

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 General Revenue Fund.

The complaining party may conduct an independent investigation irrespective of the investigation TDA conducts.

The complaining party may pursue civil remedies, regardless of the TDA findings.

Structural Pest Control Service

The Structural Pest Control Service, formerly the Structural Pest Control Board, licenses applicators who make pesticide applications in and around structures. SPCS was moved to TDA Sept. 1, 2007. You will find a complaint form for structural pest control applications on the website www.TexasAgriculture.gov/spcs or by calling 1-866-918-4481.

TDA Offices

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

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

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

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

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

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

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

Other important numbers

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

National Pesticide Telecommunications Network
1-800-858-7378



Commissioner Sid Miller

Pesticide Complaint Investigation Procedures

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 the nearest TDA regional office or the TDA Austin office at 1-800-TELL-TDA. TDA may initiate an investigation when notified either orally or in writing.

The First Step

An inspector will contact the complaining party and initiate a report.

The report must contain:

1. the name of the person allegedly responsible for the application of the pesticide, if known;
2. the name of the owner or lessee of the land or structure on which the application was made, if known;
3. the name of the owner or lessee of the land or structure to which adverse effects are alleged to have occurred, if known; and
4. the facts of the allegations set forth in detail signed by the complaining party.

Required Form

TDA will provide a form (TDA PI-520) to persons for use in filing adverse effects reports. This form contains additional information required by the department.

Confidential Complaints

TDA will accept confidential complaints; however, the department will not and cannot prosecute or penalize anyone solely on the basis of an uncorroborated confidential complaint. A determination will be made on the extent of the investigation necessary to address any allegations reported to the department. TDA cannot guarantee confidentiality can be maintained in the entire complaint process, especially in the cases of administrative court hearings.

Scope and Time Limitations

For TDA to take enforcement action, a pesticide complaint case must be supported by evidence. In many cases, evidence of misuse will no longer be present after a period of time. Persons who suspect misuse should contact TDA as soon as possible.

TDA considers these factors in determining the scope of a complaint investigation:

1. the pesticide suspected;
2. length of time since the alleged application or alleged violation;
3. visual effects;
4. clothing or materials provided by the complainant; although such cannot be accepted if the chain of custody cannot be proven;
5. eyewitness accounts will be accepted, when reliable, for all cases regardless of the age of the incident;
6. complainant's general cooperation with the investigation.

TDA Duties

After receiving the complaint, the inspector will:

1. contact the complainant for interview;
2. notify the licensee or applicator allegedly responsible for the pesticide application;
3. notify the owner or lessee of the land or site on which the application occurred;
4. notify any person who may be charged with the responsibility for the adverse effects reported; and
5. investigate the complaint and make a full written report.

The Investigation

The inspector will inspect areas reported to be adversely affected whenever possible.

The complainant may permit the inspector and the licensee or applicator suspected to have caused the adverse effects to

observe, within reasonable hours, the land or nontarget organism alleged to have been adversely affected. The inspector does not estimate monetary losses that may have occurred as a result of the incident.

The final report will be made after all aspects of the investigation have been determined to the satisfaction of the department. The department will notify the parties involved of the findings in the report.

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 should reference the TDA Incident Number located on the complaint form and be sent to:

Texas Department of Agriculture
Legal Affairs Division
Enforcement Program
P.O. Box 12847
Austin, Texas 78711

Reports may not be available immediately, depending on the scope of the investigation. Any samples collected must be analyzed and photographs developed. Interviews with all parties must be conducted before a report can be finalized.