

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, TX 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

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



Commissioner Sid Miller

Summary of Prior Notification for Farm Operators

*Section 7.37 of the Texas Pesticide
Regulations*

In the event an emergency treatment must be made and time does not reasonably allow you to give notice the day before the application is to occur, you should give notice as soon as is reasonably possible before the application. You must give notice of an emergency application 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 you cannot give actual notice.

It is recommended that you document all attempts to notify a requesting person of pesticide applications.

Inability to Provide Notification

If you have repeatedly tried to contact a medically-affected requesting person before an application is to occur and are unable to do so, you may contact the appropriate TDA regional office first, and if no answer, then 1-800-TELL TDA, and the answering service will contact the inspector on call to attempt to notify the requesting party.

Duration of Request

Once the request is received, you must begin giving the requesting person prior notification within 10 days. The request is then effective until December 31 of the same year. If the requesting person would like to receive prior notification again the next year, it must be requested again.

Persons living or working within one-quarter mile of a field that may be treated with a pesticide, may be entitled to receive prior notification for aerial applications or ground applications using airblast or mistblowing equipment of pesticides. 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 aurally 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.

The person in charge of a licensed day-care center, primary and secondary schools, hospitals, inpatient clinics or nursing homes, and within ¼ mile may make a written request for prior notification. The parent of a primary or secondary school student for good cause, 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 the application is filed

Each request must be in writing to you. 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 on the 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, you are responsible for notifying those entities of any requests for prior notification you received 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 you. 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 farm operator, foundation or other entity can notify adjoining neighbors 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 the requesting 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.

When to notify

You should notify the requesting person of the appropriate pesticide applications not later than the day before the application is to occur.