



Emergency Control of Mosquitoes: Texas Requirements

Common questions from local governments about the emergency application of pesticides to control health risks and how to comply with the Pesticides General Permit TXG870000.

What is a pest emergency situation?

A pest emergency situation occurs when any level of government determines that a pest condition presents a significant risk either to human health or the environment and must be controlled through the application of a pesticide. For example, an outbreak of West Nile Virus may require the urgent application of pesticides before a Notice of Intent (NOI) can be submitted for coverage under the Pesticides General Permit.

How should I respond to a pest emergency?

When a governmental entity declares a pest emergency, the TCEQ automatically authorizes immediate pesticide application for that area.

Level IA Operators:

You must submit an NOI to the TCEQ no later than 30 days after the emergency pesticide application begins.

Not all pesticide applications require an NOI for authorization.

Level IB Operators:

You must submit a Self-Certification form to your TCEQ regional office. Find your regional office at www.tceq.texas.gov/about/directory/region/county.html.

Level II and III Operators:

Though there are permit requirements, as a Level II or III operator, you do not need to submit paperwork to the TCEQ unless we request it.

How do I know if I am required to have permit coverage as a Level IA Operator?

Those applying certain pesticides in, over, or near waters of the United States (U.S.) in Texas must consider the total land area to be treated in a calendar year before determining the operator level and permit requirements.

Level IA Operators meet the threshold criteria because the pest treatment area (TA) for one calendar year is:

- 6,400 acres or more of land containing water
- 200 linear miles at water's edge
- 100 acres in water

And they apply:

- Restricted Use Pesticides (RUP)
- State-Limited Use Pesticides (SLU)
- Regulated Herbicides (RH)

See ***Pesticides General Permit: Am I Regulated?*** at www.tceq.texas.gov/goto/pesticides-general-permit for more information about your operator level and whether you need a permit.

Is an NOI required for each PMA in our area?

You may submit a single NOI for a countywide permit if you have more than five pest management areas (PMAs) within a single county or your county's PMA is the same as its jurisdictional boundary. If you have more than 10 PMAs within the state, you may submit a single NOI for a statewide permit.

What if I contract with a local pest-control service?

Pest-control companies hired by local governments to apply pesticides are **not** responsible for submitting the NOI or other operator requirements associated with the permit. Those companies are responsible for the proper handling of the pesticides and complying with the Texas Department of Agriculture license requirements.

Whoever controls the timing, location, method, and means of the pesticide application is responsible for complying with the permit requirements. For example, representatives from multiple local governments may decide that aerial spray application is the best approach for a particular area. Each of

those local government entities must determine permit applicability for the PMA in their jurisdiction.

What if my area of pesticide application is smaller than the threshold criteria for Level IA?

Those who meet the PMA criteria above but apply only general use (GU) or “over-the-counter” pesticides are considered Level IB Operators.

Also considered Level IB Operators are private entities that meet the TA criteria above and apply RUP, SLU, or RH to an area with only private access.

Level II Operators are those applying RUP, SLU, RH, or GU pesticides in smaller areas than the criteria above but greater than 1 acre of water.

Only those applying GU pesticides to less than 1 acre of water are considered Level III Operators.

What are the requirements for an emergency pesticide application?

The requirements are the same regardless of whether the pesticide application is routine activity or due to an emergency situation—*with one exception*: Level IA Operators may submit the NOI within 30 days **after** the emergency pesticide application has begun. There are different requirements for each operator level.

Level IA Operators must:

- Submit NOI form (TCEQ-20601) and applicable fee
- Develop and implement a Pesticide Discharge Management Plan (PDMP)
- Use Integrated Pest Management (IPM) Practices
- Conduct a visual evaluation before, during, and after pesticide application
- Prepare and submit an Adverse Incident Report, if applicable
- Prepare and submit a Spill/Leak Notification, if applicable
- Pay an Annual Water Quality fee assessed Sept. 1 on active permits
- Submit a Notice of Termination form (TCEQ-20602) when permit coverage is no longer required
- Prepare an Annual Report of usage no later than 45 days after permit termination

Level IB Operators must:

- Submit Self-Certification form (TCEQ-20604) to your TCEQ regional office
- Develop and implement a PDMP
- Use IPM Practices
- Conduct a visual evaluation before, during, and after pesticide application
- Prepare and submit an Adverse Incident Report, if applicable
- Prepare and submit a Spill/Leak Notification, if applicable

Level II Operators must:

- Complete Self-Certification form (TCEQ-20605) and keep readily available
- Conduct a visual evaluation during and after the pesticide application
- Prepare and submit an Adverse Incident Report, if applicable

Level III Operators must:

- Follow directions on the product label

What are the annual reporting requirements for an operator with more than one PMA?

Level I Operators must prepare only one annual report for each of the PMAs that meet or exceed the annual threshold. The report(s) must be readily available upon our request.

The annual reporting requirements are the same for emergency pesticide applications as for routine pesticide applications.

If I am a Level IB Operator and I add a new PMA, does that require an NOI?

You may increase a PMA and not be required to submit an NOI to obtain permit coverage. However, if you decide to use RUP, SLU, or RH instead of general-use pesticides, you will become a Level IA Operator.

If a new PMA is added or expanded, then you must submit a revised Self-Certification form to your TCEQ regional office and update your PDMP to include the additional PMA.

Must I comply with all of the requirements for the full permit term once I no longer meet the criteria for a Level IA Operator?

An emergency situation may require treatment of a much larger area than what is treated routinely. A Level IA Operator may return to a lower operator level under certain conditions.

Submit a Notice of Termination (NOT) to the TCEQ when the annual threshold criteria will not be reached during the remainder of the permit term, the application of pesticides stops, or there is a change in permittee.

Only operators who submitted an NOI are required to submit an NOT.

Wouldn't I just submit a Notice of Change?

You must submit a Notice of Change (NOC) only to report supplemental or corrected information if your original NOI was incomplete or inaccurate.

How much is this going to cost?

Only Level IA Operators must pay the permitting fee and the water quality fee, which is assessed on Sept. 1 for all active permits. To avoid unnecessary annual water quality fees, you must submit an NOT when permit coverage is no longer required.

The permitting fee is \$100 for an NOI submitted on paper and \$75 for an NOI submitted electronically. In a pest emergency situation, Level IA Operators must submit a paper NOI.

The annual water quality fee is \$100 for one PMA or \$500 for a countywide or statewide permit.

Where can I find more information?

TCEQ's Pesticides General Permit

A copy of the Pesticides General Permit TXG870000, all of the referenced forms, and other related documents are located on the TCEQ website at: www.tceq.texas.gov/goto/pesticides-general-permit

If you have additional questions related to the pesticide general permit, its requirements, or applicability to your activities, please call **512-239-BUGS (2847)** or e-mail <PGP@tceq.texas.gov>.

Templates of a Pesticide Discharge Management Plan (PDMP) and an Annual Report are located on the U.S. Environmental Protection Agency

(EPA) website at:

http://cfpub.epa.gov/npdes/home.cfm?program_id=410

West Nile Virus

The Texas Department of State Health Services provides information about West Nile virus at:

www.dshs.state.tx.us/idcu/disease/arboviral/westNile/

The Center for Disease Control's Division of Vector-Borne Diseases also has information about West Nile virus at:

www.cdc.gov/ncidod/dvbid/westnile/index.htm

Additional Links to Related Topics

EPA Pesticides: Health and Safety:

<http://www.epa.gov/pesticides/health/human.htm>

Texas Department of Agriculture Pesticide Program:

<http://www.texasagriculture.gov/RegulatoryPrograms/Pesticides.aspx>

Texas Poison Center Network: www.poisoncontrol.org/

Glossary of Terms

EPA: Environmental Protection Agency

GU: General Use Pesticide

IPM: Integrated Pest Management

NOC: Notice of Change

NOI: Notice of Intent

NOT: Notice of Termination

PDMP: Pesticide Discharge Management Plan

PMA: Pest Management Area

RH: Regulated Herbicides

RUP: Restricted Use Pesticide

SLU: State-Limited Use Pesticide

TA: Treatment Area