

What you should know about pesticide complaints



Important Telephone Numbers:

1. Florida Department of Agriculture & Consumer Services-Case Referral Office
(850) 617-7880
2. Agency for Workforce Innovation
Farm Labor Help Line-
1-800-633-3572
3. Florida Poison Control Center:
1-800-222-1222

For more information contact us at:

FDACS
Division of Agricultural
Environmental Services
Bureau of Compliance Monitoring
3125 Conner Boulevard, Bldg. 8 (L-29)
Tallahassee, FL 32399-1650
Phone Number: (850) 617-7850
Fax Number: (850) 922-1525

Website link:

www.flaes.org/complimonitoring/index.html



Do you know what a pesticide is?

A "pesticide" is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest and any mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Pests are living organisms that occur where they are not wanted or that cause damage to crops or humans or other animals. Some examples are:

- ✓ Unwanted plants (weeds)
- ✓ Fungi
- ✓ Microorganisms such as bacteria and Viruses
- ✓ Insects, rodents or other animals



The various generic words ending in *-cide* (from the Latin *-cida*, "killer") are classes of pesticides, such as: Insecticides, rodenticides, nematocides, herbicides, germicides, fungicides. In addition, there are some other chemicals that are classified as pesticides that do not end *-cide* such as: sanitizers, disinfectants, fumigants, repellents, pheromones and attractants, among others.

Pesticides are classified in two groups: general (unclassified) and restricted use pesticides. General use pesticides (GUP) can be purchased and used by just about anyone since there is no license requirement.

Restricted use pesticides are designated by EPA and are applied only by certified applicators, because of their inherent toxicity or potential hazards to the environment even when they are used according to the label directions.

Who can use pesticides?

GUP can virtually be used and be easily purchased by anybody with no limitations. They are readily available to consumers at the market place, and can be found under different classifications that include but aren't limited to home cleaning products. Most common GUP users are the general public, structural pest control operators, medical facilities, farmers, and pool maintenance companies, landscapers, and government programs.

On the other hand RUP uses are restricted only to license pesticide applicators or individuals under their direct supervision.

Who has the authority to investigate pesticide related complaints in the State of Florida?

The Florida Department of Agriculture and Consumer Services (FDACS) and the Environmental Protection Agency (EPA) share joint responsibility of monitoring and enforcing the pesticide federal and state regulations in the state of Florida in order to protect property, animal and human beings from the application of pesticides.

Per the authority given on F.S. Chapter 487.071 (1), FDACS is authorized to enter upon any public or private premises where pesticide are known or thought to be distributed, sold, offered for sale, held, stored, or applied to enforce and carry out investigations and inspection work as prescribed under their authority.



complaint (i.e. Farm, Company, Neighbor, etc.)
6. Name and address of physician

Pesticide Use: What does the Law say?

It's a violation to the state and federal law to use a pesticide inconsistent to the label instructions. Meaning that a pesticide shall be used, stored and disposed strictly according to the label. These instructions will help determine a pesticide use or misuse. Label content provides precautionary statements that address hazards to humans and domestic animals, environmental and physical hazards among other pesticide safety information. Agricultural use labels contain specific information on how to comply with the Worker Protection Standard (WPS), to protect farm workers and pesticide handlers (40 CFR Part 170), from pesticide occupational exposure.

In addition, pesticides must be applied in a way to prevent drift and runoff to protect bystanders, communities and the environment, among others.

Under F.S. 487.2041 Florida Agricultural Worker Safety Act (FAWSA), FDACS is responsible for the enforcement of the WPS.



What information is necessary to initiate a complaint or investigation?

The basic scrutiny to initiate a complaint is to determine if there is a

pesticide use or misuse. It determines the jurisdiction of the complaint and also enables the case referral office to expedite an accurate referral.

If you understand that pesticides have been used incorrectly and you want to file a complaint, you should contact us as soon as possible with the following information:

1. Name and contact information of the complainant/victim
2. A description of the incident
3. Pesticide (s) involved
4. Date and time of incident
5. Name and address of the second party involved in the

In order to help expedite the Investigation we need you to provide us with precise/accurate and prompt information.

A complaint filed under FAWSA, has to contain ultimate facts which show that a violation of FAWSA and/or WPS, may have occurred. This is when the FDACS may initiate an investigation if it has reasonable cause to believe that a person has violated this part or the rules adopted under FAWSA.

Whoever knowingly makes a false complaint in writing commits a misdemeanor of the second degree, punishable in s.775.082, s.775.83 or s.837.06, Florida Statutes.



How does the Sunshine Law affect the complaint process?

In the state of Florida under the "Sunshine Law (Florida Statutes Chapter 119.01 (1)), once you declare yourself anonymous, as a complainant you can't request a copy of the Investigation results. However, you can request a copy of the final investigational report for the reference case, but not as the complainant. Investigation records are classified as public records under the FL Sunshine Law.

If you wish to remain anonymous you must indicate it to the Case Referral Coordinator, however, anonymous complaints have less credence and less documentation in the file to support the complaint.



What involves the complaint investigation?

As a standard operating procedure, once a complaint is received, screened and assigned to the Inspector basics steps must be taken in order to compile the most accurate and complete information as soon as possible. To achieve this, the inspector must:

1. Contact and interview parties involved in the complaint
2. Determine what pesticide was used and evaluate if there was a pesticide misuse,
3. Collect and gather required evidence and,
4. Submit a final Findings Report to the Compliance Monitoring Case Review Office for its respective evaluation and conclude action to be taken.