

Iowa Department of Agriculture and Land Stewardship Pesticide Bureau

Pesticide Drift: Frequently Asked Questions – June 2017

What is pesticide drift?

Pesticide spray drift is the movement of pesticide dust or droplets through the air at the time of application or soon after, to any site other than the area intended. Avoiding ALL off-site movement is the responsibility of the applicator. All pesticide applicators must always read and follow label directions, including checking supplemental labels for additional information. The Label is the Law!

What is the role of the Iowa Department of Agriculture and Land Stewardship in cases where Iowans have concerns about possible pesticide drift?

The Pesticide Bureau within Iowa Department of Agriculture and Land Stewardship is responsible for responding to complaints and helping protect citizens from misuse of the products. In addition, education and testing on the safe use of pesticides is administered to all licensed pesticide applicators in conjunction with Iowa State University Extension and Outreach.

What is new regarding the pesticide Dicamba?

As of April 1, 2017, the EPA has registered Engenia, FeXapan, and XtendiMax for in-season (pre-emergence, post-emergence) use on soybean crops genetically engineered to tolerate Dicamba. Application restrictions and use patterns have changed, compared to previously registered Dicamba products.

It is critical that all retailers, applicators, and growers are knowledgeable of these new requirements. New requirements for spray tip, spray pressure, sprayer speed, and boom height as well as additional wind speed restrictions and buffer requirements are all designed to improve on-target pesticide applications and reduce the potential for pesticide drift. Again, applicators must read and follow all label instructions.

What should someone do if they suspect pesticide drift?

When claiming an accident, incident or loss due to a person's use of a pesticide, you must file an "Incident Report" with the Department's Pesticide Bureau by phoning 515-281-8591 or by emailing the information to pesticides@iowaagriculture.gov. 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 should contain the person's name, address, county and phone numbers. They will also need to provide information about the incident, including address and county, areas impacted and any other relevant details. Other information that should be given, if possible, includes the date and time of the incident, name address and contact information for the alleged applicator, the type of application and what may impacted by drift.

What is the timeline for a pesticide drift investigation?

The Department's goal is to respond to pesticide use complaints within 5 business days and if an investigation is initiated, complete 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, additional information needs, and other factors.

What is the Department's investigation process?

The Department's 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.

What are the penalties if pesticide drift is found?

Several enforcement actions are considered by the Department 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 of commercial applicators of up to \$500;
- ❖ 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.

Are farmers impacted by drift eligible for damages?

Iowa Code Chapter 206 does not contain any provision for compensation to be made to individuals for a loss due to pesticide use. As a result, the Department cannot require someone to pay for a loss due to pesticide use or misuse.

Can landowners take their own samples if they suspect drift?

Samples must be collected by Department personnel or other approved state or federal regulatory agencies for the evidence to be used, if needed, in administrative actions. However, landowners can take collect samples and pay for their own testing if they are interested. A list of labs that can test for evidence of pesticide list can be found at

<http://www.iowaagriculture.gov/Pesticide/pdf/2017/PesticideLabListUpdate2017.pdf>

How many pesticide misuse complaints does the Department investigate each year?

Total Pesticide Incidents (Ag Use and Non Ag Use) involving filed complaints investigated by the Department's Pesticide Bureau:

Crop Year	Misuse	Ag	Non-Ag
2012	120	89	31
2013	122	102	20
2014	89	67	22
2015	108	90	18
2016	105	87	18
2017	178	154	24

What other resource are available?

A brochure with more information about the Department's Pesticide Investigation and Enforcement activities can be found at

http://www.iowaagriculture.gov/Pesticide/pdf/2015/Enforcement2014_06FINAL.pdf.

Data summaries are representative of IDALS Pesticide Bureau counts as of 6/23/2017. Data summaries are time sensitive and subject to change as case assignments move through case review and disposition and will be updated throughout the year.

This document was replicated from the IDALS Pesticide Bureau reference:

www.iowaagriculture.gov/Pesticide/pdf/2017/PesticideDriftFAQFINALJune2017.pdf