

Washington State Department of Agriculture Pesticide Management Division



Investigation and Enforcement

The Environmental Protection Agency (EPA) has designated us as the lead agency in Washington to regulate the registration, sale, distribution, use, storage and disposal of pesticides.

We certify, train and license approximately 25,000 applicators that use pesticides in every city and rural area of the state.

Our intent is to administer and enforce the provisions of the pesticide laws and rules in order to protect the health, safety, and welfare of the people of the state, and to promote a secure, healthy and safe environment for all people of the State.

What will the investigator do during the investigation?

The investigator's job is to objectively determine the facts regarding possible misuse of a pesticide. The investigator will document what happened through interviews and/or statements, application records, maps, photographs, pesticide labels, and on-site assessments. The investigator may also collect physical evidence such as soil, vegetation, clothing and water samples. All samples and evidence needs to be collected by WSDA personnel to ensure the evidence can be used, if needed, during a formal hearing.

In fairness to everyone involved, it is important for everyone to cooperate and give investigators complete and accurate accounts of what actually happened.

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

Please call the investigator first. They want to do a thorough professional job and welcome additional facts or comments that will help them complete their investigation. You may also call the area manager, or the Olympia office at the number listed in this brochure.

What happens after the investigation?

After the investigator writes his/her report based upon the evidence obtained, an area manager reviews the report to determine if there is sufficient evidence to support violations of Washington State and/or federal pesticide laws or rules. When the review is complete, a decision is made about the appropriate regulatory action, if any.

If a violation occurred, WSDA may take any one of the following actions, depending on the severity of the violation:

- Give a verbal warning;
- Issue a Notice of Correction;
- Issue a Notice of Intent to suspend or revoke a license and/or issue a civil penalty up to \$7,500 per violation;
- Refer the case to the prosecuting attorney for criminal action in court;
- Refer the case to EPA for action.

How will I know the investigation status?

Contact the nearest office or the Olympia office using the numbers listed in this brochure if you want to be kept informed about your investigation. Results of any laboratory analysis performed on samples can be shared with you while the investigation is underway. Other information is generally not released until a case is closed. When a decision is made on whether a regulatory action will be taken, you will be notified. You will also be notified of the final action or non-action taken against an individual.

How long does an investigation take?

Our goal is to respond immediately to reports of human exposures to pesticides, and within 48 hours for all other pesticide incidents.

Once a complaint is filed, the amount of time needed to complete the investigation varies depending on lab analyses, the need for follow-up interviews, and the investigator's workload. Every investigation goes through two phases that can take up to 90 days each:

- Gather and review information and write a report;
- Initiate regulatory action.

That means all cases, including those when a regulatory action is taken, should be completed within 180 days or six months. The department remains committed to its top priority of providing a complete and thorough investigation.

Can I review the investigation?

You can get copies of case files when the investigation is complete by filing a public disclosure request. For a copy of the public disclosure request and fee information, call the nearest pesticide compliance office.

Does the investigator have authority to inspect my land and equipment?

State law allows investigators to enter public or private premises at any reasonable time to:

- Inspect the affected area and any equipment;
- Inspect pesticide storage and disposal areas;
- Inspect or investigate pesticide complaints regarding human health, plant injury or environmental damage;

- Collect samples of pesticides being applied.

A search warrant may be obtained if access is denied.

Will I be reimbursed for damages?

State law has no provisions for compensation to individuals. However, at any time, a person harmed by a violation of the pesticide law may bring suit in a court of law for damages arising from the violation.

What are my rights if I disagree with the enforcement action taken by the department?

When the department imposes a license suspension/revocation or civil penalty on the violator, you may petition the director to reconsider the final order (decision) fixing a penalty if you allege that the penalty is inappropriate. For more information concerning your rights relating to reconsiderations, please contact the Olympia office at (360) 902-2040.

Notice of Corrections and Verbal Warnings are not considered as enforcement actions and are not subject to formal reconsideration by the department.

This information explains the role of the Washington State Department of Agriculture's Pesticide Management Division, Compliance section, in pesticide investigations. If you have additional questions about the investigative process, please contact the Pesticide Compliance office nearest you:

Toll free statewide: 1-877-301-4555

Olympia	(360) 902-2040
Moses Lake	(509) 766-2575
Spokane	(509) 533-2690
Wenatchee	(509) 664-3171
Yakima	(509) 225-2640