

Pesticides and You

Vol. 7, No. 4
October, 1987

News From the National Coalition Against the Misuse of Pesticides (NCAMP)

One in a Series of NCAMP "How-To's"

Getting the Pesticide Law Enforced

• **If I suspect contamination or poisoning, where do I begin?**

You have a right to request and get your state's pesticide "lead agency," the Agriculture Department in most states, to send an investigator to the complaint site and take residue samples. Call the Governor's office to *identify the lead agency* and then *file a complaint with an investigator over the telephone*.

• **What should I expect next?**

The pesticide enforcement office for the state is responsible for enforcing the Federal Insecticide, Fungicide and Rodent-

icide Act (FIFRA) and is paid with federal monies to ensure compliance with the law. When a complaint is received, the state is responsible for carrying out an investigation and taking an enforcement action (or deciding not to) in 30 days. If the state fails to do this, it becomes the federal U.S. Environmental Protection Agency's (EPA) responsibility to act.

• **What if I get a negative response from the lead agency?**

Enforcement agencies may be reluctant to assist you so persistence and political muscle is required. *Follow-up all phone conversations with a letter*

confirming what was discussed. Send around copies of this letter, with a listing at the bottom of the letter of all those to whom the letter is distributed, including: Administrator, U.S. EPA, 401 M Street, SW, Washington, D.C. 20460; Governor; elected officials. This is critical if the lead agency is not helpful.

• **Should I investigate?**

If state people do not respond immediately, you may want to hire a lab (see NCAMP's "How to Choose a Lab," *PAY*, vol. 6, no. 2, 6/87) to do your own testing for contamination.

• **Is it worth all the trouble?**

State action may prevent future contamination. In addition, a state record may assist in pursuing legal action.