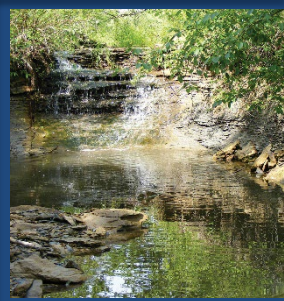




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Drift, Damage Claims, and Complaint Reporting

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Overview

- Issues
- Paraquat / Dicamba Clarification
- Reporting Form
- Case Assignments
- Complaint Investigations
- Drift
- Laws regulating misuse

Issues

- Damage Claim Form morphed into complaint report
- Public and industry misperceptions
- Investigator workload
- Paradigm shift – dicamba tolerant

Paraquat / Dicamba Clarification

- Use only by certified applicator
- Use: loading, mixing, handling, applying
- Private use
 - Private certification required for all uses
- Commercial use

Uses MAY be performed by private certified applicator IF supervised by commercial certified applicator working from SAME LOCATION

Damage Claims

- K.S.A. 2-2457a, Statement of claim of damage from pesticide application
- KDA provides the form
- KDA sends the form to the accused cause of damage
- Purpose is to permit accused to address claim in timely manner
 - Prepare defense
 - Make reparations

Damage Claims, cont'd

- Problems with previous paper form
 - Morphed into complaint report
 - Needed information not provided
 - Purpose of damage claim lost in shuffle
 - Name of form and explained use confused public expectations

Damage Claims, cont'd

- New online multipurpose form
 - Separates Damage Claims from complaints
 - Addresses
 - Damage Claim
 - Pesticide Misuse Complaint
 - Other Complaints
 - Tips
- Example

Case Assignments

- Old process was first in first out
- Assigned by central office
- Time driven – quickly assigned
- Problems
 - Too many cases being assigned
 - Inadequate information being provided
 - Investigation process led to time consuming searches for applications

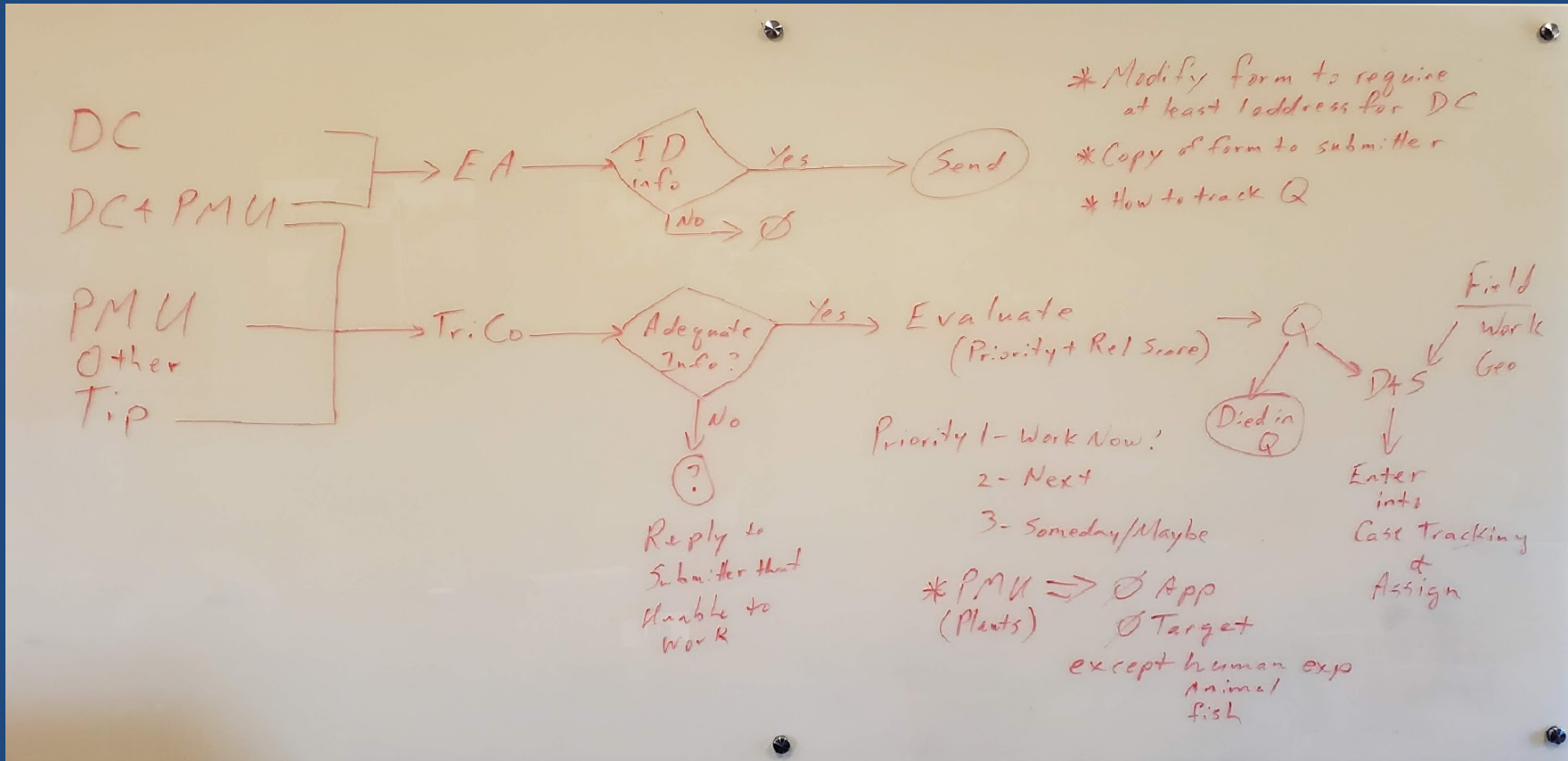
Case Assignments, cont'd

- Intermediate fix
 - If more than one likely application found, stop investigating and submit case file

Case Assignments, cont'd

- Damage claims and complaints/tips handled separately
- Claims sent immediately to accused
- Complaints / tips
 - Evaluated for enforcement potential
 - Prioritized and ranked
 - Placed in queue
 - Assigned by field supervisors

Case Flow



Complaint Investigations

- Purpose of KDA Investigation is to determine if someone violated pesticide use laws

Complaint Investigations, cont'd

- We don't:
 - Diagnose people, plants, or animals
 - Determine a dollar value of loss
 - Characterize environmental contamination
 - Determine or guarantee efficacy of pesticide products or applications
 - Regulate fertilizer applications

Complaint Investigations, cont'd

- Collecting evidence of noncompliance
 - Enforcement potential
 - Preponderance not beyond reasonable doubt
- Looking for likely source of drift
- Then examine application for compliance
- Samples
 - Confirmatory / discriminatory not diagnostic
 - Only need detect not quantification

Investigation Dead Ends

- No applicators found
- Multiple applicators with same pesticide
- Mistaken customer location

Investigation Problems

- Unknown complaints
- Anonymous complaints
- Complainant doesn't want to upset neighbor/ anyone
- Extended time between application and complaint

Drift

- Not illegal
- Compliant applications can result in drift
- Application may not involve pesticide(s)
 - No use laws for fertilizers
- An indicator that an application may have been noncompliant

Laws Regulating Misuse

- K.S.A. 2-2453(a) prohibits use inconsistent with label or labeling.
 - Noncompliance depends on label used
 - EPA is struggling with uniform drift language

Laws Regulating Misuse, cont'd

- K.S.A. 2-2454(m) prohibits the use of any method or material without regard to public health, safety or welfare.

Laws Regulating Misuse, cont'd

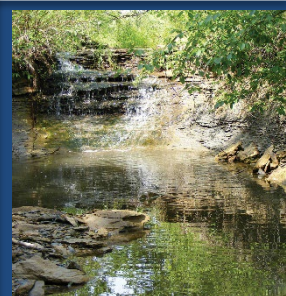
- K.S.A. 2-2454(o) prohibits the use, storage and disposal of any pesticide material, pesticide rinsate, or container without regard to public health or environmental damage.

Laws Regulating Misuse, cont'd

- The Kansas Pesticide Law does not contain:
 - A “drift” law or “chemical trespass” law
 - A “wind speed” law
 - A definition of “drift” or “drift damage”



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Questions?

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