Things You Should Never Forget

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AERF

- Have I sent my donation in this year?
- Don’t forget to order my AERF T-shirt or cap
- Send Carlton some new jokes.
FIFRA
Section 12(a)(2)(G)

It shall be unlawful for any person to use any pesticide in a manner inconsistent with its labeling.
What is “use”?

- The site of application
- The rate of application
- Instructions for the frequency and timing of applications
- Restrictions and warnings
- Target pest
- Anything else to protect the public
EXCEPTIONS - 2(ee)

- Mixes
- Less than label rate
- Method of Application
- Unnamed target pest
Penalties

- Civil - $5500  ($10,000 FDACS)
- Criminal – 1 year in jail and/or $25,000 - $50,000 fine
What is the Burden of Proof?

- **Criminal:** Beyond a Reasonable Doubt
- **Civil/Administrative:** A Preponderance of the Evidence
When are they here to help me?

- Routine Inspections
- Complaint Investigations
Routine Inspections

- No violation Suspected
- Establish a baseline
- Documents SOPs
- Identifies all the likely suspects
What should I do?

- Answer all general questions truthfully
- Don’t be afraid to ask “Why?”
- This is your chance to show off your operation
- Get copies of everything – including photographs
Complaint Investigations

- Interview complainant
- Collect samples & photos
- Interview witnesses & landowner
- Get weather data
- Interview Agent in Charge and/or the applicator
- Get application records
What should I do?

- Use Good Sense!!!
Impediments to using good sense

- You might know some or all of the parties (Inspector, Witnesses, Complainant, etc.)
- Enthusiasm, outgoing nature, professionalism
- Natural tendency to correct a wrong and make things right
What is my legal obligation when I’m the target of an investigation?

- Maintain all required records
- Allow the inspection of all required records
Depositions and Court

- Company or District will provide counsel
- **DO NOT** represent yourself – This ain’t television
- Make sure your lawyer prepares you for direct and cross examinations
Thank you!

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