
Who do I contact if I have a complaint related to the use of a pesticide?

Pesticides are legal for use in Virginia when applied in accordance with the Virginia Pesticide Control Act and related regulations. If you believe a pesticide has been improperly used, you can contact the Office of Pesticide Services (OPS) at **804.371.6560**.*

The OPS is a program within the Virginia Department of Agriculture and Consumer Services (VDACS) which works under the authority of the Commissioner and the Board of Agriculture and Consumer Services. For more information about the Program, visit: www.vdacs.virginia.gov/pesticides.

What authority does the Office of Pesticide Services have?

The OPS enforces the Act and regulations governing the sale, distribution, use, storage, and disposal of pesticides in the state. The Act and regulations set forth the minimum requirements that must be met when pesticides are used.

§ 3.2-3942(A) of the Code of Virginia (1950), as amended, grants the OPS the authority to enter any public or private premises operating as a pesticide business at reasonable times with the consent of the owner or tenant. The visit may include inspecting the business's pesticide application records, application equipment, and storage or disposal areas, sampling a pesticide product, or any other activity necessary to enforce any provision of the Act or its related regulations.

What is the role of the Pesticide Investigator?

The OPS Enforcement and Field Operations investigators are readily available to respond to your pesticide-related complaint and assist in determining whether a violation of the Act or its related regulations occurred.

Upon receipt of information regarding the complaint, the pesticide investigator will contact all pertinent individuals to conduct an investigation. The investigator collects information through a number of activities including interviews, reviewing maps, taking photographs, conducting an on-site assessment, and reviewing pesticide labels and application records. The information collected is compiled into an investigative report. The investigator may also collect physical evidence such as swab (surfaces), soil, vegetation, and water samples to aid in the determination of potential violations. All samples and evidence will be collected by VDACS personnel to ensure integrity and to establish a legal chain of custody. Samples will be forwarded to the Virginia Division of Consolidated Laboratory Services for pesticide residue analysis.

What happens when the investigator completes the investigation?

After the investigator gathers all the necessary information related to an investigation, he or she forwards the case to the enforcement supervisor for review. The investigation is assigned

a case number for tracking. If there is no violation, then the case is closed. If there is a potential violation, then the case is forwarded to a compliance officer for review to determine if a violation has occurred and what, if any, enforcement action will be taken.

If the evidence in the case is sufficient to prove that a violation of the Act or regulations occurred, the compliance officer may issue letters of caution, civil penalties, or after providing an opportunity for hearing, deny, suspend, modify, or revoke a firm's pesticide business license or an applicator's certification. In addition, the VDACS Board or the Commissioner may bring criminal action in court.

Who should I contact regarding the outcome of the investigation?

For questions regarding the outcome of an investigation, call the OPS at **804.786.3798** and ask to speak to the compliance officer.

How long does this process take?

The OPS is committed to providing a complete and thorough investigation of any complaint. The goal of OPS is to respond to the complainant the next business day after being informed of the complaint. There are many variables that determine how long an investigation will take. These factors include the amount of time needed for laboratory analysis, any potential follow-up visits to gather additional information, and the number of cases pending review. All cases are reviewed

chronologically. Since each case varies, OPS is unable to provide case closure date estimates. Persons making a complaint will receive a letter notifying you of the investigation results. Please be aware that in cases where there is more than one possible violator, you may receive more than one letter.

What are the penalties for violating the Virginia Pesticide Control Act?

Any person found guilty of violating the Act or regulations may be charged with a misdemeanor or assessed a civil (monetary) penalty. In addition, the Board may suspend, modify, or revoke a firm's pesticide business license or an applicator's certification.

Civil Penalties are determined in accordance with the Guidelines for Enforcement of the Virginia Pesticide Control Act – Civil Penalty Assessment Decision Matrix. If you wish to see whether a civil penalty has been assessed to an individual or pesticide business, you can conduct a Pesticide Civil Penalty Search by visiting www.vdacs.virginia.gov/pesticides.shtml.

Will I be compensated for damages?

The Virginia Pesticide Control Act does not provide for compensation or any other type of restitution to individuals for damages or other costs. Penalties assessed under the Act are placed into a special fund in the state treasury to the credit of VDACS to be used in carrying out the provisions of the Act.

Who has access to information gathered in an investigation?

The Virginia Freedom of Information Act (FOIA) gives the public the right to view the case files once an investigation is closed. Therefore, unless otherwise exempt from disclosure, records contained in a closed case file must be released to the public upon request. Active investigations are not disclosed under FOIA.

Whom may I call if I have questions regarding my complaint or a complaint against me?

For questions regarding a complaint, call the OPS at **804.786.3798** and ask to speak to the enforcement supervisor.

**For pesticide incidences affecting human health or the environment that require immediate attention, please contact 911 or your local poison control center.*



**VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES**

Office of Pesticide Services

102 Governor Street
Richmond, VA 23219

vdacs.virginia.gov

Pesticide Enforcement Response

**A citizen's guide to
understanding pesticide
investigations and the
enforcement response process.**

Virginia Department of Agriculture and Consumer Services

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