

BUTTE COUNTY

Department of

Agriculture



Oroville High School

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On May 19, 2017 at approximately 11:15am I, Katharine Quist, Deputy Agricultural Commissioner received a phone call from someone complaining of a pesticide exposure at Oroville High School in Oroville, California. The caller stated that the school had applied "2, 4-D" on the school's property and now students were on the treated field. I immediately called Oroville High School and spoke with [REDACTED], Vice Principal. I explained to her the reason I was calling and asked her if there was a pesticide application taking place and if so, which product they were using. She said she'd call me right back with all of the information. Mr. [REDACTED] Principal, called me back and stated the pesticide application took place at the baseball field at approximately 8:00am, and around 10:00am, a substitute teacher had taken his class out to the baseball field. Mr. [REDACTED] also stated the students were not on the grass, they were only on the dirt path and the dirt infield, but the substitute did not know the herbicide application had taken place. Mr. [REDACTED] also said he'd get back to me with the specific product information.

At approximately 11:45am I arrived at Oroville High School to gather more information from Mr. [REDACTED] and to conduct a site inspection. We met in Mr. [REDACTED] office where Mr. [REDACTED] stated, in summary:

"Q4 Plus Turf Herbicide for Grassy & Broadleaf Weeds (EPA#2217-930-AA) (Attachment A) was applied to the edges of the baseball field, gate posts and some spot applications on the field itself. I estimated that the students were at least 60 feet from any application spot and did not come into contact with the grassy areas. Normally they kept the gates locked for at least 72 hours after any application, and post the field. Today there was no posting. (Attachment B) "

On May 25, 2017 at approximately 11:45am I left a voicemail for [REDACTED], substitute teacher for Oroville High School. I requested he call me back regarding this incident.

On May 30, 2017 at approximately 8:00am I left another voicemail for [REDACTED], requesting a call back.

On May 30, 2017 at approximately 10:00am [REDACTED] called and stated, in summary, the following information:

"I was a substitute teacher for physical education on May 19, 2017, and was assigned to play softball during the third and fourth period classes. At the beginning of third period, at approximately 10:00am, I took the class to the softball field and noticed a strong pesticide odor in the area. I didn't know where the application had taken place, but assumed it was nearby. I allowed my class to play softball on the field, including the dirt and grassy areas. Halfway through fourth period, while out on the softball field with my class, I was told to move my students out of the area, onto the football field."

On May 31, 2017 I spoke with the school's pesticide applicator, [REDACTED], by phone and he stated, in summary,

"I made an application of Q4 Plus Turf Herbicide for Grassy & Broadleaf Weeds to the infield of the baseball field and the outer edge of the outfield of the softball field on the morning of May 19, 2017."

Following the conversation with [REDACTED], I spoke to his supervisor [REDACTED] by phone and in my office. We discussed the initial complaint and routine procedures involved with pesticide applications.

[REDACTED] also provided me with the following documentation;

Oroville High School's annual notification letter (Attachment C)

An aerial map of Oroville High School's baseball and softball fields (Attachment D)

2015 & 2016 Pesticide Use Reporting for School & Child Care Center Employees (Attachment E)

A blank pesticide use posting form (Attachment F)

On July 27, 2017 over the phone I requested [REDACTED] training records and a photo of the Q4 Plus Turf Herbicide from Mr. Tronson.

On July 28, 2017 at approximately 11:30am [REDACTED] came to my work and provided me with [REDACTED] training records, standard training material and a container of Q4 Plus Turf Herbicide. (Attachment G)

In conclusion, on May 19, 2017, at approximately 8:00 a.m., [REDACTED], Oroville High School employee and trained handler, applied Q4 Plus Turf Herbicide for Grassy & Broadleaf Weeds, (EPA Registration No. 2217-930-AA) using a gator with a 30 gallon tank on back equipped with a wand for spot treatments on the softball and baseball fields at Oroville High School. The same day starting at approximately 10:00 a.m., [REDACTED], substitute teacher at Oroville High School took his third and fourth period classes out to the softball field where he smelled strong pesticide odor. At approximately 11:15 I received a complaint call from someone with concerns of a possible pesticide exposure on school grounds. At approximately 11:30am another school employee told [REDACTED] to move his students off of the softball field and onto the football field because of the complaint.

[REDACTED] stated in an interview that he was unaware of any pesticide applications occurring at Oroville High School on May 19, 2017. Failure to notify [REDACTED] of a pesticide application is a violation of Title 3 of the California Code of Regulations (3 CCR) section 6618(b)(2) which states:

(2) The operator of the property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area.

No violations were found with the specific application on May 19, 2017 on the school grounds with Q4 Plus. Q4 Plus Turf Herbicide for Grassy & Broadleaf Weeds is a Caution product and when used in non-agricultural settings has a reentry statement which reads; "Do not enter or allow people (or pets) to enter the treated area until sprays have dried." Also with temperatures around 70 degrees at 8:00am and increasing to 80 degrees at 10:00am, with variable winds in Oroville, CA (Attachment H), it is likely the herbicide was dry when the students were in the fenced area. A one gallon container of Q4 Plus

Turf Herbicide for Grassy & Broadleaf Weeds containing active ingredients 2, 4- and Dicamba, is considered an exception from California restricted materials requirements (Attachment I). Therefore a restricted materials permit nor a 24 hour notice of intent was not required prior to usage. No illnesses were reported by students or school employees either.

In the future, and in order to comply with Title 3 of the California Code of Regulations (3 CCR) section 6618(b)(2), Oroville High School staff will notify employees of scheduled pesticide applications by posting the treatment area prior to application. The posting will include the date of the scheduled application, identity of the pesticide and any precautions to be observed. This will serve as their official notification and this requirement will be met.