

REPORT OF LOSS

When claiming a loss due to a person's use of a pesticide, you must file a "report of loss" form with ODA (ORS 634.172). Filing a "report of loss" protects your right to pursue civil action against the pesticide user. The completed form must be filed within 60 days of the pesticide application, or your discovery of a loss. If the loss deals with a growing crop, you must file before 50% of the crop is harvested.

ODA may conduct a "report of loss" investigation in response to the filing of a "report of loss." Oregon law specifies that a "report of loss" investigation will not determine the source of the damage, the person who may have caused the damage, or the financial extent of the damage.

REIMBURSING DAMAGES

The Oregon Pesticide Control Law does not contain any provision for compensation to be made to individuals for a loss due to pesticide use. ODA cannot require someone to pay for a loss due to pesticide use.

LEGAL ASSISTANCE

ODA cannot act as your legal counsel. If you have questions about your legal rights, you should contact an attorney.

RESOURCES

ODA website

<http://oregon.gov/ODA/PEST>

Pesticide Analytical and Response Center

Coordinates investigations of reported incidents of exposure to humans or animals, or environmental damage. Reporting can be confidential in certain situations.

(503) 986-6470

<http://oregon.gov/ODA/PEST/parc.shtml>

National Pesticide Information Center

General information on pesticide products, including safety, health and environmental effects, cleanup and disposal.

(800) 858-7378

<http://npic.orst.edu>

CONTACT US

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Pesticides Division

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Oregon
Department
of Agriculture

PESTICIDES
DIVISION



Enforcement

Pesticide Investigation and Enforcement



THE INVESTIGATOR

The pesticide investigator gathers information by conducting interviews, obtaining statements, reviewing application records and pesticide labels, taking photographs and making on-site assessments. The information gathered will help document whether a violation of state and/or federal pesticide laws has occurred.

If you have concerns regarding the investigative process or forgot to tell the investigator something, you should first contact the investigator. The investigator needs to know all the facts in order to conduct a thorough and accurate investigation.

INVESTIGATION TIMELINE

The goal of ODA is to respond to pesticide use complaints within 48 hours and if an investigation is initiated, complete investigations within 30 days. The review of investigation reports can take an additional 30 days or more. The actual time taken to respond to a complaint and complete an investigation report can vary due to investigator workload, sampling needed, laboratory analysis requested, gathering additional information and other factors.

SAMPLING

The investigator may collect physical samples (soil, water, vegetation, swabs, etc.) from the application site and other areas. Samples must be collected by ODA personnel or other approved state or federal regulatory agencies to maintain a proper chain of custody and ensure that the evidence obtained can be used, if needed, in administrative actions.

- Documentary samples of records or photographs may also be taken.
- Samples are only taken when deemed necessary to prove or disprove a violation of the Pesticide Control Law.

AFTER THE INVESTIGATION

ODA reviews completed investigation reports to determine if the evidence supports that a violation of state and/or federal pesticide laws has occurred.

Findings

Results of completed laboratory analyses or preliminary findings may be shared while the investigation is underway. Conclusions and enforcement actions will not be made available until the completed investigation report has been reviewed and associated enforcement actions have been issued.

ENFORCEMENT ACTIONS

Several enforcement actions are available to ODA when a violation of state and/or federal pesticide laws is determined to have occurred. These enforcement actions include:

- Cease and Desist Order;
- Notice of Violation;
- Imposition of Civil Penalty;
- Pesticide License Suspension/Revocation;
- Referral to EPA for review and enforcement action;
- 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.

REQUESTING RECORDS

Complaint, investigation, and enforcement action information is public record.

Members of the public have the right to view and obtain case files after a pesticide investigation report is completed and associated enforcement action has been issued. All requests must be in writing. A fee to cover document reproduction, labor, and mailing costs is charged.

