

Report of pesticide accident, incident or loss

When claiming a accident, incident or loss due to a person's use of a pesticide, you must file an "Incident Report" with the IDALS pesticide bureau by phoning 515-281-8591. This report **must be filed within 60 days after the alleged date that damages occurred**. If a growing crop is alleged to have been damaged, the report must be filed **before 25% of the crop is harvested**. The report needs to contain:

- 1) the name of the person allegedly responsible for the application of said pesticide;
- 2) the name of the owner or lessee of the land on which the crop is grown and for which damage is alleged to have occurred;
- 3) the date on which the alleged damage occurred.;
- 4) Brief description of the incident.

Where damage is alleged to have occurred, the claimant shall permit the secretary, the licensee and the licensee's representatives, such as surety or insurer, to observe within reasonable hours the lands or nontarget organism alleged to have been damaged. **Failure of the claimant to permit such observation shall automatically bar the claim against the licensee.**

The IDALS Pesticide Bureau acknowledges the Oregon Department of Agriculture Pesticide Program for their assistance in creating this publication.

Reimbursing damages

Chapter 206 *Iowa Code* **does not** contain any provision for compensation to be made to individuals for a loss due to pesticide use. IDALS cannot require someone to pay for a loss due to pesticide use.

Legal Assistance

IDALS cannot act as your legal counsel. If you have questions about your legal rights, you should contact an attorney.

Resources

National Pesticide Information Center

General information on pesticide products, including safety, health and environmental effects, cleanup and disposal.
(800) 858-7378
<http://npic.orst.edu>

Contact us

Iowa Department of Agriculture & Land Stewardship — (IDALS)

Pesticide Bureau
Henry A. Wallace Building
502 E 9th St.
Des Moines, IA 50319

Phone: 515-281-8591
FAX: 515-242-6497

pesticides@iowaagriculture.gov
[Http://www.iowaagriculture.gov/pesticides.asp](http://www.iowaagriculture.gov/pesticides.asp)

This publication is available in other formats, if needed.

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Enforcement



Investigation timeline

IDALS's goal is to respond to pesticide use complaints within 5 days and if an investigation is initiated, completes the investigation within 60 days. Investigation report reviews after laboratory analysis reports are received can take an additional 90 days or more. The actual time to respond to a complaint and complete an investigation report can vary due to complexity of the investigation, investigator workload, sampling, laboratory analysis requested, gathering additional information, and other factors.

Investigation process

The pesticide investigator gathers information by providing notification of inspection, conducting interviews, obtaining statements, reviewing application records and pesticide labels, taking photographs and making on-site assessments. The information gathered helps document whether a violation of state and/or federal pesticide law occurred.

If you have questions regarding the investigative process or forgot to tell the investigator something, it is important to contact the investigator. The investigator needs to know all the facts in order to conduct a thorough and accurate investigation.

Sample Analysis Reports

IDALS's goal is to maintain integrity of physical samples upon delivery to the lab through the completion of analysis. However, there are several factors which may result in long analysis time lines. For samples collected during peak season or samples involving complex combinations of active ingredients, analysis may take up to 6 months or more.

Sampling

The investigator may collect physical samples (soil, water, vegetation, swabs, etc.) from the application site and other areas. **Samples must be collected by IDALS personnel or other approved state or federal regulatory agencies** to maintain a proper chain of custody and ensure that the evidence obtained can be used, if needed, in administrative actions.

- ◆ Documentary samples of records or photographs may also be taken.
- ◆ Samples are only taken when deemed necessary to prove or disprove a violation of Chapter 206 *Iowa Code*.

After the investigation

IDALS reviews completed investigation files to determine if the evidence supports that a violation of state and/or federal pesticide laws has occurred.

Findings

Results of completed laboratory analyses or preliminary findings may be shared while the investigation is underway. **Conclusions and enforcement actions are not available until the completed investigation report is reviewed, associated enforcement actions are issued, and the case is closed.**

Enforcement actions

Several enforcement actions are considered by IDALS when a violation of state and/or federal pesticide laws is determined to have occurred.

These enforcement actions include:

- ◆ Notice of Violation;
- ◆ Official Notice;
- ◆ Imposition of Civil Penalty (commercial applicators);
- ◆ Pesticide License Suspension/Revocation;
- ◆ Referral to EPA for review and enforcement action;
- ◆ License and/or certification suspension or revocation;
- ◆ Product Stop Sale, Use or Removal Order;
- ◆ Crop Embargo/Detainment.

When clear documentation of a violation is not available, a Letter of Advisement may be issued or the case may be dismissed with no regulatory action initiated against the applicator.

Requesting records

Complaint, investigation, and enforcement action information is public record.

Members of the public have the right to view and obtain case files **after a pesticide investigation report is completed and associated enforcement action has been issued. All requests must be in writing.** A fee to cover document reproduction, labor, and mailing costs is charged.

