

- 2) if you don't know who the landowner is, consider asking neighbors if they know who owns or farms the land;
- 3) check the tax records at the county clerk's office;
- 4) contact the local county office of the Farm Services Agency (FSA). Their offices are usually located in the county courthouse. If you are unsuccessful in finding their nearest location, you may call the FSA regional headquarters in College Station, Texas at (979) 260-9207; or
- 5) if unsuccessful in locating the farm operator, the department will make every effort to help.

### When notification will occur

The farm operator, foundation or other entity should notify you of the appropriate pesticide applications not later than the day before the application is to occur.

In the event an emergency treatment must be made and time does not reasonably allow the farm operator, foundation or other entity to give notice the day before the application is to occur, they should give notice as soon as is reasonably possible before the application. Notice of an emergency application should be given to medically-affected persons not less than one hour before it is scheduled to occur. However, an emergency application need not be postponed if after reasonable efforts by the farm operator, foundation or other entity actual notice cannot be given.

### Duration of Request

Once the request is received, the farm operator must begin giving you prior notification within 10 days. Your request is then effective until December 31 of the same year. If you would like to receive prior notification again the next year, you have to request it again.

### TDA Offices

Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711  
1-800-TELL-TDA  
<http://www.TexasAgriculture.gov>

**West Texas Office (Region 1)**  
4502 Englewood Ave.  
Lubbock, Texas 79414  
(806) 799-8555

**North Texas Office (Region 2)**  
1720 Regal Row, Suite 118  
Dallas, Texas 75235  
(214) 631-0265

**Gulf Coast Office (Region 3)**  
Elias Ramirez State Office Building  
5425 Polk Avenue  
Houston, Texas 77023  
(713) 921-8200

**South Central Texas Office (Region 4)**  
8918 Tesoro Drive, Suite 120  
San Antonio, Texas 78217  
(210) 820-0288

**Valley Office (Region 5)**  
900-B E. Expressway 83  
San Juan, Texas 78589  
(956) 787-8866

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Hearing impaired please call (800)735-2988  
(voice) or (800)735-2989 (TDD)

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**Commissioner Sid Miller**

### Summary of Prior Notification for Neighbors and Their Employees

*Section 7.37 of the Texas Pesticide  
Regulations*

If a person lives or works within one-quarter mile of a field that may be treated with a pesticide, that person may be entitled to receive prior notification for aerial applications or ground applications using airblast or mistblowing equipment of pesticides to that field. It is the responsibility of the farm operator to provide the requesting person with prior notification of the appropriate applications.

In addition, persons living or working within one-quarter mile of a field that may be treated aerially or by ground applications using airblast or mistblowing equipment by the Texas Boll Weevil Eradication Foundation (foundation) or other governmental entity may request prior notification. The request shall be in writing to either the foundation or other entity or the farm operator. The foundation or entity is responsible for providing prior notification of the appropriate applications.

## Who may qualify

- A. Persons who reside or work in a structure on adjoining land and within ¼ mile.
- B. Persons in charge of day-care centers, schools or medical facilities and within ¼ mile.

If you are in charge of a licensed day-care center, primary and secondary schools, hospitals, inpatient clinics or nursing homes, and within ¼ mile, you must make a written request for prior notification. If you are the parent of a primary or secondary school student and for good cause, you may request prior notification if the person in charge has refused to request prior notification.

- C. Persons with medical conditions aggravated by pesticide exposure.

If a person has chemical hypersensitivities, allergies or other medical conditions which may be aggravated by pesticide exposure, that person is entitled to receive notification upon request if he or she lives or works within ¼ mile of the field to which pesticides are to be applied aerially or by ground application using airblast or mistblower equipment, **and** his or her request contains a licensed physician's signed confirmation of the medical condition.

The ¼ mile will be measured from the side of the structure nearest the area being treated.

## How to apply

Each request must be in writing to the farm operator. Requests for prior notification should be sent by certified mail. It is the responsibility of the person making the request to retain copies of the request and the return receipts of certified letters.

The following information must be included when making a request for prior notification:

- 1) the requesting person's name, address and phone numbers with the hours he or she can be reached;
- 2) the date of the request;
- 3) the location of the field for which the request is being made; and
- 4) a request to be notified prior to the application of any pesticide to the field, or the trade name and/or common chemical name of specific pesticides for which prior notification is requested; and
- 5) persons requesting prior notification because of a medical condition that may be aggravated by pesticide exposure must include a licensed physician's signed confirmation of the medical condition.

If the request is not made separately to the foundation or other entity, the farm operator is responsible for notifying those entities of any requests for prior notification received by the farm operator for applications which will be made or caused to be made by the foundation or entity. The information must

be provided to the foundation or other entity within 24 hours of receipt by the farm operator. The information may be provided by telephone, forwarding the written request by mail, or any other reasonable means as long as the information is forwarded within 24 hours of receipt.

## Method of Notification

The requesting adjoining neighbor may be notified by the farm operator, foundation or other entity by:

- 1) raising a flag/sign;
- 2) giving notification in writing, in person or by telephone in English or, when appropriate, Spanish; or
- 3) other means mutually agreed upon by both parties. This agreement must be in writing and a copy filed with the Texas Department of Agriculture regional office.

If a person has a medical condition which may be aggravated by exposure to pesticides then the farm operator, foundation or other entity must give notification in person or by telephone in English or, when appropriate, Spanish.

## Farm Operator's Name

A proper request must include the name and address of the farm operator. There are several ways to determine who the farm operator is:

- 1) ask the landowner who is farming the land;