

North Dakota Department of Agriculture

Pesticide Complaint Sheet

The North Dakota Department of Agriculture is here to assist you in your pesticide complaint. This sheet is a brief overview of how the complaint process works with the department.

1. The Department/Inspector is **not responsible** for any **civil action** that you may have against the applicator in question. The department is here to determine whether any part of the Pesticide Law has been violated (Off target application, Pesticide Misuse, Pesticide Drift, Human Endangerment etc.....)
2. To pursue Civil action you must contact the applicator by certified mail within **28 days** of the date the person first knew or should have known of the alleged damage; or before 20% of the alleged damaged field/crop is harvested or destroyed. You are also required to allow the alleged violator and up to 4 representatives to enter the allegedly damaged property to observe and inspect the alleged damage. If entry is denied, you are barred from asserting a claim.
3. The Department cannot divulge **any** information about the case while the investigation is ongoing. This includes applicator records, products the applicator used, and other information pertaining to the case. However, if an individual alleges exposure to pesticides and if the individual's medical provider requests information about the incident, the Department will reveal the name of the pesticide to the medical provider making the request, together with the registration number assigned by the United States environmental protection agency. The Department may require that a request under this section be made in writing.
4. The Inspector will collect samples, (Soil, Vegetation, Water, Swab samples, Photos etc.....) conduct interviews of all parties involved, give you a voluntary statement form that must be signed, and will gather all other information necessary for the Department to make a determination on the case. The Inspector/Department will work as quick as possible to close out your case however many factors (Getting records from applicator(s), getting results back from the lab, number of cases that the Inspector has assigned at a the time, etc....) affect how long a case can take.
5. Make sure to stay out of areas you think may have come into contact with pesticides to reduce exposure to yourself or others. In the event you were exposed to pesticides, remove the contaminated clothing as soon as possible to reduce exposure to yourself and others. Make sure to wash the exposed area thoroughly with soap and hot water.
6. In the event that the complainant becomes physically or verbally confrontational, the Inspector will leave the scene and report the incident to the Department and the local authorities. Such behavior can result in the Department dropping the complaint case.
7. Any further questions or concerns can be answered by your Inspector or Lukas Wagner, Pesticide Enforcement Supervisor (701-328-4922 or ljwagner@nd.gov).