

SUMMARY

A complaint was filed with the Sutter County Agricultural Department for a drift onto people and property that occurred on August 11, 2019. The drift involved one person in a residential area. No illnesses were reported. The respondent is Yuba City Unified School District. Application date was August 11, 2019 and the complaint was filed the next day. The pesticide applied was Spectracide Weed & Grass Killer (EPA #9688-293-8845); a caution labeled herbicide for household uses. Samples collected on the complainant's property tested positive for Diquat Dibromide, Dicamba, Fluazifop-p-butyl, the active ingredients in Spectracide.

BACKGROUND

On Wednesday, August 11, 2019 at 9:00am, the Sutter County Agricultural Department received a drift complaint from [REDACTED]. She stated that the school district employee was applying to close too her property and drifting onto her property.

Scott Bowden Deputy Ag Commissioner assigned the investigation to Chris Ramirez, Ag Standards Biologist.

VIOLATIONS

CCR 6614 b (3)

§ 6614. Protection of Persons, Animals, and Property.

(b) Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:

(1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process.

WITNESSES

1. [REDACTED]
2. [REDACTED] (Respondent)
Director of Facilities Yuba City Unified School District
(530) 822-5232

3. [REDACTED] (Applicator)
Yuba City Unified School District Employee
(530) 822-5232

INVESTIGATION AND STATEMENTS

I arrived at [REDACTED] home residence, [REDACTED] when she called the Sutter County Agricultural Department about the complaint and to collect samples. She saw the employee drive the school rig and spot spraying certain areas on the school property. She saw him along the fence line applying near other residents and certain sections of the closed off school track. Upon arriving, I did not see any employee(s) on school property.

The school employee who was applying is [REDACTED] Mr. Bains started to spot spray Bermuda grass on the fence line shared between [REDACTED] and Tierra Buena school. Certain sections of the school track are closed off and he was the only one applying that day. In the middle of the application, [REDACTED] confronted him about spraying onto her property. Mr. [REDACTED] stopped the application after speaking with [REDACTED] and contacting his supervisor, [REDACTED]

When I returned to the office later that afternoon, I called [REDACTED] school district supervisor, and spoke with him about the drift complaint and to find out what product he was using. He gave me the name and EPA number of the product. He was also notified about samples being taken from the treatment site and being sent to be tested.

Samples of grass clippings were taken from the treatment site (8/15/19-CR1), one five feet away from treatment site (8/15/19-CR2) and the third was 10 feet away from treatment site (8/15/19 CR3). After samples were taken, I placed them in the Sutter County Agricultural Lab Fridge.

On the day of the incident, there was a south wind with speeds recorded at [REDACTED] with an average speed of 2mph with a high wind of 10mph, see attached. Samples were taken to the CDFA residue lab on August 15, 2019 at approximately 2:00pm. Sutter County Agricultural received the completed sample analysis report from the CDFA residue lab on December 20th, 2019 and the results showed that the 3 samples taken tested positive. Two samples tested positive for 3 active ingredients and the third sample tested positive for 1 active ingredient. Samples tested values are as follows:

1. 8/15/19 CR1 contained 3205 ppm of Diquat Dibromide, 120ppm of Dicamba, 79ppm of Fluazifop-p- Butyl. (Treatment Site).
2. 8/15/19 CR2 contained 1.5ppm of Diquat Dibromide, 0.92ppm of Dicamba, 0.20ppm Fluazifop-p-Butyl. (Five-foot buffer)

