

CASE #: —

PESTICIDE COMPLAINTS

PESTICIDE REGULATION SECTION

The Ohio Department of Agriculture is responsible for regulating the sale, distribution, use and storage of pesticide products in Ohio. ODA also represents the U.S. Environmental Protection Agency (EPA) for inspection and investigation activities conducted under the federal pesticide law (FIFRA). The ODA pesticide section has 12 pesticide field inspectors covering 88 counties.

IMPORTANT CONTACTS

For medical emergencies, call 911

Poison Control Center
(800) 222-1222

Ohio Department of Agriculture
Pesticide Regulation Section
(614) 728-6987
(800) 282-1955
Email: pesticides@agri.ohio.gov
www.agri.ohio.gov

Ohio Sensitive Crop Registry (OSCR)
www.agri.ohio.gov/scr/Default.aspx
OSCR is a free and secure web map showing locations in Ohio which are susceptible to damage by pesticide drift or off-target applications.

IF YOU BELIEVE YOUR PROPERTY HAS BEEN DAMAGED OR CONTAMINATED BY A PESTICIDE APPLICATION, AND YOU WANT ODA TO INVESTIGATE AND ENFORCE THE OHIO PESTICIDE LAW:

1. Contact ODA immediately. A long time lapse will make it difficult for ODA to document violations for enforcement action.
2. You should record a detailed description of what you witnessed or what you believed happened. When you record details about the drift incident, be sure to include:
 - The date, time, and location the alleged drift incident occurred.
 - The name of the pesticide applicator.
 - The wind speed (gusty, high, low) and wind direction (toward or away from your property).
 - Take several photos and be sure the photos include a time and date stamp. It may take 7-10 days for herbicide symptoms to appear. You will not usually notice any plant damage or symptoms from insecticides and fungicides.
 - Detailed notes of every conversation, phone call, and correspondence related to the incident.
 - If you did not see the pesticide application, but noticed injury to plants, honeybees, fish, landscaping, etc., write down the date and details of when you first noticed the injury.



Department of Agriculture



What to Expect After Filing a Pesticide Complaint

The Ohio Department of Agriculture (ODA) regulates the use and distribution of pesticides in Ohio. ODA also investigates consumer complaints when it appears that there are potential violations of Ohio Pesticide Law. The investigation of complaints is at no cost to the complainant.

Here's what will happen after you file a formal complaint with ODA:

1. ODA will immediately investigate cases that involve human health. Most other complaints can take up to 10 days or longer before action, depending on the inspector's case load.
2. An ODA inspector will make an appointment with you to see the location where the alleged violation occurred.
3. The inspector will examine and photograph the site and may take physical samples.
4. The inspector will contact the applicator to inquire about what pesticides were applied and other pertinent information.
5. After the inspector has gathered all of the

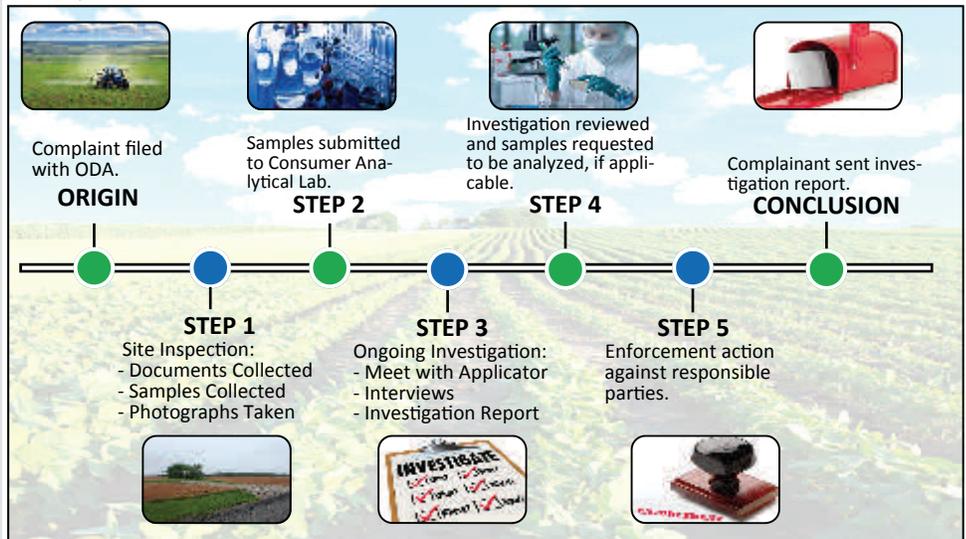
necessary information, ODA administrative and technical staff will review the case for possible violations of Ohio Pesticide Laws. This process can take a few months to a year.

6. If ODA concludes that there was a violation, ODA will address the violation with the applicator.

7. ODA will provide a case summary to the complainant at the conclusion of the investigation and enforcement action (if applicable). Completed ODA cases are considered public information and can be requested by anyone.

Remember: Ultimately, pesticide complaints are a civil matter between the parties involved. ODA's primary focus in any complaint investigation is to determine whether Ohio's pesticide laws have been violated. ODA is authorized to take enforcement action if a violation is found. However, ODA is not authorized to pursue damages or restitution on behalf of any individual or person whose property has been damaged due to a pesticide application. You may wish to contact an attorney to discuss any options that you may have to pursue restitution associated with any damaged property.

Complaint Timeline



FREQUENTLY ASKED QUESTIONS

What is the role of the pesticide inspector?

After receiving a complaint, an inspector will contact pertinent individuals to conduct inspections and/or interviews. The investigator will document the incident through evidence collection that may include: maps, photographs, affidavits, pesticide label reviews, on-site assessments and sample collection. The inspector's observations will be compiled into a case report of the incident.

How soon after I make a complaint will an investigation be conducted?

An ODA inspector will generally make telephone contact with the complainant within 2-3 days of the initial complaint. This telephone contact will allow the inspector to schedule a site inspection at a mutually convenient time for the complainant and the inspector. The site visit will generally be conducted within 10 days of the initial complaint. Complainants are encouraged to complete a written statement prior to the inspectors arrival. Complainants should also collect and photocopy for the inspector all bills, invoices, contracts, correspondence or other documents that relate to the complaint.

What happens after the inspector's visit to my property?

After the site inspection, the inspector will meet the applicator to inquire about what pesticides were applied and obtain all other pertinent information. When the inspector has gathered all of the necessary information related to an investigation, a case report will be generated. Then the ODA staff will review the case for possible violations of Ohio Pesticide Law. If a violation has been detected, one of the following enforcement actions may be applied: Field Notice of Warning, Notice of Warning, Civil Penalty, License Action, or Criminal Prosecution.

How long does an investigation usually take from start to finish?

Although the goal of ODA is to complete every case as quickly as possible, many factors delay the conclusion of a case. (i.e. complicated laboratory analyses; lack of cooperation of applicator and complainant; the need to conduct follow-up investigations; and the need to respond to other complaint incidents). Because each case varies, it is impossible to provide an estimate on how long it may take to conclude a particular case. If after several weeks you have not received a written case summary, you can contact James Belt, Enforcement Manager, at (614) 728-6389 for a status update.

Who has access to complaint investigation information and case summaries ?

A final written report will be provided to the complainant and anyone else who makes a public records request for it. Case files are public documents once the investigation has been concluded.

How will I be compensated for my pesticide damages?

The focus of ODA complaint investigations is to determine if pesticides were used according to label directions and applicable laws. Damage compensation is a civil matter between the parties that are involved in the complaint. ODA is not authorized to pursue damages or restitution on behalf of any individual or person whose property has been damaged due to a pesticide application. You may wish to contact an attorney to discuss any options that you may have to pursue restitution associated with any damaged property.

Who can I call if I have a question regarding a complaint?

Call ODA at 614-728-6987 Monday through Friday, 8:00am-5:00pm. Be sure to reference your case number.



Serving Farmers and Protecting Consumers Since 1846