

Pesticide Complaint Investigations

800-893-6637

Who regulates pesticides and their use in Indiana?

The Indiana pesticide laws designate the Indiana State Chemist as the state official responsible for regulating the sale, distribution, use and storage of pesticide products in Indiana. The Office of Indiana State chemist (OISC), located on the West Lafayette campus of Purdue University, also represents the U.S. Environmental Protection Agency (EPA) for inspection and investigation activities conducted under the federal pesticide law (FIFRA). The OISC pesticide section has a full-time staff of approximately 20 employees, including administrative, program management, laboratory personnel, and six pesticide investigators.

How are complaints or reports of suspected violation filed with OISC?

OISC receives over-the-phone and written complaints. No special form is required. Complaints should be directed to 1-800-893-6637, or to George Saxton, Office of Indiana State Chemist, 175 South University Street, West Lafayette, IN 47907-2063.

What is the role of the pesticide investigator?

After receiving a complaint, an investigator 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 investigator's observations will be compiled into a case summary of the incident.

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

It is impossible to predict with certainty when an investigator will be able to respond to a complaint regarding a pesticide incident. OISC will prioritize incident investigations involving:

1. Human death or illness
2. Livestock/animal death or illness
3. Property damage

The OISC investigator will generally make telephone contact with the complainant within 7 days of the initial complaint. This telephone contact will allow the investigator to determine if a site visit is necessary, and to schedule such a visit at a mutually convenient time for the complainant and the investigator. The site visit will generally be conducted within 21 days of the initial complaint. Complainants are encouraged to take their own photographs or videotapes to document damage that they believe may be related to a pesticide application or incident. Complainants should also collect and photocopy for the investigator all bills, invoices, contracts, correspondence or other documents that relate to the complaint.

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

After the investigator has gathered all of the necessary information related to an investigation, OISC and technical support staff review the case for possible violations of state and federal pesticide laws. If a violation has been detected, one or more of the following remedies may be applied:

- Warning/Citation
- Civil penalty assessment
- License/permit/registration revocation, suspension or modification
- Referral for criminal prosecution (Class A or C misdemeanor) to the appropriate court
- Referral to the U.S. EPA for further action

The specific enforcement action taken will depend on such factors as:

- Violator's compliance history
- Remedial or corrective action taken by the violator
- Potential for damage or harm
- Violator's cooperation during investigation
- Violator's good faith effort to comply
- Whether restricted use products were used

How long does an investigation usually take?

Although the goal of OISC is to conclude every case as quickly as possible, many factors delay the conclusion of a case. Some of these are: complicated laboratory analyses; lack of cooperation of applicator and complainant; legal rights of the applicator; the need to conduct follow-up investigations; the need to respond to other complaint incidents; and the need to involve other agencies such as EPA or state agencies. Because each case varies, it is impossible to provide a firm estimate on how long it may take to conclude a particular case.

How will I be kept informed of the progress of my investigation?

Contact the investigator handling your case for a progress report on your case, but only after the minimum time estimate, which is approximately ten weeks.

Who has access to information and case summaries resulting from an OISC pesticide investigation?

A final written report (case summary) will be provided to both the complainant and the alleged violator at the conclusion of the investigation and enforcement (if applicable) process. Case files are public documents when OISC and the Indiana Pesticide Review Board (if applicable) have concluded any enforcement proceedings.

How much does an investigation cost?

Investigations of pesticide incidents are conducted by OISC at no cost to either the complainant or the alleged violator.

How will I be compensated for my pesticide damages?

Since the focus of the investigation is to determine if pesticides were or were not used according to label directions and applicable laws, no attempt will be made by an OISC investigator to determine the monetary value of any alleged damage due to pesticide use. Damage recovery must be done through private negotiation with, or civil action (lawsuit) against, the pesticide user and/or his insurance carrier.

Who can I call if I have a question regarding my complaint or a complaint against me?

Call OISC at 1-800-893-6637 Monday through Friday, 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m. and leave a message for the investigator handling your case. Be sure to leave your phone number (including area code) and the time(s) that you are available at that number. You may also leave your e-mail address if telephone contact is difficult for you. Investigators spend most of their time in the field, but will get back with you as quickly as possible.

Who can I call if I have a question about the federal pesticide law that cannot be answered by OISC?

Call the U.S. EPA, Region 5 Pesticide Office in Chicago, Illinois at 312-353-2192.