



BUTTE COUNTY
DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES
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Louie B. Mendoza Jr.
Agricultural Commissioner / Sealer

Tom Pisani
Assistant Agricultural Commissioner / Sealer

Oroville Union High School
1535 Bridge Street
Oroville, CA 95966

August 2, 2017

Dear [REDACTED] (IPM Coordinator)

On May 19, 2017 our office responded to a pesticide complaint regarding possible exposure. During the course of our investigation it was determined that an application of Q4 Plus Turf Herbicide for grassy & broadleaf weed control was made to the infield of the baseball field and to the outer edge of the outfield of the softball field on the morning of May 19, 2017 at approximately 8:00 a.m. at Oroville High School in Oroville, California. Furthermore, a substitute teacher at the school took their third (approximately 10:00 a.m.) and fourth (approximately 11:00 a.m.) period classes out to the softball field to play softball. Halfway through the fourth period the instructor and students were told to leave the softball field and move to the football field. It was also determined that the substitute instructor was unaware of the pesticide application that occurred earlier that day on the softball field. Failure to properly notify the substitute instructor constitutes a violation of Title 3 of the California Code of Regulations Section 6618(b) (2) which states, "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:

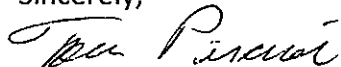
- (A) The date of the scheduled application;
- (B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and
- (C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area."

Our department has discretion on the enforcement options that are available and appropriate for violations under its jurisdiction. Following the Agricultural Civil Penalty Guidelines set forth in the California Code of Regulations "Enforcement Response to Violations" the above

mentioned violation could lead to an administrative civil penalty between \$250.00 up to \$1,000 per count. Important circumstances in making an enforcement decision include a history of violations and a willingness to comply. Since you have had no prior violations within the last two years, no enforcement action will be taken at this time. Please understand, however, that any future violations would likely initiate a Notice of Proposed Action in the form of a civil penalty.

If you have any questions, or would like to discuss this matter further please call me at (530) 538-7138.

Sincerely,



Tom A. Pisani

Assistant Agricultural Commissioner/Sealer