



# LAWS AND REGS OVERVIEW

DALE R. SCOTT

DIRECTOR FOR ENVIRONMENTAL AND BIOSECURITY PROGRAMS

TEXAS DEPARTMENT OF AGRICULTURE

[DALE.SCOTT@TEXASAGRICULTURE.GOV](mailto:DALE.SCOTT@TEXASAGRICULTURE.GOV)

(512) 936-2535



# OVERVIEW

COMPLAINTS

2,4-D & DICAMBA

CERTIFICATION AND TRAINING REGULATIONS

2019 LEGISLATIVE OUTCOMES

# COMPLAINTS

§76.184. REPORTS OF PESTICIDE ADVERSE EFFECTS. (A) A PERSON CLAIMING ADVERSE EFFECTS FROM AN APPLICATION OF A PESTICIDE MAY FILE WITH THE APPROPRIATE REGULATORY AGENCY A COMPLAINT REPORT. THE COMPLAINT REPORT MUST CONTAIN THE NAME OF THE PERSON, IF KNOWN, ALLEGEDLY RESPONSIBLE FOR THE APPLICATION OF THE PESTICIDE AND THE NAME OF THE OWNER OR LESSEE OF THE LAND ON WHICH THE PESTICIDE WAS APPLIED. THE REGULATORY AGENCY SHALL PREPARE A FORM PRINTED IN ENGLISH AND SPANISH TO BE FURNISHED TO PERSONS FOR USE IN FILING COMPLAINT REPORTS. THE FORM MAY CONTAIN OTHER INFORMATION THAT IS WITHIN THE PERSON'S KNOWLEDGE AND REQUESTED BY THE HEAD OF THE REGULATORY AGENCY.

(B) AS SOON AS PRACTICABLE AFTER RECEIVING A COMPLAINT REPORT, **THE REGULATORY AGENCY SHALL NOTIFY** THE LICENSEE, THE OWNER OR LESSEE OF THE LAND ON WHICH THE ALLEGED APPLICATION OCCURRED, AND ANY OTHER PERSON WHO MAY BE CHARGED WITH RESPONSIBILITY FOR THE ADVERSE EFFECTS CLAIMED. THE REGULATORY AGENCY SHALL FURNISH COPIES OF THE COMPLAINT TO THOSE PEOPLE ON REQUEST.

(C) TO ASSESS ANY ADVERSE EFFECTS, THE COMPLAINING PARTY SHALL PERMIT THE REGULATORY AGENCY AND THE LICENSEE TO OBSERVE, WITHIN REASONABLE HOURS, THE LAND OR NONTARGET ORGANISM ALLEGED TO HAVE BEEN ADVERSELY AFFECTED.

(D) FAILURE TO FILE A COMPLAINT DOES NOT BAR A CIVIL OR CRIMINAL ACTION FROM BEING FILED AND MAINTAINED.

(E) THE REGULATORY AGENCY BY RULE MAY ADOPT PROCEDURES TO BE FOLLOWED IN THE INVESTIGATION OF A REPORT CLAIMING ADVERSE EFFECTS FROM AN APPLICATION OF THE PESTICIDE.





Regulatory Programs > Pesticides > Agricultural Applicators > Ag Pesticide Complaint Investigation Procedures

## Filing an Ag Pesticide Complaint

The Texas Department of Agriculture is the lead state agency for regulating pesticides. This responsibility includes investigating complaints of alleged pesticide misuse. TDA investigates complaints from any person who believes he or she may have suffered adverse effects from a pesticide application or anyone who believes a violation of the Texas Pesticide Law or related regulations has occurred.

### How to File a Complaint

Persons who want to report pesticide exposure or misuse should contact (512) 463-7622 or email [Pesticides@TexasAgriculture.gov](mailto:Pesticides@TexasAgriculture.gov). TDA may initiate an investigation when notified either orally or in writing.

### Copies of the Report

The investigation report is subject to the provisions of the Texas Public Information Act. A copy of the report will be provided to the parties involved upon written request. Requests for reports should reference the TDA Incident Number located on the complaint form and be sent to: [pub.info@TexasAgriculture.gov](mailto:pub.info@TexasAgriculture.gov).

Reports are not available immediately following an investigation. Any samples collected must be analyzed and photographs developed. Interviews with all parties must be conducted before a report can be finalized.

### Enforcement Actions

Depending on the result of the investigation, TDA may find that no violation could be documented or is unable to determine the responsible party and close the case without further action.

In the event that a violation can be documented, TDA may issue a warning; assess an administrative penalty; suspend, modify or revoke a license; or refer the case to another appropriate state or federal agency, county attorney, district attorney or Texas attorney general for further action. Monetary penalties collected by the state are deposited to the State's General Revenue Fund and not for the use of TDA.

### Other important numbers

Texas State Poison Center 1-800-764-7661 (1-800-POISON1)

National Pesticide Information Center 1-800-858-7378

# COMPLAINT PROCESS

- COMPLAINTS ARE RECEIVED AT REGION OR HEADQUARTERS
- ASSIGNED TO REGION
- ASSIGNED TO INSPECTOR AND INVESTIGATION BEGINS
- ONCE COMPLETED, SENT TO HEADQUARTERS FOR REVIEW
- GIVEN TO LEGAL FOR CLOSURE OR ENFORCEMENT ACTION



# ALL AG COMPLAINTS BY YEAR

ONLY COMPLAINTS FILED WITH AGENCY AS COMPLAINT ARE REPORTED

2019 – 251

2018 - 211

\*TDA AVERAGES ~ 220/YEAR







# AUXIN TOLERANT COTTON

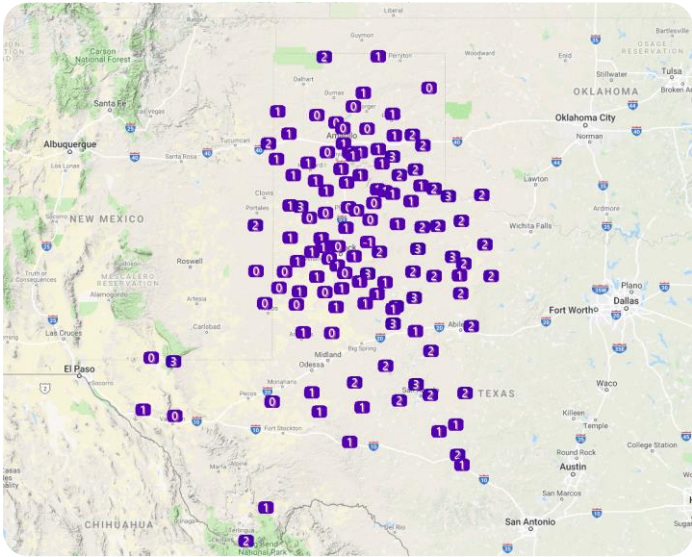
2019 LABEL FOR DICAMBA BECAME RESTRICTED USE PESTICIDE

HAS PREVIOUSLY BEEN STATE RESTRICTED (SLU & RH\*)

TDA REVISED RULE MANDATING AUXIN TRAINING PRIOR TO **APPLYING**  
DICAMBA OR 2,4-D TO A TRANSGENIC TOLERANT CROP

RECEIVED 24(C) LABEL APPROVAL TO REMOVE TIME OF DAY RESTRICTION &  
60 DAP RESTRICTION





# WEST TEXAS MESONET DATA

NATIONAL WIND INSTITUTE – TEXAS TECH

# 24(C) SPECIAL THANKS

- Dr. Nielsen-Gammon
- West Texas Mesonet
- Dr. Peter Dotray
- Dr. Scott Nolte
- Dr. Gaylon Morgan
- Plains Cotton Growers
- South Texas Cotton and Grain

# AUXIN REQUIRED TRAINING

## 2018

- 5691 Licensed Applicators
- 1669 Unlicensed Applicators
- 7360 Total Applicators Trained

## 2019

- 4105 Licensed Applicators
- 708 Unlicensed Applicators
- 4813 Total Applicators Trained





# AUXIN COMPLAINTS

2018 DICAMBA – 9

2019 DICAMBA – 13

2018 2,4-D – 15

2019 2,4-D – 12

2018 TOTAL – 211

2019 TOTAL – 251



# COMPARISON OF SURROUNDING STATES

OKLAHOMA – 60 FOR BOTH 2,4-D & DICAMBA

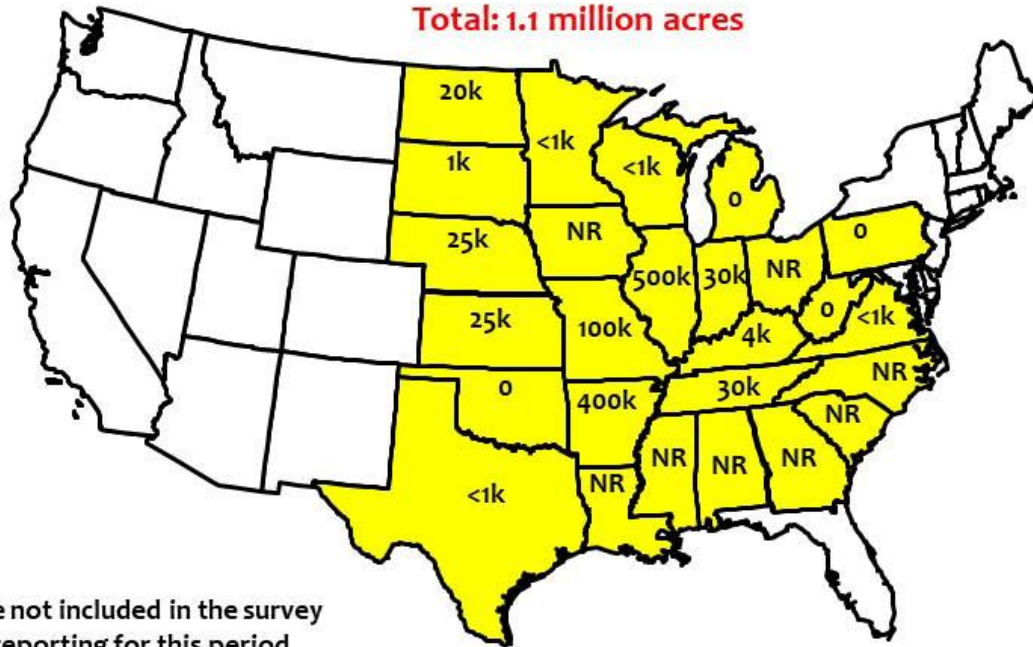
ARKANSAS – 198 DICAMBA

LOUISIANA – 3 DICAMBA

# Estimates of Dicamba-injured Soybean Acreage in the U.S. as Reported by University Weed Scientists (as of July 15, 2018)

## 2018 DICAMBA COMPLAINTS

Total: 1.1 million acres

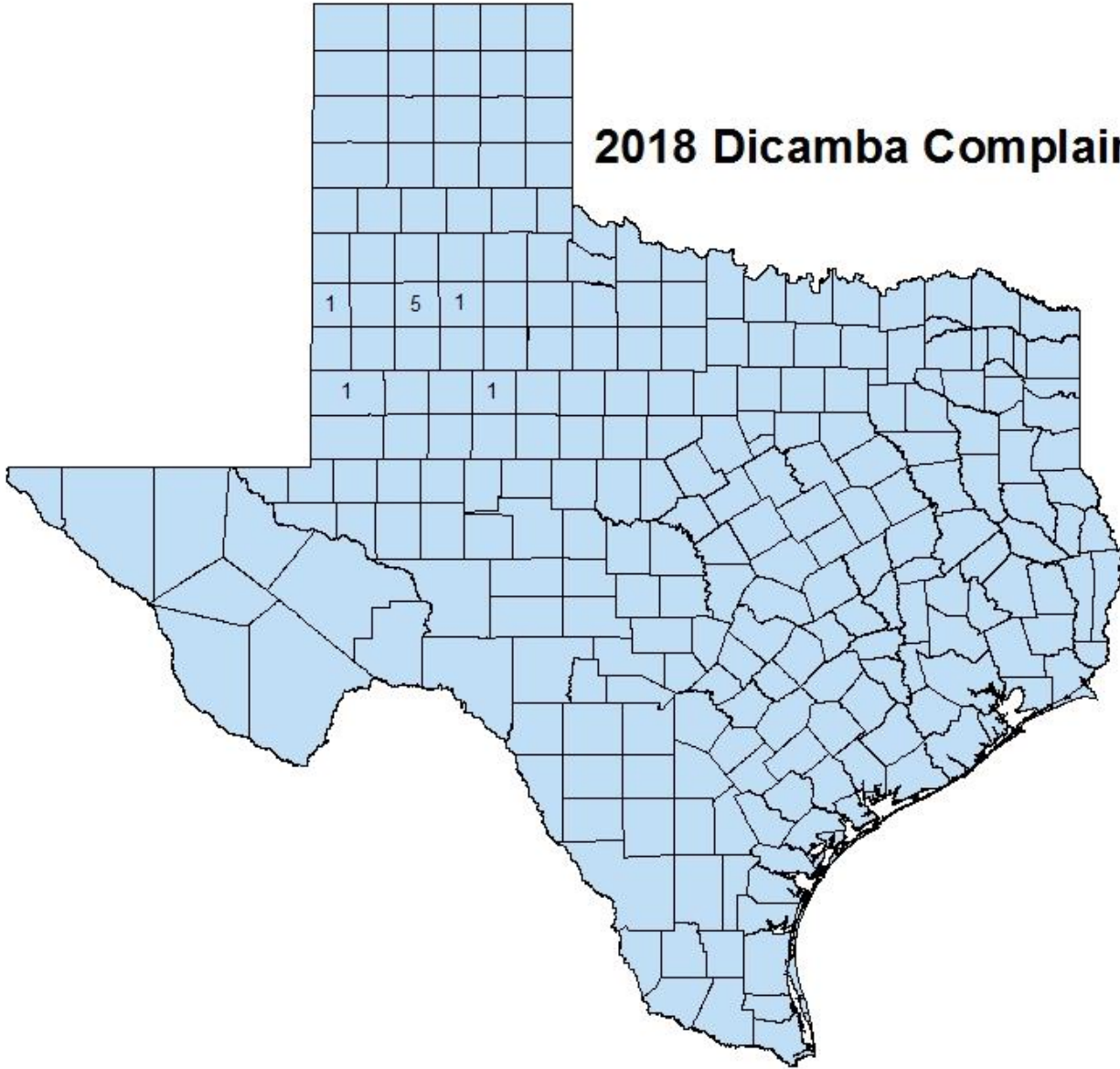


□ = state not included in the survey  
NR = not reporting for this period

©Dr. Kevin Bradley, University of Missouri



## 2018 Dicamba Complaints



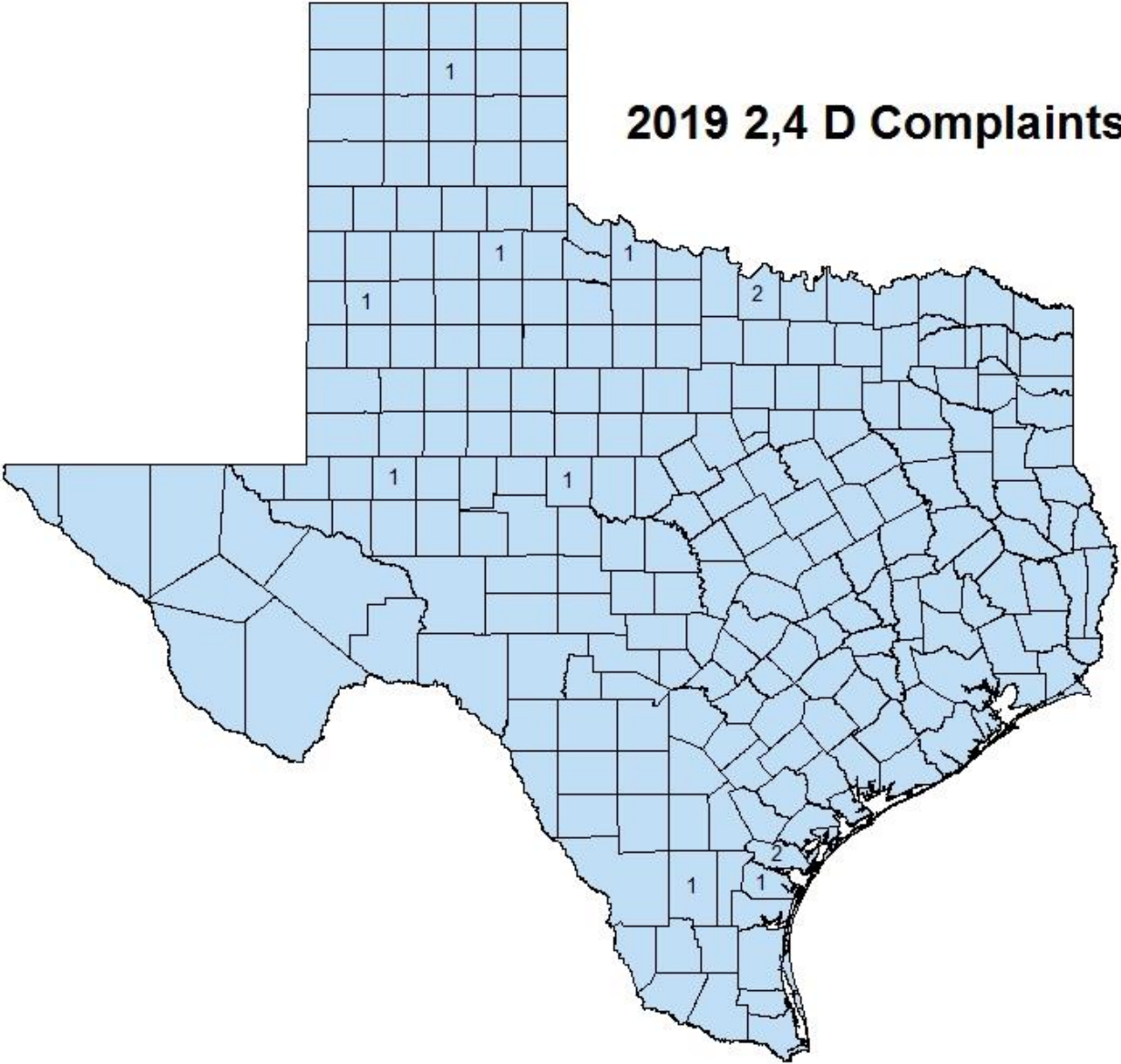
## 2018 DICAMBA COMPLAINTS BY COUNTY







**2019 2,4 D Complaints**



2019 2,4-D  
COMPLAINTS  
BY COUNTY

# LABEL MANDATED TRAINING

## PARAQUAT DICHLORIDE LABELS NOW REQUIRE TRAINING

- 17 DEATHS SINCE 2000
- FEDERAL RUP
- APPLICATORS, MIXERS & LOADERS MUST BE LICENSED APPLICATOR AND COMPLETE TRAINING
- COMPANIES WILL CONDUCT TRAINING
- APPLICATORS WILL BE REQUIRED TO KEEP RECORDS COURSE COMPLETION
- TDA DOES NOT INTENT TO CONDUCT TRAINING OR OTHER LABEL MANDATED TRAINING

# CERTIFICATION AND TRAINING REGULATIONS

- ON MARCH 4, 2018, THE EPA ADOPTED NEW CERTIFICATION AND TRAINING REGULATIONS
- CERTIFICATION AND TRAINING PLANS ARE STATE PLANS REQUIRED BY EPA AND LAY OUT HOW EACH STATE WILL CERTIFY AND TRAIN TO ENSURE APPLICATOR COMPETENCY.
- MOST STATES DID NOT EVEN REQUIRE WRITTEN EXAM, HAD MINIMAL CATEGORIES, AND HAD LITTLE ENFORCEMENT AUTHORITY.
- THE RESULT OF THESE CHANGES ARE THAT ALL STATES ARE REQUIRED TO REVISED THEIR STATE CERTIFICATION AND TRAINING PLAN AND SUBMIT DRAFT TO THEIR EPA REGION BY MARCH 4, 2020.



# CERTIFICATION AND TRAINING REGULATIONS

- STATES WILL HAVE UP TO THREE YEARS TO IMPLEMENT CHANGES TO THEIR STATE PLAN DUE TO LEGISLATIVE REQUIREMENTS FOR MANY STATES
- TEXAS IMPLEMENTATION SCHEDULE
  - UPON TDA INTERNAL APPROVAL, INITIATE CONVERSATION WITH STAKEHOLDERS
  - MARCH 4, 2020 – SUBMIT PLAN TO EPA REGION 6 WITH PROPOSED RULE CHANGES
  - UPON APPROVAL BY EPA, TDA WILL INITIATE THE RULE CHANGES AND PUBLISH IN TEXAS REGISTER
  - RULE MAKING PROCESS TAKES 120 DAYS FROM PUBLICATION IN TEXAS REGISTER TO ADOPTION
  - 1-YEAR IMPLEMENTATION TIMELINE

# CERTIFICATION AND TRAINING REGULATIONS

- CHANGES TO TEXAS STATE PLAN
  - MINIMUM AGE REQUIREMENT FOR FEDERAL RUP'S (18 YEARS)
  - NEW CATEGORIE(S) – RODENT FUMIGATION
  - REQUIRED TRAINING FOR UNCERTIFIED APPLICATORS BY ONE OF FOUR METHODS:
    - EPA TRAINING
    - STATE APPROVED TRAINING (FOR TEXAS, PRIVATE APPLICATOR TRAINING OR SPECIFIC TRAINING APPROVED BY TDA (ROW, VECTOR, ETC.))
    - CERTIFIED IN ANOTHER CATEGORY
    - WPS HANDLER TRAINING

# RECORD KEEPING

- DATE OF APPLICATION AND TIME OF DAY
- PERSON FOR WHOM THE APPLICATION WAS MADE
- LOCATION OF LAND WHERE APPLICATION WAS MADE
- SITE TREATED (NAME OF CROP, ETC)
- TOTAL ACRES OR VOLUME OF AREA TREATED
- PESTICIDE APPLIED INCLUDING: EPA REG. NO., RATE OF APPLICATION,  
TOTAL VOLUME OF MATERIALS APPLIED PER UNIT, NAME OF PEST TREATED
- WIND DIRECTION AND VELOCITY AND AIR TEMPERATURE
- FAA “N” NUMBER FOR AERIAL APPLICATORS



# RECORD KEEPING

- NAME AND LICENSE NUMBER OF RESPONSIBLE LICENSED APPLICATOR AND, IF DIFFERENT, NAME OF PERSON MAKING THE APPLICATION
- SPRAY PERMIT NO. FOR REGULATED HERBICIDES APPLIED IN REGULATED COUNTY
- MAINTAIN RECORDS FOR 2 YEARS

TDA Q527  
7/15

**Texas Department of Agriculture  
Pesticide Applicator Record**



COMMISSIONER SID MILLER

Business/Applicator Name \_\_\_\_\_ Address \_\_\_\_\_

Application Date	Time Started	Name of the person for whom the application was made	Location of Land Treated	Site Treated	Wind Direction	Wind Velocity	Air Temp
Product Trade Name	EPA Registration Number	Target Pest	Rate of Product Per Unit	Method or Type of Equipment Used To Make Application	FAA "N" Number for Aerial Application Equipment:		
Is Application Applied in Regulated County: <input type="checkbox"/> Yes <input type="checkbox"/> No				Regulated Herbicide Permit Number:			
Licensed Applicator's Name and License Number		Non-licensed Applicator's Name Working Under Licensee		Total Acres or Volume of Area Treated	Total Volume of Spray Mix, Dust, Granules or Other Materials Applied Per Unit		
Documentation used to verify training of non-licensed applicator (Mark Applicable Box) <input type="checkbox"/> Direct Supervisor Affidavit <input type="checkbox"/> WPS Handler Card <input type="checkbox"/> Signed & Dated Label							

Application Date	Time Started	Name of the person for whom the application was made	Location of Land Treated	Site Treated	Wind Direction	Wind Velocity	Air Temp
Product Trade Name	EPA Registration Number	Target Pest	Rate of Product Per Unit	Method or Type of Equipment Used To Make Application	FAA "N" Number for Aerial Application Equipment:		
Is Application Applied in Regulated County: <input type="checkbox"/> Yes <input type="checkbox"/> No				Regulated Herbicide Permit Number:			
Licensed Applicator's Name and License Number		Non-licensed Applicator's Name Working Under Licensee		Total Acres or Volume of Area Treated	Total Volume of Spray Mix, Dust, Granules or Other Materials Applied Per Unit		
Documentation used to verify training of non-licensed applicator (Mark Applicable Box) <input type="checkbox"/> Direct Supervisor Affidavit <input type="checkbox"/> WPS Handler Card <input type="checkbox"/> Signed & Dated Label							

# RECORD KEEPING

# 2019 LEGISLATIVE SESSION PESTICIDE WASTE DISPOSAL

- AS A RESULT OF A GRANT TO TEXAS A&M AGRILIFE EXTENSION SERVICE
- THE PASSAGE OF HB 191 SETS ASIDE UP TO \$400,000/FY FOR PESTICIDE DISPOSAL EVENTS
- FIRST EVENTS SINCE 2011 WERE HELD IN WHARTON AND GATESVILLE
- NEXT EVENT WILL BE HELD WESLACO IN NOVEMBER
- LAST PLANNED EVENT WILL BE HELD IN HIGH PLAINS (LUBBOCK)
- IF ANY FUNDS ARE REMAINING, ONE FINAL EVENT WILL BE HELD WITH GRANT FUNDS
- 2020 FUNDS WILL LIKELY NOT BE USED UNTIL FQ OF FY 2020
- RFP WILL TAKE 6 MONTHS



# PESTICIDE WASTE DISPOSAL

**121,836 LBS. TOTAL**



■ SOLID PESTICIDE/HERBICIDE WASTE

■ LIQUID PESTICIDE/HERBICIDE WASTE IN TOTES/DRUMS

■ LIQUID PESTICIDE/HERBICIDE WASTE IN <5 GALLON JUGS

■ OTHER

# PESTICIDE WASTE DISPOSAL

## WHARTON EVENT

- 114 PARTICIPANT TRUCKS CAME THROUGH
- AVERAGE WASTE PER TRUCK: ~ 1,069 LBS.
- ROUGH COST OF \$1,582.12 FOR DISPOSAL FOR EACH TRUCK





# GATESVILLE EVENT





The background features a dark blue gradient with a field of small white stars. Overlaid on this are several faint, light-colored circular patterns. Some are solid lines, while others are dashed. Many of these circles have tick marks around their perimeters, resembling a scale or a dial. Some circles also have small arrowheads pointing inwards or outwards. The overall aesthetic is technical and futuristic.

# QUESTIONS?

DALE R. SCOTT

(512) 936-2535 OFFICE

(512) 955-9318

[DALE.SCOTT@TEXASAGRICULTURE.GOV](mailto:DALE.SCOTT@TEXASAGRICULTURE.GOV)