



Pesticide Spray Drift and Misuse Reporting Procedures

Henry English
Director,
Small Farm Program

If your crops are injured or destroyed by pesticide from an adjoining neighbor, what should you do? Call the Arkansas State Plant Board (ASPB) at (501) 225-1598 and ask for the pesticide division. Tell them that you are calling to report a perceived violation or that your crop was damaged by pesticide drift.

The Arkansas State Plant Board is responsible for investigating pesticide drift complaints and other misuses of pesticides. Investigations typically occur when a complaint is made that a pesticide product is being handled in a manner that violates a specific law or

potentially endangers human health or the environment. Using a product inconsistent with its labeling is a violation of federal law. The label language says that the buyer or user of the product assumes all liability when the product is used in a manner inconsistent with the label directions.

Exposure Procedures

If you are sprayed with the herbicide or exposed to it, remove all clothing and shower or bathe with soap and water immediately. As soon as possible, individually wrap each item of clothing in aluminum foil or place in a sealed bag and refrigerate or put in an



ice chest. If possible, determine what pesticide was involved in the spraying. Call the ASPB and report that a human exposure to pesticide has occurred. Expect ASPB to initiate an investigation within 24 hours. You may also call the National Pesticide Information Center (NPIC) at 1-800-858-7378.

Report Promptly

If you believe that you or your property has been damaged by pesticide drift, notify the Arkansas State Plant Board as soon as possible. Delays in reporting can hinder an investigator's ability to gather information needed to determine if off-target drift has occurred. Plant injury symptoms can become difficult to diagnose or may disappear as time passes. Also, changes in weather can affect the ability to gather evidence. Prompt reporting is the best way to make sure that the facts of the case are established and useful evidence is obtained.

Once an investigation is complete, the ASPB will review the evidence to determine whether or not a violation has occurred and what action is appropriate. If the ASPB finds that a violation occurred and takes enforcement actions, penalties can range from a warning letter to monetary assessments of up to \$1,000 and license revocations.

Compensation for Damages or Crop Loss

The ASPB does not have the authority or responsibility to make a yield check or determine, negotiate or settle compensation issues associated with pesticide drift or misuse complaints. To pursue

compensation for damages, you must file a civil lawsuit seeking monetary compensation for the harm. In this case, the following is suggested:

- Hire a private agronomist or consultant to help settle compensation issues.
- Contact a local college or university that may have a plant diagnostic lab that can help determine the cause of plant damage.
- Contact the University of Arkansas Division of Agriculture Cooperative Extension Service for fact sheets that address symptoms of pesticide plant injury, plant diseases and plant nutrient deficiency.

ASPB Contact Information

Arkansas State Plant Board
1 Natural Resource Drive
Little Rock, AR 72205

Hours: 8 a.m. to 4:30 p.m. M-F
Phone: (501) 225-1598
Ask for Pesticide Division

The information in this fact sheet is reprinted with permission from the Minnesota Department of Agriculture, Agronomy and Plant Protection Division, and adapted for and recommended to Arkansans by Dr. Henry English, Small Farm Project Director, University of Arkansas at Pine Bluff.

Accredited by North Central Association of Colleges and Schools Commission on Institutions of Higher Education, 30 N. LaSalle, Suite 2400, Chicago, Illinois 60602-2504, 1-800-621-7440/FAX: 312-263-7462.

DR. HENRY ENGLISH is director, small farm program, with the 1890 Cooperative Extension Program, University of Arkansas at Pine Bluff, Pine Bluff, Arkansas.

Issued in furtherance of Extension work, Act of September 29, 1977, in cooperation with the U.S. Department of Agriculture, Dr. Obadiah Njue, Interim Dean/Director, 1890 Research and Extension Programs, Cooperative Extension Program, University of Arkansas at Pine Bluff. The University of Arkansas at Pine Bluff offers all its Extension and Research programs and services without regard to race, color, sex, national origin, religion, age, disability, marital or veteran status, genetic information, sexual preference, pregnancy, or any other legally protected status, and is an Equal Opportunity Institution.