

# Pesticide Investigation and Enforcement Frequently Asked Questions



## Who regulates the use of pesticides in Nevada?

Per Nevada Revised Statute (NRS) Chapters 555 and 586, the Nevada Department of Agriculture (NDA) regulates the registration, sale, distribution, use, storage and disposal of pesticides under the authority of state laws and rules governing pesticides. The Environmental Protection Agency (EPA) has also given authority to the NDA in areas relating to pesticide use and distribution.

The NDA is tasked with ensuring the safe and proper use of pesticides through education and regulation for the protection of people, animals and the environment. Enforcement is one of many tools used to promote compliance with state and federal laws.

## What is the role of NDA investigators?

The investigator's job is to maintain an unbiased approach in collecting facts regarding the possible misuse of a pesticide. The NDA's investigator will document what happened by conducting interviews, collecting statements, reviewing application records and pesticide labels, taking photographs and reviewing sites. The investigator may also collect physical evidence such as soil, vegetation, clothing, surface swabs or water samples.

In fairness to everyone involved, it is important for individuals to give the investigator complete and accurate accounts of the events that occurred. NDA personnel will collect all samples and evidence for use in an investigation to maintain a proper chain of custody and ensure the information obtained can be used, if needed, in a formal hearing.



## If a misapplication or a spill occurs, what should I do?

The NDA recommends individuals who believe they have been exposed to pesticides remove all contaminated clothing, take a shower and seek medical attention immediately if pesticide exposure poisoning is suspected. Separately launder contaminated clothes before wearing them. Animals should be removed from a contaminated site or contaminated feed, and given veterinary care immediately.

## Are companies required to provide the NDA investigator access to inspect property and equipment?

NRS 555 and the Nevada Administrative Code (NAC) 555 provide that the Director's designated agent (in this case, is the NDA investigator) may enter any public or private premise at reasonable times to:

- observe the use and application of pesticides
- inspect records (which are required by federal law to be maintained)
- inspect equipment, storage facilities and disposal areas;
- investigate complaints of injury regarding human health, plant injury or environmental damage
- collect samples of soil, plants or pesticides

Nevada Law also allows the NDA to obtain a search warrant if access is denied. Denial of access includes any action that interferes with the normal procedures of an NDA inspector conducting a routine inspection or investigation.

## Will involved parties be kept informed on the progress of an investigation?

The NDA investigator can keep you informed, although certain information may not be released if it could interfere with the progress of the investigation or potential enforcement action. Results of laboratory analyses performed on samples from your property can be shared with you while the investigation is underway.

When a decision is made you will be notified whether or not a regulatory action will be taken. You can also contact the NDA for updates on the progress of the investigation. You may also request a copy of the report, once the investigation has been completed.

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## What happens when the investigation is complete?

At the end of an investigation, the investigator will complete a narrative report that will be peer-reviewed to determine if there violations occurred.

If it has been determined a violation has occurred, the NDA may take any one of the following actions depending on the severity of the violation and any history of previous violations:

- issue a written settlement agreement
- issue a written letter of warning
- issue a administrative penalty up to \$5,000
- conduct a formal hearing with fines up to \$5,000 per count, probation and corrective action taken
- suspend, deny, revoke, or modify the applicator's certification and/or license

## What should I do if I think there is a problem with the investigation or I forgot to tell the investigator something?

Contact the NDA as soon as possible. The investigator needs to know all the facts in order to do a thorough and professional investigation.


## Who has access to information gathered in an investigation?

Under the Nevada Open Record Law, the public has the right to review and obtain case files after an investigation is complete. NDA policy requires that all requests for case files be in writing

### Contact


#### ► Sparks

405 S. 21st St. • Sparks, NV 89431

 775-353-3601


#### ► Las Vegas

2300 E. St. Louis Ave. • Las Vegas, NV 89104

 775-668-4590

#### ► Elko

4780 E. Idaho St. • Elko, NV 89801

 775-738-8076

[agri.nv.gov/pest-control](http://agri.nv.gov/pest-control)

## What are the NDA's goals for responding to complaints and the completion of a case report?

When you contact the NDA to ask for assistance, an investigator will respond promptly. You will be asked to complete a formal complaint online, which may be required in order to initiate an investigation. The complaint form can be found at:

[agri.nv.gov/Resources/Forms/Environmental\\_Svcs/](http://agri.nv.gov/Resources/Forms/Environmental_Svcs/)

Each case may vary in the length of time it takes to complete. Complicated laboratory analyses, follow-up visits and interviews and the investigator's overall caseload can all affect the duration of an investigation.

The NDA's goal is to complete investigations in a timely manner and remains committed to providing a professional, unbiased, complete and thorough investigation.

