

Audit of Arizona's Pesticide Complaint Program

U.S. Environmental Protection Agency, Region 9

San Francisco, CA

Final Report

August 24, 2026

I. Executive Summary

The EPA Region 9 (EPA) conducted an audit of Arizona's pesticide complaint program to:

- A. Determine if the state's complaint tracking system is adequate when reviewed against the criteria laid out in the FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule; and
- B. Evaluate whether follow-up investigations are being done timely and efficiently.

This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within EPA Region 9, which includes California, Arizona, Nevada, and Hawaii.

The EPA made its assessments of the adequacy of the state's complaint tracking system by evaluating Arizona Department of Agriculture (AZDA)'s responses to five questions. In Arizona, pesticide use investigations are carried out by two offices within the Department – the Office of Environmental Services (OES) and the Office of Pest Management (OPM). Both offices provided independent responses to EPA's questions. These responses can be found in section V. Evaluation, part A. "Determining if the state's complaint tracking system is adequate."

The EPA made its evaluation of whether follow-up investigations are being done timely and efficiently by selecting five complaint investigation files at random from each office for in-depth review, and answering numerous questions. These responses can be found in Section V. Evaluation, part B. "Evaluating how complaints are being processed and whether it's being done timely and efficiently."

For each complaint file reviewed, the EPA Region 9's Enforcement and Compliance Assurance Division (ECAD) staff did the following:

- a. Reviewed the entire investigation report to assess the thoroughness and adequacy of the investigation.
- b. Assessed the timeliness of initiating and completing the investigation.
- c. Assessed the state's adherence to its own Standard Operating Procedures (SOP) for complaint follow-up.
- d. Communicated with DPR during the review process to ensure all information provided was complete and to ask follow-up questions as necessary.

Findings and recommendations made by the EPA can be found in section VI. Findings and Recommendations. In this section, the EPA commended the DPR for meeting or exceeding expectations in steps A. and B. above. Arizona has an adequate, robust complaint tracking system with the ability to receive pesticide-related complaints from a variety of sources. Complaint investigations conducted by OES and OPM were timely, efficient, and thorough.

Investigations followed the state's SOPs for all reviewed complaints. AZDA inspectors interviewed all relevant parties when a party could be reached and made multiple attempts to reach a party before closing an investigation when no further leads could be developed. Violations were pursued when discovered and within the legal capabilities of the Department.

II. Introduction

The U.S. Environmental Protection Agency, Region 9 (EPA), conducted an audit of Arizona's pesticide complaint program. The state lead pesticide agency in Arizona is the Arizona Department of Agriculture (AZDA). Unique to Arizona in the region, AZDA divides the pesticide program into two sections within the Environmental and Consumer Protection Division. The Office of Environmental Services (OES) is responsible for agricultural pesticide enforcement and the Office of Pest Management (OPM) is responsible for structural pesticide enforcement. This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within EPA Region 9, which includes California, Arizona, Nevada, and Hawaii. Separate reports were written for each state within EPA Region 9. For the purposes of this audit and report, OES and the OPM complaint processes were reviewed separately and will be referenced individually throughout the report.

III. Background

The [2022-2025 FIFRA Cooperative Agreement Guidance](#) requires state grantees, under Activity 01.00.03, to "Respond to pesticide inquiries, concerns, tips, and complaints from the public."

The [FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule](#) (January 5, 1983) (hereafter referred to as the "Final Interpretive Rule"), which clarifies requirements for states to obtain and maintain primacy, along with oversight responsibilities by the EPA under FIFRA Sections 26 and 27, says that states must show that they have adopted "*adequate procedures*" for implementing/enforcing their regulatory authority (Final Interpretive Rule, 48 Fed. Reg. 408). One of the procedures is "*processing complaints*", where states "*must implement a system for quickly processing and reacting to complaints or other information indicating a violation*" (Final Interpretive Rule, 48 Fed. Reg. 409). Table 1 describes the five criteria for an adequate referral system.

Table 1. An adequate pesticide complaint referral system should contain the following five criteria.

a. A method for funneling complaints to a central organizational unit for review.
b. A logging system to record the receipt of the complaint and to track the stages of the follow-up investigation.
c. A mechanism for referring the complaint to the appropriate investigative personnel.

d. A system for allowing a rapid determination of the status of the case.
e. A procedure for notifying citizens of the ultimate disposition of their complaints.

In addition, the Final Interpretive Rule requires the EPA to examine whether complaints have been processed “*quickly and efficiently*” (Final Interpretive Rule, 48 Fed. Reg. 410), without defining the term “quickly”. For the purposes of this audit, we substituted the word “timely” in place of “quickly”.

IV. Audit Overview

The EPA initiated this audit to evaluate the state’s pesticide complaint tracking and follow-up investigation process. The audit consisted of two steps:

- A. Determining if the state’s complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether it’s being done timely and efficiently.

For step A, the EPA requested that the state provide responses to the following questions via email:

1. What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?
2. What is the system/process used to log complaints and to track the stages of the investigation?
3. What is the system/process used to refer complaints for further investigation?
4. What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?
5. What is the system/process for notifying the complaint submitter of the end result to their complaint?
6. Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).

The responses to these questions are listed below in section “V. Evaluation”.

For step B, the EPA began by requesting that the state provide the following information:

1. Complaint response Standard Operating Procedure (SOP) documents.

2. A list of all pesticide use complaints (both agriculture and non-agriculture related) received during calendar year 2023 (January 1, 2023 – December 31, 2023).

OES submitted the following SOP documents:

1. OES submitted two SOP documents. The first was a citation to Arizona Revised Statutes Title 3 Agriculture § 3-368 (ARS 3-368). Per OES, ARS 3-368 provided the primary written guidance for how a complaint should be addressed for OES prior to the development of an internal tracking system in August 2023.
2. The second SOP document was 3.18 OES Case Tracking System (3.18 Case Tracking). Following the expiration of a case deadline in 2023, OES developed and implemented an improved SOP to monitor cases requiring written reports. Per OES, 3.18 Case Tracking is the primary SOP used when conducting complaint investigations.

OPM submitted the following SOP documents:

1. AZDA- Office of Pest Management Complaint Response SOP.

OES 2023 Complaint Records

OES submitted a “23 Drift Cases” spreadsheet as the list of complaints received in calendar year 2023. 10 complaints were lodged during the time-period. Per OES, all complaints received by the state in 2023 were classified as “drift”.

OPM 2023 Complaint Records

OPM submitted a copy of the “2023 Complaints Received – Misuse” spreadsheet for review.

From the two lists of complaints submitted by OES and OPM, EPA randomized and selected 10 complaints to review. These 10 were even distributed between OES and OPM. 10 additional complaints were selected across both OES and OPM for use as backup files.

For OES, one of the randomly selected complaints did not meet the criteria for inclusion in the audit and was replaced with a randomly selected case from the remaining list.

Table 2. Complaint files selected and their review status.

OES or OPM	Case ID	Source of Complaint	Review Status
OPM	101143	Citizen	Reviewed
OPM	101116	Citizen	Reviewed
OPM	101153	Citizen	Reviewed
OPM	101141	Citizen	Reviewed
OPM	101107	News Media	Reviewed
OES	230112	Citizen	Reviewed
OES	230124	Citizen	Reviewed
OES	230331	Citizen	Reviewed
OES	120613	Citizen	Reviewed
OES	230830	Citizen	Reviewed
OES	230323	Not Reviewed – Not Applicable	Not Reviewed – Not Applicable

IV.a. Complaint File Review Process

EPA staff conducted a thorough review of all provided documents for each complaint. Reviewers answered the following questions for each complaint:

- When was the complaint received?
- How was the complaint received (e.g. phone call, email, tip website)?
- Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?
- Was any language interpretation needed to receive the complaint? If so, what language(s)?
- What was alleged in the complaint (summarize)?
- When did the investigation begin? If not investigated, why not?
- How long did it take to initiate the investigation after becoming aware of the complaint?

- When did the investigation end?
- How long did it take to complete the investigation after initiation?
- How did the State (or County Agricultural Commissioner in California) follow-up?
- Was sampling conducted if warranted? If so, what kind of sampling?
- Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?
- Was any language interpretation needed to conduct the interview? If so, what language(s)?
- Were relevant photos taken?
- Were relevant records collected?
- Did the investigation follow the State's procedures (SOP) for following-up on complaints?
- What was the outcome of the investigation?
- What was the enforcement response if violations were identified?
- Did the incident meet the State's current criteria as a "high level episode"? If so, was the incident reported to the EPA Region 9?
- Does the EPA reviewer have any concerns with the investigation?

IV.b. Audit Participants

EPA Region 9

- Emily Benayoun, Inspector, Toxics Section
- Savannah Merritt, Inspector, Toxics Section
- Zackary Hovland, Inspector, Toxics Section
- Elizabeth Houk, Inspector, Toxics Section

ADZA and OPM

- Ernesto Lugo, Program Administrator
- Brian Kennedy, Program Administrator

IV.c. Key Dates and Milestones

Table 3 lists key dates and milestones in this audit.

Table 3. Key dates and milestones.

Date	Milestone
January 21, 2025	EPA OES/OPM Kick Off Meeting
January 21, 2025	The EPA sent a written request to OPM for the complaint response SOPs and a list of complaints for calendar year 2023, with a January 31 deadline. The EPA also requested a written response to questions to help determine if the complaint tracking system is “adequate” with a February 21 deadline.
January 21, 2025	The EPA sent a written request to OES for the complaint response SOPs and a list of complaints for calendar year 2023, with a January 31 deadline. The EPA also requested a written response to questions to help determine if the complaint tracking system is “adequate” with a February 21 deadline.
January 28, 2025	OPM submitted the list of complaints for 2023 and SOP documents.
February 6, 2025	EPA randomly selected 10 OPM complaint files (5 for review; 5 as backup) and requested the investigation and enforcement documents.
February 10-24, 2025	OES submitted the list of complaints for 2023 and SOP documents.
February 18, 2025	OPM submitted the response to questions.
February 20, 2025	OPM submitted case files for review.
February 26, 2025	OES submitted the response to questions.
February 26, 2025	EPA randomly selected 10 OES complaint files (5 for review; 5 as backup) and requested the investigation and enforcement documents.

March 4, 2025	EPA finished the review of the OES complaint investigation case files and enforcement responses.
June 13, 2025	EPA finished the review of the OPM complaint investigation case files and enforcement responses.
December 10, 2025	EPA updated OES/OPM on audit review status at End of Year
February 18, 2026	The EPA produced a draft report detailing its findings and recommendations. This initiated a 30-day review and comment period by OES/OPM .
February 24, 2026	OES/OPM submitted comments on the draft report.
June 3, 2026	EPA incorporated feedback and produced the final report.

V. Evaluation

A. Determining if the state's complaint tracking system is adequate

The OES and OPM provided the following responses to the EPA's questions, which were designed to determine if the state's complaint tracking system is adequate as required under the Final Interpretive Rule (48 Fed. Reg. 409). OPM's responses are listed verbatim, while OES's responses are recorded based on interviews with OES staff. The EPA's evaluation immediately follows each of the responses from OES and OPM, respectively, for questions 1 through 5. An evaluation is not provided for question 6 because, unlike the first five questions, it was not asked in a way that fairly addresses a specific component of what an adequate referral system should contain under the Final Interpretive Rule (48 Fed. Reg. 409). The EPA's overall evaluation of the adequacy of the state's complaint tracking system can be found below in section "VII. Findings and Recommendations".

1. What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?

Response from OES

Upon receiving a complaint, the receiving inspector must open a case in OES's Agriculture Incident Management System (AIMS) and complete Form ESDCP367. AIMS will assign a case

number to the case. The inspector must immediately notify the supervisory inspector, who will then assign the case for investigation.

EPA Evaluation

This satisfies the criteria for having “*a method for funneling complaints to a central organizational unit for review*” (48 Fed. Reg. 409).

Response from OPM

Complaints from consumers are in most cases submitted on a Pest Management Division (PMD) complaint form to a group email (opmcompliance@azda.gov), which is received by the Assistant Director (Program Manager), Supervisor, and Compliance Specialist. Typically, it is the supervisor that reviews the complaint to determine if the PMD has jurisdiction in the matter. If the supervisor determines that jurisdiction exists, the complaint is assigned to an inspector as an "inquiry" (threshold investigation). Complaints also come into the PMD from inspectors through their routine activities. These are either assigned as an inquiry after a verbal discussion between the inspector and supervisor or subsequent to a referral filled out by the inspector and submitted to the supervisor. Complaints stemming from other sources (information submitted anonymously, other agency referrals, etc.) are assigned inquiries with either the OPM (anonymous complaints) or the referring agency being listed as the complainant in the case tracking database ("Office Manager").

EPA Evaluation

This satisfies the criteria for having “*a method for funneling complaints to a central organizational unit for review*” (48 Fed. Reg. 409).

2. What is the system/process used to log complaints and to track the stages of the investigation?

Response from OES

Under ARS 3-368, OES did not have a formalized method of logging complaints and tracking the stages of an investigation. The supervisory inspector would run an Incident Log Report for a specified time-period to review which cases were still open and would follow up with the case inspector as appropriate. With 3.18 Case Tracking, OES uses an internal database – the OES Case Tracking System spreadsheet – to log and track investigations.

EPA Evaluation

Under 3.18 Case Tracking this satisfies the criteria for having “a logging system to record the receipt of the complaint and to track the stages of the follow-up investigation” (48 Fed. Reg. 409).

Response from OPM

The OPM uses an internal Database ("Office Manager") to track the two stages of an investigation. The initial assignment is an inquiry. Once it is determined that violations are likely to exist, the inquiry is reassigned as a complaint. In essence, this is simply a change in the number. However, the issuance of a complaint number indicates that we believe there is sufficient evidence to support a violation and anticipate taking enforcement action.

Notably, if the initial inquiry results in a finding of no violations, it is closed. The complainant is notified in writing that the case revealed no violations and was closed. The case file is maintained for six months should additional evidence become available. Once six months are reached, the file is destroyed in accordance with the divisions' record retention policy.

EPA Evaluation

This satisfies the criteria for having “a logging system to record the receipt of the complaint and to track the stages of the follow-up investigation” (48 Fed. Reg. 409).

3. What is the system/process used to refer complaints for further investigation?

Response from OES

All complaints are assigned for further investigation.

EPA Evaluation

This satisfies the criteria for having “a mechanism for referring the complaint to the appropriate investigative personnel” (48 Fed. Reg. 409).

Response from OPM

Essentially, all complaints in which we have jurisdiction are assigned as an inquiry for further investigation.

EPA Evaluation

This satisfies the criteria for having “a mechanism for referring the complaint to the appropriate investigative personnel” (48 Fed. Reg. 409).

4. *What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?*

Response from OES

Following 3.18 Case Tracking, the Supervisory Inspector is able to open the tracking log immediately to find out the status of a case. According to the SOP inspectors must complete worker protection standard (WPS) cases within 30 days. For more complex cases, including complaints, inspectors have 60 days. Additional time may be granted if needed to complete lab analysis, but that time must be approved by the supervisory inspector.

EPA Evaluation

This satisfies the criteria for having “a system for allowing a rapid determination of the status of the case” (48 Fed. Reg. 409).

Response from OPM

Inspectors have 60 days to complete an inquiry investigation, with a goal of determining whether or not violations exist between the 45th and 60th day after assignment. The supervisor meets with inspectors on a regular basis (weekly in many cases) to review case reports, provide direction, and to determine if the status of an inquiry will change to a complaint.

EPA Evaluation

This satisfies the criteria for having “a system for allowing a rapid determination of the status of the case” (48 Fed. Reg. 409).

5. *What is the system/process for notifying the complaint submitter of the end result to their complaint?*

Response from OES

Every 30 days the complaint submitter gets a status letter. Following the conclusion of an investigation, a letter is immediately drafted and sent to the complainant with the results of the investigation. A similar letter is sent to the respondent informing them of any enforcement actions associated with the investigation and their due process rights.

EPA Evaluation

This satisfies the criteria for having “*a procedure for notifying citizens of the ultimate disposition of their complaints*” (48 Fed. Reg. 409).

Response from OPM

The Administrative Services Officer/Lead Inspector mails the citation to the licensee (or other party) and on the same day sends the complaining party notice in writing that the OPM has issued a citation and order in the matter, but the licensee has 30 days to appeal. The complainant is advised that the licensee has appeal rights, but once those are exhausted the order is final. Lastly, the complainant is notified that they will have access to the citation and order via AZDA's website after the appeal window closes. The citation and order remain publicly available for five years.

EPA Evaluation

This satisfies the criteria for having “*a procedure for notifying citizens of the ultimate disposition of their complaints*” (48 Fed. Reg. 409).

6. Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).

Response from OES

A complaint is received and entered AIMS for case number assignment. The supervisory inspector then assigns the case to an inspector, who has 30 days to conclude the investigation if it is a WPS case or 60 days to conclude the investigation if it concerns pesticide use, EPA referrals, or citizen complaints. At times when laboratory analysis is required supervisory approval may be given for an extension in the investigation. Completed investigation reports are sent to the Assistant Director of the Environmental and Consumer Protection Division for review and disposition. This disposition is communicated via a letter to the complainant and respondent. If violations are identified, the respondent is notified of the citation and their due process rights. Violations discovered during an OES investigation are unable to be assessed if the time since the investigation has surpassed 6 months. This differs from OPM in that there is no inquiry, all complaints become cases without any preliminary review.

Response from OPM

A complaint is received and assessed for jurisdiction. When jurisdiction exists, the case is assigned to an inspector as an inquiry. The Inspector completes the inquiry within 60 days and a determination is made as to whether or not evidence supports a violation(s). If violation(s) exist, the inquiry is issued a new "complaint" number. The inspector is given an

additional 120 days to complete the investigation, including writing the case report and organizing the supporting documentation into a case file. The inspector submits the entire package to the supervisor for review and citation preparation. The supervisor drafts a citation, which includes a summary of the investigation and a listing of the relevant violations including the party or parties to which each violation is attributed and the rationale when necessary. At this point, the case is listed as "closed" in Office Manager and is forwarded to the Assistant Director (Program Manager) who completes the division's enforcement response (established in A.A.C. R3-8-606). Based on the ERP, the Program Manager drafts the agency order. The citation and order are submitted to the Deputy Director (or Director) for signature. Once signed, the citation and order are mailed to the respondent(s) who has 30 days to comply with the order or to appeal. At the same time, the complainant is notified that the case has been completed, and provided there is no appeal from the licensee, the citation and order will be publicly accessible on AZDA's website and will remain there for five years.

B. Evaluating how complaints are being processed and whether it's being done timely and efficiently

This section summarizes the EPA's evaluation as reviewers answered a consistent set of questions for each complaint. The questions are first listed, followed by the summarized evaluation. Many of the responses recorded by the EPA reviewers were compiled into a spreadsheet (see Appendix 1). The EPA's overall evaluation of the timeliness and efficiency of the investigations can be found below in section "VII. Findings and Recommendations".

When was the complaint received? When did the investigation begin? How long did it take to initiate the investigation after becoming aware of the complaint? When did the investigation end? How long did it take to complete the investigation after initiation?

Refer to Appendix 1, columns E through I, for the full responses recorded by the EPA reviewers. The EPA used the date when an investigation report was prepared or submitted as the investigation completion date.

OES Results Summary

The average duration from date of complaint to start of investigation was 0.2 days, with the majority of investigations beginning the same day that a complaint was received. The average time to complete an investigation was 101.4 days. Most inspections were completed within several days of the investigation start, with the primary cause for extended investigation timelines being delayed lab results. Prior to the issuance of 3.18 Case Tracking on 8/10/23, all investigations were resolved within 6 months, the statutory limit

provided by ARS 3-368. One case, OES 230830, was initiated after the issuance of 3.18 Case Tracking. This case exceeded the six-month deadline. The inspector for OES 230830 followed SOP procedure by communicating with their supervisor, as lab results delayed the conclusion of the case.

OPM Results Summary

It was difficult to determine the date that the investigation ended. For consistency, EPA used the final date that was recorded in the investigation narrative. The “Date Final Report Due” field on each case investigation checklist is blank. The average months to complete an investigation is 5.7, which is slightly skewed by an outlier, case ID 101153. The OPM SOP states that unlicensed investigations (inquiry and complaint) should be completed within 60 days, and 90 days for EPA referrals. Other investigations (inquiry and complaint) should be completed within 180 days, or 6 months. On average, OPM is completing investigations within the 6-month timeframe. Case ID 101116 appeared to fall into the “unlicensed” category. Therefore, this investigation should have been completed within 60 days according to the SOP.

How was the complaint received (e.g. phone call, email, tip website)? Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?

Refer to Appendix 1, columns J and K, for the full responses recorded by the EPA reviewers.⁴

Results Summary

OES received complaints primarily from private citizens, via email or phone call. One case, 230331, was a referral from an EPA CID Agent.

OPM Results Summary

It appears that OPM generally receives complaints from both phone calls and the Complaint Form. Besides Case ID 101107, all complaints were received from a citizen. Case ID 101107 was the result of a news report of an incident.

Was any language interpretation needed to receive the complaint? If so, what language(s)?

OES

Language interpretation was not needed to receive any of the reviewed complaints.

OPM

Language interpretation was not needed to receive any of the reviewed complaints.

What was alleged in the complaint (summarize)?

Refer to Appendix 1, column L, for the full responses recorded by the EPA reviewers.

How did the state follow-up?

Refer to Appendix 1, column M, for the full responses recorded by the EPA reviewers.

Was sampling conducted if warranted? If so, what kind of sampling?

OES

OES conducted pesticide residue sampling for each investigation.

OPM

Sampling was conducted in one instance, for Case ID 101153. Samples included soil and swab samples around the exterior of the residential property.

Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?

OES

Interviews were conducted with all relevant parties whenever the complainant or person involved in the alleged pesticide exposure incident could be reached.

OPM

Interviews were conducted with all relevant parties whenever the complainant or person involved in the alleged pesticide exposure incident could be reached.

Was any language interpretation needed to conduct the interview? If so, what language(s)?

OES

Language interpretation was not needed to conduct the interviews.

OPM

Language interpretation was not needed to conduct the interviews.

Were relevant photos taken?

OES

Relevant photos were taken, if applicable.

OPM

Relevant photos were taken, if applicable.

Were relevant records collected?

Refer to Appendix 1, column N, for the full responses recorded by the EPA reviewers.

Relevant records appeared to have been collected for all reviewed complaints.

Did the investigation follow the State's procedures (SOP) for following-up on complaints?

OES

The state's Standard Operating Procedures appeared to have been followed for all reviewed complaints.

OPM

The state's Standard Operating Procedures appeared to have been followed for all reviewed complaints.

What was the outcome of the investigation?

Refer to Appendix 1, column O, for the full responses recorded by the EPA reviewers.

Violations were identified for three of the five OES cases reviewed. Violations were identified in all five OPM cases reviewed.

What was the enforcement response if violations were identified?

Refer to Appendix 1, column P, for the full responses recorded by the EPA reviewers.

Enforcement was pursued in one OES case, 230112. Two OES cases in which violations were identified did not have an associated enforcement action. For 230613, there was not enough evidence to identify a violator. For 230830, the investigation surpassed the statute of limitations due to extended laboratory testing timelines.

Enforcement was pursued in all five OPM cases reviewed.

Did the incident meet the State's current criteria as a "high-level episode"? If so, was the incident reported to the EPA Region 9?

OES

None of the reviewed cases meet the OES criteria for a "high level episode" reportable to EPA Region 9.

OPM

Case ID 101107 met the criteria for a "high-level episode". It was recorded that a total of 10 people reported feeling ill from potential pesticide exposure. One way that a high-level episode is characterized in the OPM SOP is "any injury or illness involving five or more persons, which may have resulted from a pesticide exposure." EPA has no record of this incident being reported to EPA Region 9.

Case ID 101141 potentially met the criteria for a "high level episode" based on the environmental effects criteria: "Birds (non-target): Ten or more game or migratory birds. Fifty or more other birds." Although at the time of the inspection, the inspector only observed "five dead grackles," based on the information in the investigative report, this incident potentially involved significantly more birds. The investigation narrative and summary state that the inspectors met with employees from [the facility] and learned they had been disposing of dead birds as they found them." The report also clarifies that the birds collected by the employees at the facility were pigeons, the target pest. EPA has no record of this incident being reported to EPA Region 9, but it is also unclear whether this

incident would be considered a “high-level episode” based on the environmental effects criteria.

Does the EPA reviewer have any concerns with the investigation?

OES

There were no concerns with how the investigations were conducted.

OPM

There were no concerns with how the investigations were conducted.

VI. Findings and Recommendations

This section details the EPA Region 9’s overall findings and recommendations for the two main steps:

- A. Determining if the state’s complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether it’s being done timely and efficiently.

Findings for steps A and B could be categorized into two performance levels:

Meets or Exceeds Expectations: No concerns were identified. Performance met or exceeded expectations.

Area for Improvement: Concerns were identified. A recommendation follows whenever an Area of Improvement is identified.

A. Determining if the state's complaint tracking system is adequate

OES

Finding A – Meets or Exceeds Expectations

With the adoption of 3.18 Case Tracking, the state's complaint tracking system is adequate and meets the five criteria specified in the Final Interpretive Rule (48 Fed. Reg. 409) for an adequate referral system. The five criteria can be viewed above in Table 1.

OPM

Finding A – Meets or Exceeds Expectations

The state's complaint tracking system is adequate and meets the five criteria specified in the Final Interpretive Rule (48 Fed. Reg. 409) for an adequate referral system. The five criteria can be viewed above in Table 1.

B. Evaluating how complaints are being processed and whether it's being done timely and efficiently

OES

Finding B – Area for Improvement

Overall, the investigations were conducted in a timely and efficient manner. However, one investigation exceeded the statute of limitations.

EPA Recommendation

One case exceeded the statute of limitations due to the length of time required to obtain lab results, while two others extended beyond 3.18 Case Tracking's general guidance of 60 days. While the SOP was followed in each of these cases, extended lab result timelines seem to be a consistent source of delay. EPA recommends close coordination with the state lab to ensure expedited processing of samples for cases with presumed violations.

OPM

Finding B – Area for Improvement

Overall, the investigations were conducted in a timely and efficient manner. It was determined that one case likely met the state's criteria for a high-level episode (case ID

101107), and one case potentially met the state's criteria for a high-level episode (case ID 101141).

EPA Recommendation

EPA recommends reviewing cases that resulted from a tip or complaint within the last fiscal year to determine if other cases met the state's criteria for high-level episodes and investigate potential process improvements for identifying high-level episodes and reporting them to EPA.

Appendix 1 - Arizona Department of Agriculture

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
#	ESS or PMD	Complaint ID	Source of Complaint	Date Received	Date Investigation Started	Days to Start Investigation After Received	Date Investigation Completed	Days to Complete Investigation After Starting	Method of Receipt	Entity Submitting Complaint	Brief Description of Complaint	Description of Complaint Follow-Up	Records Collected	Outcome of Investigation	Enforcement Response or Follow-up
1	ESS	230112	Citizen	1/11/2023	1/12/2023	1	3/1/2023	49 days	Phone Call	Citizen	A citizen who complained of pesticide drift onto their property.	Two inspections – one pesticide use inspection, followed by the assessment of penalties; and a WPS inspection.	Photos, pesticide residue swabs, interviews with the complainant and applicators, application records, windspeed.	Violation(s): Application of a pesticide in a manner which the pesticide came into contact with nearby residential properties, three violators.	Violations and penalty assessed, “Citations for Alleged Pesticide Use Violation” sent to respondent on 3/14/23.
2	ESS	230124	Citizen	1/24/2023	1/24/2023	0	4/18/2023	59 days	Email	Citizen	A citizen who complained of drift from an aerial application onto their home.	A visit to the affected property for sampling, and inspection of the alleged violator.	Photos, pesticide residue swabs, applicator license, interviews with the complainant and applicator, application records, windspeed.	Violation(s): No violations were identified.	No enforcement took place.
3	ESS	230331	Citizen	3/31/2023	3/31/2023	0	8/8/2023	130 days	Email	EPA CID Agent	A citizen who complained of pesticide drift onto the school where they work.	A visit to the affected property for sampling, interview of the complainant, and inspection of the alleged violator.	Photos, pesticide residue swabs, pesticide label, applicator license, interviews with the complainant, applicator, application records, windspeed.	Violation(s): No violations were identified.	No enforcement took place.
4	ESS	230613	Citizen	6/13/2023	6/13/2023	0	8/15/2023	63 days	Phone Call	Citizen	A pest control advisor who reported damage to a cotton field, alleging drift of 2,4_d.	A visit to the affected property for sampling and interviews with the complainant.	Photos, pesticide residue swabs, interviews with the complainant, windspeed.	Violation(s): Failure to prevent drift during pesticide application, no violator.	No enforcement took place.
5	ESS	230830	Citizen	8/30/2023	8/30/2023	0	3/14/2024	206 days	Email	Citizen	A citizen who complained of drift from an aerial application onto their home.	A visit to the affected properties for sampling and complainant interviews, and an inspection of the alleged violator.	Photos, pesticide residue swabs, pesticide label, applicator license, interviews with the complainant, applicator, application records, windspeed.	Violation(s): Failure to prevent drift during pesticide application, two violators.	No enforcement took place, statute of limitations passed.
6	PMD	101143	Citizen	9/6/2023	9/7/2023	1	12/5/2023	3 months	Complaint Form	Citizen	A citizen complained of an applicator misusing a pesticide at a residential application.	Conducted interviews with individuals of the pest control company.	Specimen Labels, Treatment Records, Training Records, Communication Records, Prior Violation Sheet(s)	Violation(s): Applying a pesticide in a manner inconsistent with the label and labeling.	Outcome: Administrative Warning and Civil Penalty

7	PMD	101116	Citizen	4/27/2023	4/28/2023	1	10/4/2023	5 months	Phone Call	Citizen	A citizen complained that unlicensed individuals (staff) were completing pest control treatments at a residential facility.	Conducted interviews with staff of the residential facility.	Specimen Labels, Treatment Records, Communication Records, Photos, Prior Violation Sheet(s)	Violation(s): Engaging in pest management without a qualifying party who is registered in that category.	Outcome: Cease and Desist ordered and Civil Penalty
8	PMD	101153	Citizen	3/28/2023	3/29/2023	1	3/26/2024	12 months	Complaint Form	Citizen	A citizen complained of an applicator misusing a pesticide at a residential application.	Conducted interviews with the complainant and individuals of the pest control company. Collected samples at the residential address where the application took place.	Specimen Labels, Treatment Records, Training Records, 24 Hour Records Request and Response to Records Request, Photos, Communication Records, Prior Violation Sheet(s)	Violation(s): Applying a pesticide in a manner inconsistent with the label and labeling.	Outcome: Administrative Warning and Civil Penalty
9	PMD	101141	Citizen	9/29/2023	10/2/2023	1	1/23/2024	3.5 months	Phone Call	Citizen	A citizen complained that individuals were completing commercial structural pest control treatments and birds were dying.	Conducted an inspection at the commercial facility where the complainant alleged a misapplication of a pesticide. Conducted interviews with employees of the facility. Contacted the applicator but didn't receive a response.	Specimen Labels, Treatment Records, MSDS Sheet, Treatment Notification Record, 24 Hour Records Request, Corrective Work Order(s), Photos, Communication Records, Prior Violation Sheet(s)	Violation(s): Applying a restricted use pesticide in a manner inconsistent with the label and labeling.	Outcome: Administrative Warning and Civil Penalty
10	PMD	101107	News Media	2/28/2023	3/3/2023	3	8/4/2023	5 months	News Media	News Reporter	News media reported on children becoming ill after potential pesticide exposure.	Conducted interviews with the pest control company and applicator who did the commercial application.	Specimen Label(s), News Report, Fire Records Request, Prior Violation Sheet(s)	Violation(s): Engaging in pest management without a business license or qualifying party who is registered in that category.	Outcome: Cease and Desist ordered and Civil Penalty