

July 7, 2017

You Suspect Spray Drift.... Now What?

The Farmers' Advocate Office (FAO) often receives calls about suspected spray drift causing damage to their crops and property. Spray drift is the aerial movement and unintentional deposit of pesticides outside of the target area. Spray drift can come from a variety of sources including adjacent landowners, custom applicators, municipal spraying in ditches, or industry spraying on surface leases or utility rights-of-way.

As a landowner, you should start by thoroughly documenting the details of the suspected drift as much as possible. Noise and smell may alert you that pesticide has been applied, but it does not always mean spray drift has occurred. Do you see damage to your shelterbelts trees, yard, or crop? Do you see any gradient in the damage from the edge of the field to inside? Try to identify the source of the spray drift – is it an adjacent landowner, a custom applicator, the municipality, or industry? Look for the aircraft call letters, company truck logos and application equipment. Take photos of the damage when it is possible and safe to do so. Note the time, place, wind speed and direction, and weather conditions.

Under the [Weed Control Act](#), landowners and occupants are obligated to control or destroy prohibited and noxious weeds on their land. This legislation also applies to municipalities, industry, and transportation contractors. Agricultural practices that help limit spray drift are outlined in Alberta Agriculture [Beneficial Management Practice's Guide](#). These could include practices such as creating buffer zones and spraying when winds are light.

- **Municipalities**

Your municipality is obligated to control and destroy prohibited and noxious weeds in its ditches, right-of-ways, and reserve lands. If you suspect you have been impacted by municipal spray drift, you should contact your municipality, preferably the Ag Fieldman.

You may be able to arrange a “no spray” agreement with the municipality, which would obligate you as the landowner to control regulated weeds as per the *Weed Control Act* in lieu of pesticide application. In some municipalities, the agreement also binds the landowner to all brush control. Not all municipalities offer a “no spray” option.

- **Adjacent Landowners**

A farmer may apply a federally-designated “restricted” or “commercial” pesticide to his or her own land. A farmer does not need to be registered with Alberta Environment and Parks (AEP) in order to apply an approved pesticide to their own land. Certain commercial pesticides can also be used by acreage owners on their own land.

Producers have the legal responsibility to ensure that any pesticide application performed on their property does not cause harm to adjacent properties or people. Those who are renting out their land should ensure the contract shifts the liability for damages caused by spray drift to the tenant.

Where spray drift from an adjacent landowner is suspected, the first recommended step is to open the lines of communication. A common courtesy between adjacent

landowners is to provide notice of when, where and what product will be applied. Any specific concerns about noise, dust or smell should also be discussed.

- **Custom Applicator**

A farmer may choose to hire a custom applicator to take care of their pesticide application needs. Since the producer has the legal responsibility to ensure pesticide application is performed properly, hiring a custom applicator with expertise in the field can help minimize their risks.

The landowner should inform the applicator of any potential hazards or adjacent landowner considerations in advance of an application. The custom sprayer must have certification from AEP. Pesticide service registration holders offering agriculture pesticide application services must carry insurance covering pesticide drift liability in an amount not less than \$25,000 for any one occurrence. Aircraft can be used for pesticide spraying.

If you suspect application of pesticides by a custom applicator has caused spray drift, you should start by approaching the producer. Request a visit with the applicator present to discuss the damage and next steps. Do not, under any circumstances, enter a field or area you suspect has been treated with a pesticide, even if you see the operator or producer inside.

- **Surface Leases & Utility Right-of-Ways**

If you suspect spray drift from weed control efforts on a surface lease or utility right of way, you should directly contact the company responsible for the site to communicate your concerns. The company should work with you to resolve the issue. The Surface Rights Board (SRB) has a process for settling off-lease damages if a resolution cannot be found.

If you suspect drift, see a spill or witness an accident related to spraying, you must report it to the Environmental Hotline with AEP at 1-800-222-6514.

Please contact the FAO through the Ag Info Centre at 310-FARM (3276) or by email at farmers.advocate@gov.ab.ca if you have any questions.