

Options for Dealing with a Pesticide Drift Incident

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Important Resources

For health emergencies, especially if you came in contact with a pesticide, call 911.

Poison Control Center
 800-222-1222

Office of Indiana State Chemist

765-494-1492
oisc.purdue.edu
 To file a pesticide complaint: 800-893-6637
www.oisc.purdue.edu/pesticide/pdf/complaint_investigations_08-18-14.pdf

Indiana Pesticide Drift Rule (357 IAC 1-12)

oisc.purdue.edu/pesticide/pdf/drift_rule.pdf
 This is the text of the rule that governs pesticide drift in Indiana.

Prosecutor's Guide to Pesticide & Fertilizer Enforcement in Indiana

oisc.purdue.edu/pesticide/publications.html

FieldWatch

www.fieldwatch.com
 Register your property's pesticide-sensitive crops and habitat or find registered sites before you apply.

National Pesticide Information Center

800-858-7378
npic.orst.edu

The EXTension TOXicology NETwork

extoxnet.orst.edu
 Find information about specific pesticides.

Purdue Pesticide Programs

ppp.purdue.edu
 This Purdue Extension program conducts pesticide education for pesticide user groups and the general public.

Private Laboratory Testing

practicalfarmers.org/wp-content/uploads/2014/07/Labs7714.pdf

Several commercial laboratories can test for pesticide residues in plant tissues and soils. However, the pesticide in question must be specified and the cost for analysis can be relatively high.

Please note: OISC will not consider privately tested samples in their investigation.

United States Environmental Protection Agency

312-353-2192

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When farmers, businesses, government agencies, and homeowners use pesticides (insecticides, herbicides, and fungicides) to protect plants and property against insects, weeds, and diseases, the pesticide product must remain on the target site. When any pesticide moves through the air away from the target site and onto someone else's property — known as pesticide drift — the pesticide can damage non-target crops, landscape plants, and gardens. Drift can also injure people, companion animals, livestock, and wildlife.

Drift can have serious long-term economic consequences, too. If pesticide drift affects a neighbor's organic crop, that drift incident may knock the field out of the organic program for up to three years.

Pesticide drift can occur virtually anywhere — between neighboring farms, farms and residential properties, or neighboring residential properties. Whether it's a next-door neighbor or a farmer who owns the field adjacent to your property, they have the legal right to apply pesticides to their property or property they lease. However, pesticide applicators also have the legal obligation to keep those products on their side of the property line, and you have the right to not have pesticides drifting onto your property.

It's important to note that, according to Indiana law, "drift" does not include instances when pesticides run off in water, soil, erosion, or windblown soil particles.

When Can Pesticide Drift Occur?

When thinking about pesticide drift, know that it:

- Can occur in all weather conditions including high and low wind speeds.
- Can occur on your own property and in public areas such as parks, pools, and schools.
- May or may not be associated with a strong chemical smell.
- May have occurred on your property even if there is no immediate evidence of physical injury.

What Are Signs of Drift?

Pesticide drift can harm human health or damage plants and other properties. Here are some things that may occur that should make you consider pesticide drift:

- You felt a pesticide application spray physically touch you. Direct exposure to pesticides is a serious matter and you should never treat it lightly. Pesticide exposure may require immediate action. If you come in contact with a pesticide, remove your clothing and shower. Retain your clothes in a separate bag. Seek medical advice about any further actions.
- You observe distorted or discolored leaves on your trees, landscape or garden plants, or crop plants.
- You observe spray mist moving onto your property.
- You notice dead honeybees, dead fish, or areas where vegetation has yellowed or died suddenly.



Find Out the Cause of Damage

It's easy to blame a neighbor for pesticide drift, but before you act, be sure to take some important steps to determine if the problem you're experiencing was a result of drift:

First, determine if the symptoms you observe were caused by drift or if they were caused by other problems such as insect pests, diseases, or weather-related issues such as drought or cold injury.

Purdue Extension county educators can help you determine the cause of the injury symptoms. The educators will look for any possible explanations for the damage, including nutrient deficiencies; insect, weed, and disease problems; improper planting and cultivation practices; and environmental conditions.

However, Purdue Extension educators are not pesticide drift investigators. Investigating a pesticide drift complaint is the job of the Office of Indiana State Chemist.

Find your Purdue Extension county office:
888-EXT-INFO
extension.purdue.edu/Pages/countyoffices.aspx

Steps to Take After Pesticide Drift

If you believe the symptoms you see are consistent with pesticide drift, you may choose to:

- Do nothing and ignore the matter.
- Try to resolve the matter on your own by approaching the applicator or writing a letter to the applicator that explains the damage and the restitution you seek.
- Get identifying information on the applicator's equipment by taking photographs.
- Contact the Office of Indiana State Chemist to file a formal complaint, which will initiate an investigation: 800-893-6637 or oisc.purdue.edu.
- Contact your insurance company.
- Consider hiring a lawyer.

How you respond to a drift incident depends on many factors, including the extent of injury caused by the drift, the relationship you have with the pesticide applicator, and how the applicator responds to your concerns. The choice of what action to take is your responsibility. It is a personal decision and there is no single right or wrong approach. Remember evidence is time sensitive; delaying the filing of your complaint with OISC or contacting your insurance company may negatively affect its outcome. Pesticide residues may be difficult or impossible to detect if there is a delay in an investigation.

Organic Farmers Must Contact Certifying Agencies

If you are a certified organic farmer and suspect a drift event, notify your certification agency immediately. Your agency may need to investigate and take samples for testing.

For more information, see *Driftwatch: Watch Out for Pesticide Drift and Organic Production* (Purdue Extension publication DW-1-W), available from the Education Store, www.edustore.purdue.edu.

If you believe your property experienced a drift incident, you should record a detailed description of what you witnessed or what you believed happened. It is important to record these details immediately so you do not forget or alter facts later. Your insurance company, the Office of Indiana State Chemist, a small claims court, or lawyer may all ask for such a document.

When you record details about the drift incident, be sure to include:

- The date, time, and location the suspected drift incident occurred.
- The name of the pesticide applicator (if known).
- The wind speed (for example, gusty, high, low) and wind direction (such as, toward or away from your property).

- Multiple photos that you take over the next few weeks — and be sure the photos include a time and date stamp. It may take 7-10 days (or longer in cold weather) 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.

In addition to writing down all the information above, be sure to:

- Store any contaminated clothing in a plastic bag and freeze.
- If fish are killed, place freshly dead and dying fish in a plastic bag. These samples should be frozen.

What to Expect After Filing a Pesticide Complaint

The Office of Indiana State Chemist (OISC) is an independent state agency that has the responsibility to investigate pesticide complaints. They investigate complaints at no cost.

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

1. OISC will immediately investigate cases that involve human health. Most other complaints can take up to 14 days before action.
2. An OISC investigator will make an appointment with you to see the location where the alleged drift occurred.
3. The investigator will examine and photograph the drift site and may take physical samples.

4. The investigator will contact the applicator to inquire about records of what pesticides were sprayed, wind directions and speed, and other pertinent information.
5. After the investigator has gathered all of the necessary information, OISC administrative and technical staff will review the case for possible violations of state and federal pesticide laws. This process can take a few months to a year.
6. If OISC concludes that there was a violation, the applicator may receive a warning letter, be fined, or have their certification revoked.
7. OISC will provide a case summary to the complainant and the applicator at the conclusion of the investigation and enforcement (if applicable) process. Completed OISC cases are publically available on the OISC website, oisc.purdue.edu.

Remember: OISC will *only* determine if drift occurred and if the applicator violated the product label or Indiana Drift rule. OISC does not get involved in matters of restitution or compensation for loss.

If OISC determines there has been a violation, then you will need to decide if and how you wish to quantify the loss and whether to seek compensation for your loss. You can seek damages directly with the applicator, with insurance companies, or through civil proceedings.

