to investigate alleged cases of pesticide misuse. The provisions of the Act do not preclude other local, state or federal agencies from taking action under their statutes, regulations or requirements.

**6. Does IDOA communicate with or work alongside other state agencies in events of human exposure to pesticides?**

The Department investigates pesticide misuse cases in accordance with the provisions of the Illinois Pesticide Act (415 ILCS 60/1 et seq.). The Department cooperates and may work with other state agencies during pesticide misuse investigations. The Department notifies the US Environmental Protection Agency of all alleged human exposure cases.

7. What actions would IDOA take if an investigation concludes pesticides were misused?

Enforcement actions are prescribed by the Illinois Pesticide Act (415 ILCS 60/24/1) Please see response for Question #3.

8. How and when did IDOA become aware of the 2019 incidents in which migrant workers claim they were sprayed with pesticides?

The Department received pesticide misuse complaint forms for both complaints. (July 26 and August 6<sup>th</sup>)

9. What immediate actions did IDOA take after becoming aware of the incidents?

Complaints received alleging human exposure are given priority. All cases are investigated according to the general procedures documented in the response to question #3.

10. Is the investigation into the 2019 events ongoing or closed? If closed, what actions did the IDOA take?

Investigations into the 2019 events mentioned are complete. Each case is pending an administrative hearing.



**KRISTA LISSER** | PUBLIC INFORMATION OFFICER

**Illinois Department of Agriculture**

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Amanda Perez P [REDACTED]

To: "Lisser, Krista" [REDACTED]

Fri, Nov 5, 2021 at 4:52 PM

Thank you!

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Amanda Perez P [REDACTED]

To: Sky Chadde [REDACTED]

Tue, Feb 22, 2022 at 3:02 PM

[Quoted text hidden]

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## Questions

8 messages

Lisser, Krista  
To: Amanda P [REDACTED]

Wed, Feb 23, 2022 at 3:17 PM

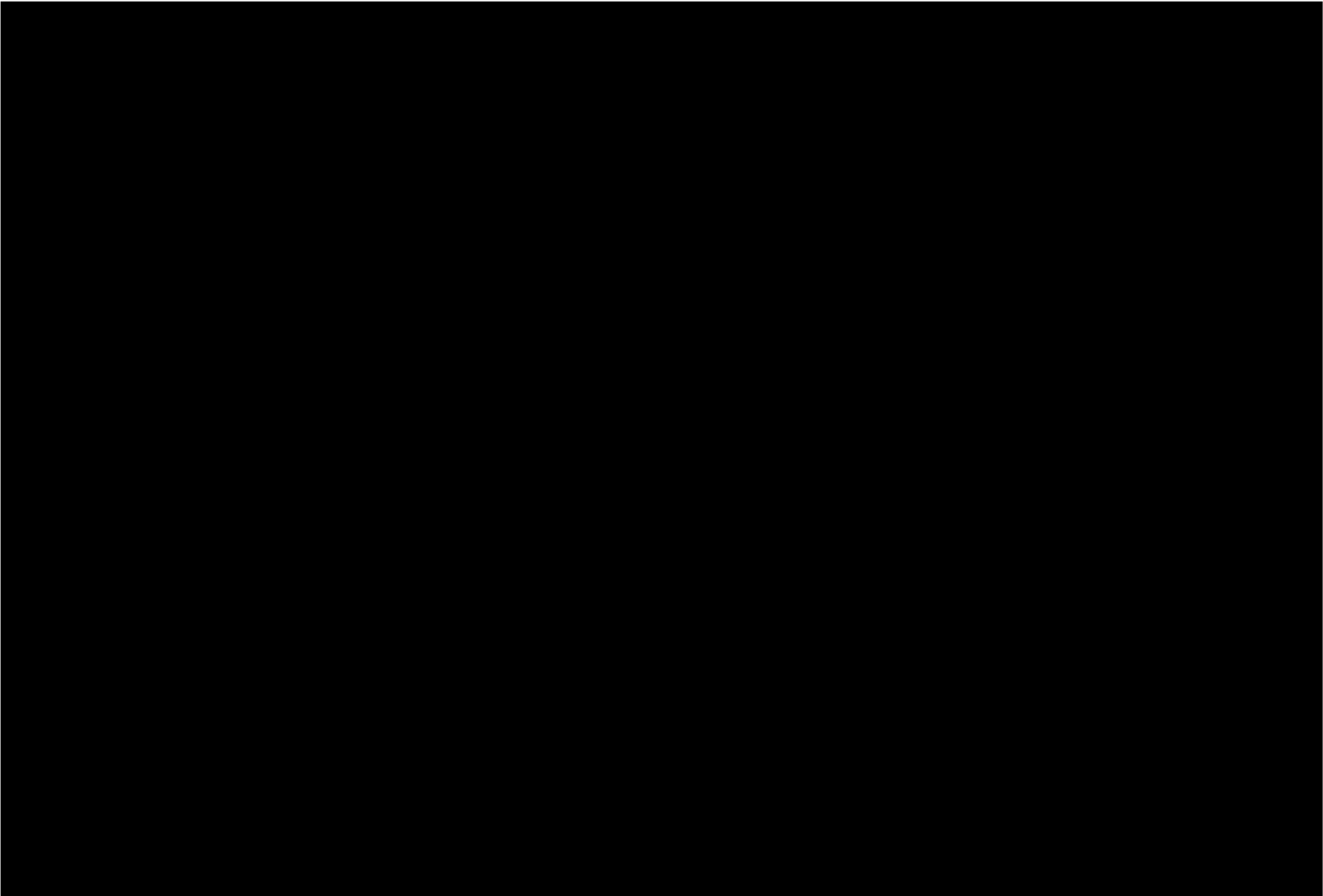
Amanda,

Please see our responses to your questions in red below:

1. Sen. Dave Koehler described pesticide exposure as "a public health issue," adding that "we don't have adequate controls in that area." Koehler also said Illinois should implement a process in which cases of human pesticide exposure be reported directly to the Department of Public Health, and that "should be that distinction between which department handles what issues," referring to the health department and the Department of Agriculture. UIC professor Linda Forst, meanwhile, said that "the first call" in cases of human pesticide exposure should be to a health agency instead of the Department of Agriculture. How does the department work with the Department of Public Health in cases of human pesticide exposure?
  - The Department's utmost concern is always the health and safety of anyone who is potentially affected by a potential pesticide exposure. Individuals concerned with a potential exposure are directed to seek immediate medical attention and/or the advice of a medical professional. In addition, contact information for organizations such as the National Pesticide Information Center are provided as additional resources. The Department contacts the Department of Public Health on an as needed basis depending on the specific facts of the case.
2. Advocates say farmworkers and their families are regularly exposed to pesticides through direct contact, drift and take-home exposure. Does the department have any structures in place to mitigate workplace exposure? If so, what do those structures entail?
  - The Worker Protection Standard (WPS) is the regulation primarily intended to reduce the risks of illness or injury to workers and handlers resulting from occupational exposure to pesticides used in the production of agricultural plants on agricultural establishments such as farms, forests and nurseries. Failure to comply with the requirements of WPS would be an enforceable violation of the pesticide label directions.
3. What steps does the department take to ensure communication with other agencies?
  - The Department is in regular communication with our state and federal partners. The Department chairs the Interagency Committee on Pesticides which meets quarterly and is made up of representatives of (1) the Department of Agriculture, (2) Department of Natural Resources, (3) Environmental Protection Agency, (4) Department of Public Health, (5) Department of Transportation, (6) University of Illinois State Natural History Survey, and (7) University of Illinois College of Agriculture. In addition, the Department meets quarterly with our federal partners at USEPA Region 5. The Department is also an active member of the American Association of Pesticide Control Officials. The Department always regularly communicates with other agencies such as IDPH and IEPA on an as needed basis depending on the specific details of any pending situation.
4. How many field investigators are assigned to look into cases of pesticide exposure?
  - The Department currently has 18 plant and pesticide specialist regional field inspector positions. Each position is assigned a regional territory and is based out of the inspector's home office.
5. How long do the investigations into pesticide misuse complaints usually take?
  - Each case of alleged pesticide misuse is unique and is fully investigated by the Department. Complaints alleging a possible human exposure are always prioritized by the Department. Each case involves an investigative phase conducted by a regional field representative and an internal review phase conducted by the Bureau of Environmental Programs Enforcement staff. The Department strives to complete each investigation in an efficient manner; however, the actual length of each investigative process is dependent upon the specific circumstances of the case and the overall caseload the Department has received for the year.
6. In the department's written response to questions back in November, it said, "Cases of human exposure to pesticides are reported annually to the US Environmental Protection Agency." Are these cases that fall under the Worker Protection Standard?
  - The US Environmental Protection Agency (USEPA) and the Illinois Department of Agriculture prioritize human exposure cases. All cases of human exposure to pesticides, including those that are subject to the worker protection standards, are reported to USEPA.



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**Amanda Perez Pi**  
To: "Lisser, Krista"

Wed, Feb 23, 2022 at 4:43 PM

Hi Krista,

Thank you for getting these to me! I really appreciate it. I just have a couple of follow-up questions:

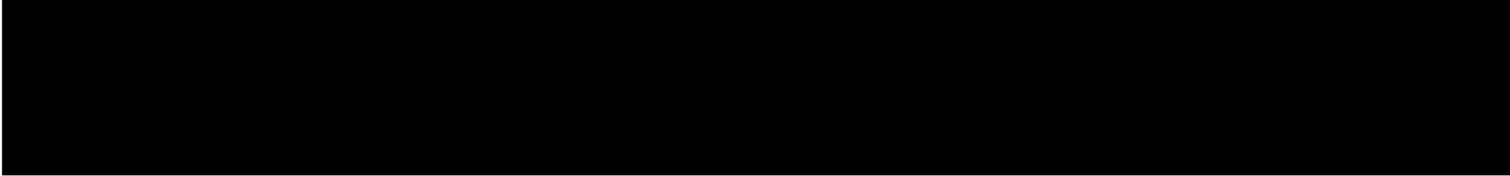
In your email, you write, "All cases of human exposure to pesticides, including those that are subject to the worker protection standards, are reported to USEPA." When I looked into the [EPA's enforcement data](#), which includes cases involving the WPS, I did not see any cases involving Corteva, Pioneer, RAS Aviation, Curless Flying Services or the farm labor contractor from the summer of 2019. Did the department report the 2019 incident to the EPA?

If not, why not?

Thank you for your time,

Amanda

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**Lisser, Krista** <Krista.Lisser@illinois.gov>  
To: Amanda Perez Pintado <aperezpintado@investigatamidwest.org>

Thu, Feb 24, 2022 at 3:13 PM

Amanda,

We cannot comment since there are ongoing administrative proceedings with respect to that matter.

[Quoted text hidden]





Sky Chadde [REDACTED]

**IDOA responses**

9 messages

Lisser, Krista [REDACTED]  
To: Sky Chadde [REDACTED]

Wed, Mar 9, 2022 at 9:50 AM

Skye,

Please see our responses to your questions below in red.

\* In previous emails to Amanda, IDA said it is in "regular communication with our state and federal partners," including the EPA, and that human exposure cases are a top priority for IDA and the EPA ("The Department's utmost concern is always the health and safety of anyone who is potentially affected by a potential pesticide exposure").

But in emails we obtained via FOIA, EPA staffers said they weren't made aware of the 2019 spraying incident until months later, and they seem caught off guard by it. Please see the attached "epa\_2019incident.pdf."

Why was this incident not immediately reported to the EPA?

The Department cannot comment on the specifics of ongoing administrative proceedings.

\* In previous emails to Amanda, the IDA said, after "most cases" of reported incidents of human pesticide exposure, an investigator "inspect(s) the site of the alleged misuse" and samples, such as human clothing are collected.

The day after the Aug. 5, 2019, incident, Champaign's local health director reported the incident to IDA. In an email we obtained via FOIA, she said, "Ag took the report (Susan Moss), but it is Migrant Council who will likely do all of the follow-up. They are sending people down tomorrow to talk with the workers & foreman." Please see "Pesticide event5.pdf."

The director misspells Suzanne Moss's first name, and it is clear based on other emails she's referring to the [Illinois Migrant Council](#).

Is it common for IDA to have a nonprofit lead an investigation into pesticide spraying, even if it's just to make first contact with the complainants? Why/why not?

The Department is always the lead investigator of potential violations of the Illinois Pesticide Act. While the Department cannot comment on the specifics of ongoing administrative proceedings, it is important to understand the limitations of the Department's regulatory authority. The Department's regulatory authority is limited to potential violations of the Illinois Pesticide Act. Pursuant to the Illinois Pesticide Act, the Department is authorized to issue limited monetary penalties and to suspend, revoke, or modify any license, permit, special order, registration, or certification issued under the Act.

The Department may receive information from and coordinate with community partners who provide the direct care and assistance to individuals potentially impacted by pesticide misuse, but these organizations do not investigate non-compliance on behalf of the Department. The Department directs these impacted individuals to seek immediate medical attention and/or the advice of a medical professional. In addition, contact information for organizations such as the National Pesticide Information Center are provided as additional resources. The Department contacts the Department of Public Health on an as needed basis depending on the specific facts of the case.

\* In another email, the local health director said she tried to submit a pesticide misuse complaint by using the form on IDA's website (this is the [link she was provided](#)), but, at the time in 2019, the link to the form wasn't working. Please see "Pesticide event6.pdf" and page 3 of "Pesticide event5.pdf."

Was the department aware of any problems with the link to its pesticide misuse form in 2019?

No. To the best of the Department's knowledge, the Link to the pesticide misuse form has been active and working.

\* Did IDA's approach to human exposure cases change after the 2019 incident? If so, how?

The Department's regulatory authority is limited to potential violations of the Illinois Pesticide Act. Pursuant to the Illinois Pesticide Act, the Department is authorized to issue limited monetary penalties and to suspend, revoke, or modify any license, permit, special order, registration, or certification issued under the Act.

With respect to the health and safety of anyone who is potentially affected by a potential pesticide exposure, the Department directs them to seek immediate medical attention and/or the advice of a medical professional. In addition, contact information for organizations such as the National Pesticide Information Center are provided as additional resources. The Department contacts the Department of Public Health on an as needed basis depending on the specific facts of the case.

\* It doesn't appear IDA started specifically tracking human pesticide exposure cases in its pesticide case data until after the 2019 incident. Please see the attached spreadsheet, "human\_contact.xlsx." Did IDA start tracking "human exposure" specifically because of this incident? Why/why not?

IDA's internal data collection systems are evaluated and updated on an annual basis. Updates to the system implemented at the beginning of the 2019 season included the tracking of cases alleging human exposure and were made irrespective of any specific misuse investigation.

\* In previous emails to Amanda, IDA said it reports cases of human pesticide exposure to EPA "annually." Does that mean IDA reports cases just once a year to the EPA?

IDA is in communication with our state and federal partners throughout the year on a variety of matters. While each investigation has its own unique circumstances that may require additional communication with relevant partners, cases are generally reported to EPA upon their completion at the end of the misuse season.



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Sky Chadde <[REDACTED]>  
To: "Lisser, Kri [REDACTED]"

Wed, Mar 9, 2022 at 11:18 AM

Hi Krista,

Thank you for getting these to me. I may have some follow-ups as we get closer to publication in the coming weeks. I'll keep you updated on a publication date.

Thank you,

Sky

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Sky Chadde

Managing Editor

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**Sky Chadde** <[sky.chadde@investigatemitwest.org](mailto:sky.chadde@investigatemitwest.org)>

Thu, Mar 10, 2022 at 11:56 AM

To: "Lisser, Krista" <[Krista.Lisser@illinois.gov](mailto:Krista.Lisser@illinois.gov)>

Hi Krista,

I have a quick question about the pesticide misuse complaint data that IDA collects. In the attached spreadsheet, there's a column named "closed" and a column named "date closed." Every row has a date entered in the "date closed" column, but only a few rows have an entry in the "closed" column.

Does the "closed" column mean that the case has gone through its administrative hearing?

Thanks,

Sky

[Quoted text hidden]



**Human Contact 1-1-21 to current COMPLETED.xlsx**

12K

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**Sky Chadde** <[sky.chadde@investigatemitwest.org](mailto:sky.chadde@investigatemitwest.org)>

Mon, Apr 4, 2022 at 11:42 AM

To: "Lisser, Krista" <[Krista.Lisser@illinois.gov](mailto:Krista.Lisser@illinois.gov)>

Hi Krista,

This is Sky Chadde, with Investigate Midwest. I just had another question for our story on the 2019 spraying incident involving a crew of farmworkers near Champaign. I'm working on a deadline of the end of the week, by close of business on Friday.

For the questions, please see the attached spreadsheet showing human contact cases since 2019.

\* The **biggest fine** the Illinois Department of Agriculture can levy against a pesticide applicator is \$10,000, but, according to the attached spreadsheet, the department has not issued a fine larger than \$750 since 2019. Why has the agency only fined the minimum amount in human exposure cases since 2019?

\* How many times in the past 10 years has the department fined a pesticide applicator \$10,000? Please provide the case numbers.

\* For the 2019 incident (case numbers 12066 and 12332), why did the department only fine \$750 for human exposure in this instance?

Please call me if you have any questions, 505-382-7369.

Thank you for your time,

Sky

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**human\_contact.xlsx**

22K

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**Lisser, Krista**

Tue, Apr 5, 2022 at 12:20 PM

To: Sky Chadd

Sky,

Please see our responses below in red:

\* **The biggest fine the Illinois Department of Agriculture can levy against a pesticide applicator is \$10,000, but, according to the**



**attached spreadsheet, the department has not issued a fine larger than \$750 since 2019. Why has the agency only fined the minimum amount in human exposure cases since 2019?**

The Department does not have the discretion to decide what fine amount should be imposed as the Department's authority is strictly bound by the requirements of the Illinois Pesticide Act. The Pesticide Act requires each administrative penalty to be objectively based upon the total violation points as determined by the "Use and Violation Criteria" set forth in Section 24.1(4) of the Pesticide Act. These "Use and Violation Criteria" are non-discretionary, objective standards that the Department must use to determine the fine amount. In order for a \$10,000 fine to be imposed, the point totals in the "Use and Violation Criteria" must be "30 and above." (415 ILCS 60/24.1(3)(G))

\$750 is not the minimum penalty that can be imposed under the point value system in the Use and Violation Criteria. The Department may issue an advisory letter "when the violation points total 6 or less," and it must issue a "warning letter" when the violation points "total more than 6 but not more than 13." (415 ILCS 60/24.1(2))

Point values are **required** to be based on the following objective "Use and Violation Criteria":

1. Harm or loss incurred - Maximum is 6 for "Exposure to a pesticide resulting in a human experiencing headaches, nausea, eye irritation and such other symptoms which persisted 3 or more days"
2. Signal on the label – What does the label on the product say?: "Caution" (1 point), "Warning" (2 points), or "Danger/Poison" (4 points)
3. Degree of responsibility – Accidental (1 point); Negligence (4 points); Knowingly (10 points)
4. Violator's history of violations for the previous 3 years – Advisory letter (2 points); Warning Letter (3 points); Criminal conviction or monetary penalty (5 points); Suspension or revocation (7 points)
5. Violation type - Maximum is 6 for "Falsification of records" or "Failure to secure a permit or violation of permit or special order"

Likewise, administrative penalties are **required** to be based upon the total violation points as determined by the Use and Violation Criteria, and the monetary penalties **shall** be as follows (415 ILCS 60/24.1(3)(G)):

Total Violation Points	Monetary Penalties
14-16	\$750
17-19	\$1000
20-21	\$2500
22-25	\$5000
26-29	\$7500
30 and above	\$10,000

**\* How many times in the past 10 years has the department fined a pesticide applicator \$10,000? Please provide the case numbers.**

The Department does not have any records demonstrating that a pesticide applicator has been fined \$10,000 in the past 10 years.

**\* For the 2019 incident (case numbers 12066 and 12332), why did the department only fine \$750 for human exposure in this instance?**

The Department cannot comment on an ongoing administrative enforcement matter. However, as stated in question 1, the non-discretionary "Use and Violation Criteria" in the Pesticide Act establishes the point value which shall be compiled to determine the total violation points and administrative actions or monetary penalties to be imposed. With respect to "human exposure," a maximum amount of 6 points can be assessed for "Exposure to a pesticide resulting in a human experiencing headaches, nausea, eye irritation and such other symptoms which persisted 3 or more days." (415 ILCS 60/24.1(4)(A)(3)(a))

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