

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT

DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE ENFORCEMENT BRANCH

PR-ENF-127 (EST/ 10/91)(REV. SJC 1/96)

RECEIVED BY AG Commissioner	RECEIVED FROM DPR Enforcement Branch	REPRESENTING Tiffany Anderson	DATE/TIME RECEIVED 09-04-13/9:37 AM	PERSON NOTIFIED DFA	DATE
TYPE OF EPISODE <input type="checkbox"/> HUMAN EFFECTS # <input type="checkbox"/> PROPERTY LOSS \$			<input type="checkbox"/> ENVIRONMENTAL EFFECTS <input checked="" type="checkbox"/> OTHER	PRIORITY INVESTIGATION <input type="checkbox"/> YES # <input checked="" type="checkbox"/> NO	
OTHER I.D. NO. INV13-24	COUNTY OF OCCURRENCE San Joaquin	DATE OF OCCURRENCE MO 04 DAY 18 YR 2006	TIME AM	OTHER Tiffany Anderson 12/11/13	
EPISODE LOCATION San Joaquin Mosquito Abatement District White Slough Site					

INJURED/COMPLAINANT INFORMATION		COMPLAINT SIGNED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		DR. VISITED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker* <input checked="" type="checkbox"/> Other* <input type="checkbox"/> Applicator <input type="checkbox"/> Public* *Explain Handler	WHS NO.	WORKDAYS LOST
NAME Tiffany Anderson		AGE	SEX F	ADDRESS 2 N Avena Avenue		CITY Lodi	ZIP 95240	PHONE (209)625-8587
MEDICAL FACILITY NAME		<input type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY		HOSPITALIZED <input type="checkbox"/> YES <input type="checkbox"/> NO		DATE/TIME ADMITTED		DATE/TIME DISCHARGED
PHYSICIAN		ADDRESS		PHONE		RECEIVED		

SIGNS/SYMPTOMS EXPERIENCED		NOV 25 2013	
EMPLOYER	ADDRESS	PHONE	
		AGR. COMM - STOCKTON	

PROTECTIVE MEASURES USED	HANDS	INHALATION	OTHER	ENGINEERING CONTROLS
<input type="checkbox"/> EYES <input type="checkbox"/> Safety Glasses <input type="checkbox"/> Goggles <input type="checkbox"/> Faceshield <input type="checkbox"/> Eye/Sun Glasses <input type="checkbox"/> None	<input type="checkbox"/> Cloth/Leather Gloves <input type="checkbox"/> Chem. Resistant Gloves <input type="checkbox"/> Other <input type="checkbox"/> None	<input type="checkbox"/> Dust Mask <input type="checkbox"/> 1/2 Face Respirator <input type="checkbox"/> Full Face Respirator <input type="checkbox"/> SCBA <input type="checkbox"/> None	<input type="checkbox"/> Work Clothes <input type="checkbox"/> Chem. Resistant Clothes <input type="checkbox"/> Chem. Resistant Boots <input type="checkbox"/> Head Covering <input type="checkbox"/> Other	<input type="checkbox"/> Closed System <input type="checkbox"/> Enclosed Cab <input type="checkbox"/> Enc. Cab w/Air Purification <input type="checkbox"/> Other <input type="checkbox"/> None

ENVIRONMENTAL OR PROPERTY DAMAGE		AMOUNT/VALUE
DESCRIPTION OF DAMAGE		
OWNER	ADDRESS	PHONE

ALLEGED RESPONDENT(S) PCA <input type="checkbox"/> DEALER <input type="checkbox"/> PILOT <input type="checkbox"/> GROWER <input type="checkbox"/> AGENCY <input checked="" type="checkbox"/> OTHER* <input type="checkbox"/>			
NAME San Joaquin Mosquito Abatement District	PHONE (209)982-4675	LICENSE/PERMIT NO. 3905063	RECOMMENDATION MADE <input type="checkbox"/> YES # <input checked="" type="checkbox"/> NO
ADDRESS 7759 S. Airport Way		EMPLOYER'S NAME Eddie Lucchesi	PHONE (209)982-4675
CITY Stockton	STATE CA	ZIP 95206	EMPLOYER'S ADDRESS 7759 S. Airport Way
EXPLAIN*		CITY Stockton	STATE CA
		ZIP 95206	

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Parasite-S	None				

EQUIPMENT/MAKE/MODEL/DESCRIPTION

Summarize the episode including a detailed description of evidence taken (Use Pesticide Episode Investigation Supplemental Report if Additional Space is Needed)
See Attached Documents

REPORT PREPARED BY (NAME/TITLE) Kimberly D. Martin Agricultural Biologist	DATE PREPARED 11/25/13	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Barbara Huecksteadt DAC	DATE APPROVED 11/25/13
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916-324-4100

1-05

State of California Department of Pesticide Regulation Pesticide Enforcement PESTICIDE EPISODE INVESTIGATIVE REPORT <input checked="" type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> OTHER:	DATE OF ORIGINAL INCIDENT	INCIDENT # OR ID	COUNTY	PAGE
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San Joaquin County Mosquito Abatement District White Slough Facility				

On September 4, 2013 at 9:37 am San Joaquin County Agricultural Commissioner Scott Hudson, received an e-mail from Roberta Jetter Environmental Scientist with the Department of Pesticide Regulations Enforcement Branch. In the e-mail she asks our office to investigate complaint number 11992 that is attached to the e-mail. Complaint No. 11992 is on a Cal/EPA Environmental Complaint form and was submitted September 3, 2013 at 3:14 p.m. from a Ms. Tiffany Anderson. Ms. Anderson's complaint is about the San Joaquin County Mosquito Abatement District (SJCMAD) mainly at their White Slough site. SJCMAD provides surveillance and control services to enhance public health by managing mosquito populations as well as a variety of vector control programs. She states concerns that there was failure to provide for the appropriate safety of their employees, disclose the exposure to certain chemicals to their employees, ensure the district educates and trains employees on the chemicals used, and ensure the district reports all chemical treatments to the appropriate governmental agencies. She listed Formalin as a material that she had specific concerns with. Ms. Anderson also lists additional complaints in the e-mail that the Agricultural Commissioner's Office does not have the authority to investigate those matters for example testing the surrounding bodies of water for chemicals, pathogens, parasites, and human viruses.

On September 11, 2013 I (Agricultural Biologist Kimberly D. Martin) received the complaint and contacted Mr. Eddie Lucchesi manager of SJCMAD. I asked if he was aware of the complaint by Ms. Anderson. He said he was and had already been contacted by Mr. Gary Stockel, Assistant Agricultural Commissioner for San Joaquin County. He told me that he had sent documents over to our office that included the label for Parasite-S the product containing Formalin, detailed information on the application procedures for the product and the San Joaquin County Grand Jury findings from Case number 0311. According to Mr. Lucchesi we were not the first agency to inspect SJAMAD because of a complaint from Ms. Anderson. They had also been inspected by the Division of Occupational Safety and Health (DOSH) and the afore mentioned Grand Jury investigation. Among the previously mentioned documents there was a copy of the inspection treatment record for Parasite-S. I discussed with Mr. Lucchesi that I needed to schedule a Headquarters inspection for the facility at White Slough and the Stockton Facility to go over the pesticide training records since there was a general complaint that there was failure to provide for the appropriate safety of their employees, disclose the exposure to certain chemicals to their employees, ensure the district educates and trains employees on the chemicals used, and ensure the district reports all chemical treatments to the appropriate governmental agencies. We set dates and times for the following week to complete the headquarters inspections.

Inspection of the Parasite-S Label showed that it does not have an EPA Registration number and any safety regulations that pertain to the material are regulated by DOSH. The label indicates that Parasite-S is used for the treatment of parasites, external protozoa and fungi on fish and fish eggs (See Label Attached). From a memo dated September 5, 2013 (See Attached) the last time Parasite-S was used was March 12, 2009, supported by an inspection treatment record (See Attached). There was also a label for Parasite -S (See Attached). On September 18, 2013 at 9:15 am I met with John Fritz assistant manager for SJCMAD at the White Slough site. We began our inspection by touring the outside of the facility looking at the fish ponds where applications of Parasite-S and other materials. There are two types of ponds on the site, the first kind are large above ground black plastic ponds. I was told they were for the younger fish and would also be used as quarantine tanks if there are any sick or wild fish at the site. These smaller tanks are to the north of the office at this site. There are also large ponds on the west side of the site, these ponds are in ground dirt ponds and house the older fish.

PREPARED BY	PREPARED MO/DAY/YR	REVIEWED/APPROVED BY	APPROVED MO/DAY/YR
NAME/TITLE		NAME/TITLE	
Kimberly D. Martin	KM 9/18/13	Barbara Huecksteadt DAC	

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They are surrounded by levees large enough for a vehicle to drive on. When I asked Mr. Fritz how pesticides are applied to these ponds he replies that the materials are applied via one of their application trucks. The equipment used to make these applications is either a Volatizer boomless spray device or a hand wand. Next I asked to see the pesticide storage area. When we arrived at the storage area I noticed they were not posted with any Danger/ Warning signs. California Code of Regulations code section 6674 states 6674. Posting of Pesticide Storage Areas.

Signs visible from any direction of probable approach shall be posted around all storage areas where containers that hold, or have held, pesticides required to be labeled with the signal words "warning" or "danger" are stored. Each sign shall be of such size that it is readable at a distance of 25 feet and be substantially as follows:

DANGER

POISON STORAGE AREA

ALL UNAUTHORIZED PERSONS KEEP OUT

KEEP DOOR LOCKED WHEN NOT IN USE

The notice shall be repeated in an appropriate language other than English when it may reasonably be anticipated that persons who do not understand the English language will come to the enclosure.

The lack of signage is a violation of the above listed code, it was corrected on September 19, 2013 by placing the appropriate sign. The inside of the storage area is neat and organized. All the materials are properly labeled as well as the service containers that the district uses. The storage areas are also locked from the outside and are double protected by a secondary entrance gate that is locked at the front when there is no one on the site. All used pesticide containers are properly rinsed and stored. After inspecting the storage area we went into the office to inspect the area where the Personal Protective Equipment (PPE) is stored. The PPE is stored in a cabinet just outside of the change area. It is neatly organized and easily accessed by all employees. The change area was clean and gave the employees access to water, soap and an eyewash area. The Emergency Medical Care information is clearly visible, filled out, and posted on the wall in the break area of the office. Mr. Fritz showed me the pesticide training records for the employees that currently work at the White Slough site. After reviewing the records and seeing that they were complete I asked who gives pesticide training to their employees. Mr. Fritz stated that all SJCMAD employees are trained by pesticide dealer representatives from the manufacturer. The employees are trained on every pesticide label that SJCMAD could possibly use throughout the year. At this training they also review the Pesticide Safety Information Series (PSIS) N8 that is noted in their training records. After reviewing the pesticide training records I reviewed the respirator fit test and medical records. All of the pesticide applicators are trained and fit tested for the N95 respirator using bitrex. The fit testing is performed by Mr. Fritz for all of the applicators.

On September 20, 2013 at 9:00 am I arrived at the SJCMAD Stockton facility for this sites headquarters inspection. I met with Mr. Eddie Lucchesi and Mr. John Fritz for this inspection. Like the Lodi site we began the inspection outside with the pesticide storage area. There were clear Danger/ Warning signs on the door of the building where the pesticides are housed. All of the containers are labeled along with the service containers. The door to the storage area is locked as well as a set of locked gates when you enter the back area of the Stockton site. The used pesticide container storage area is just outside the door of the building where the pesticides are stored. It also has a Danger/Warning sign on the fence. The containers are clean and secured by locking the gate of the cage they are contained in. Next we inspected the vehicles that SJCMAD uses for the application of

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Kimberly D. Martin		Barbara Huecksteadt DAC	

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pesticides. The application equipment on the truck was in good condition and safe to use. In the back window of the truck there is a laminated sign that lists the emergency medical facilities that the applicator may need to go depending on the area of the district they are in. The materials that each truck is carrying are shown by magnetic cards that stick to the locked pesticide containers. These red magnets list the product name, active ingredient, EPA registration number and signal word. After the vehicle inspection, we went into the break room next to the service garage where the applicators gather at the beginning and end of the day. On the wall there is an emergency medical care posting along with a PSIS N8. At this time I asked since the applicators are in different areas each day how do they notify each employee where pesticide applications have occurred. Mr. Lucchesi told me that they have a computer system; each truck has a hand held portal that the applicators record the location of an application and which materials they used. If an employee has a question about where applications have taken place they can look at their portal or they can log in at one of the office computers to see where they are. Prior to the computer system, SJCMAD had used written logs with maps in the break room where the applicators gather. They also told me that for any large applications that may take place by air the employees are given verbal notification and it is posted in that break area. The PPE and respirators are stored in the main office building right outside of the change area. We then went into Mr. Fritz office to look at the documents required for the inspection. SJCMAD does not use any restricted materials so they do not have a restricted materials permit but because of pesticide use reporting requirements the San Joaquin County Agricultural Commissioner's office issues them an Operator Identification Number (OID). They had copies from the past two years of their OID for me to see. All of the employees that do any field work are trained on pesticides and pesticide safety. These records are complete and match the records that I viewed at the White Slough site. There are also complete medical evaluations and respirator fit tests for all of the employees, except one. That employee does not handle pesticides. He is their public relations representative. Mr. Fritz then showed me a power point presentation that is used during their training. The presentation not only went over the pesticide labels but pesticide safety procedures and what to do if there is a spill. I then asked about their pesticide use reporting. They stated that the use reports are filed monthly with the San Joaquin County Agricultural Commissioner's office. I was able to confirm that the reports are submitted to our office on time, each month, via electronic submission.

After completing the headquarters inspection I asked about SJCMAD's use of Parasite-S, the precautions they used and any possible involvement that Ms. Anderson may have had with pesticide use or the use of Parasite-S. We first looked at pesticide training records from 2010 that SJCMAD still had on file. California Code of Regulations section 6724(a) states The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, slides, video tapes) and information that will be provided and used to train his or her employees and identify the person or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation. The employer shall maintain a copy of the training program while in use and for two years after use, at a central location at the workplace. SJCMAD not only had two years of pesticide training records but was able to come up with training records from 2010, the time that Ms. Anderson worked for the district. The records showed that Ms. Anderson was properly trained on all pesticide labels used by the district as well as pesticide safety procedures in 2010. Pesticides training records do not show that Ms. Anderson was trained on Parasite-S in 2010.

PREPARED BY NAME/TITLE Kimberly D. Martin	PREPARED MO/DAY/YR	REVIEWED/APPROVED BY NAME/TITLE Barbara Huecksteadt DAC	APPROVED MO/DAY/YR
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Records show that the last time SJCMAD used Parasite-S was on March 12, 2009 so the material would not be on 2010 records. When I asked if the applicators that used the Parasite-S in 2009 were trained on the label, they replied that the employees that handled that material were trained on it. Further research into the Parasite-S label shows that according to California Food and Agricultural Code (FAC) sections 12753 and 12754.5 (b) this material is not a pesticide. FAC section 12753 states "Pesticide" includes any of the following:

(a) Any spray adjuvant.
 (b) Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

FAC section 12754.5 states "Pest" means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state:

(a) Any insect, predatory animal, rodent, nematode, or weed.
 (b) Any form of terrestrial, aquatic, or aerial plant or animal virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).

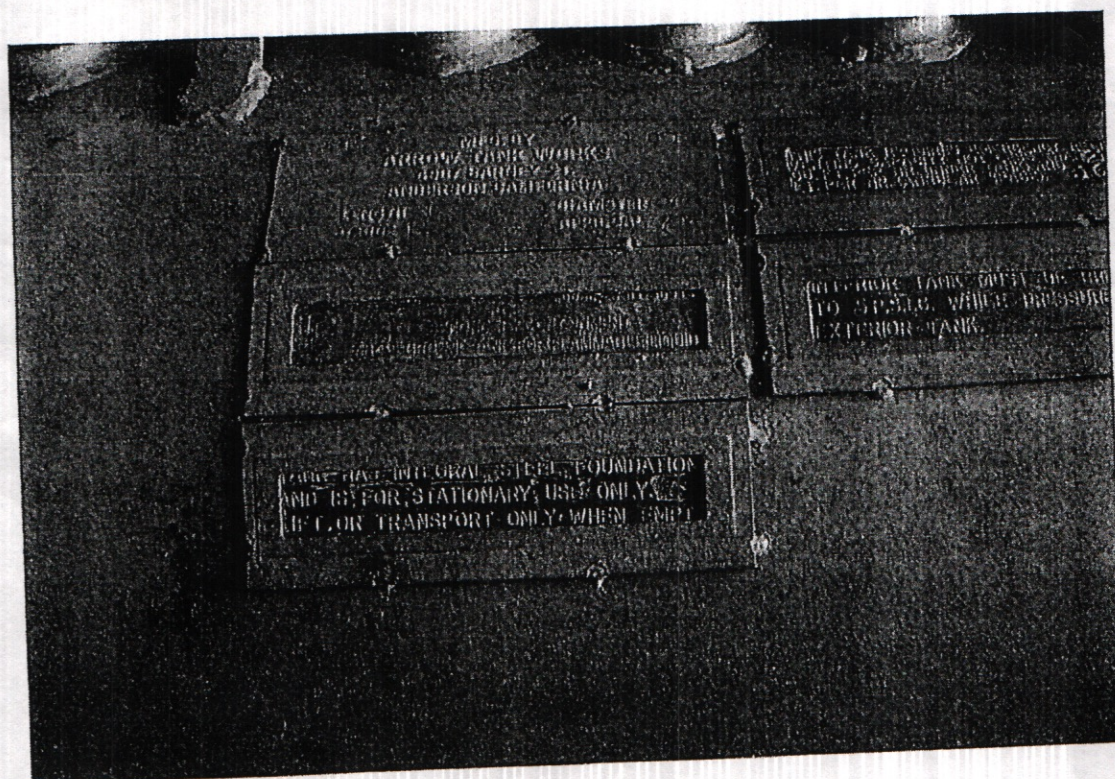
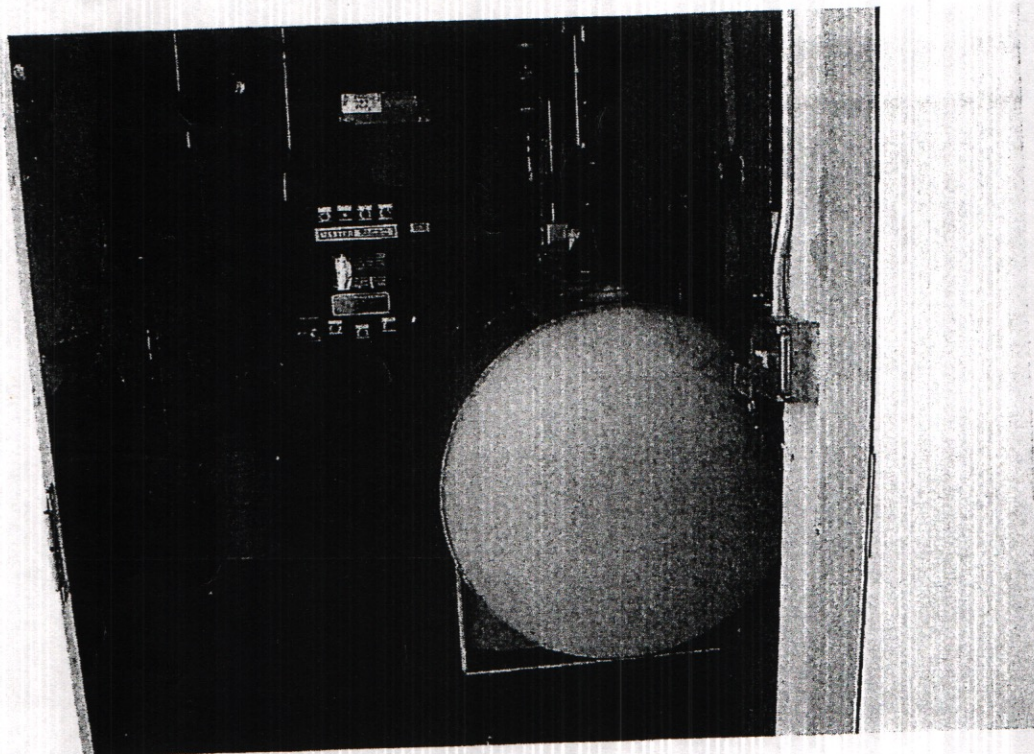
(c) Anything that the director, by regulation, declares to be a pest.

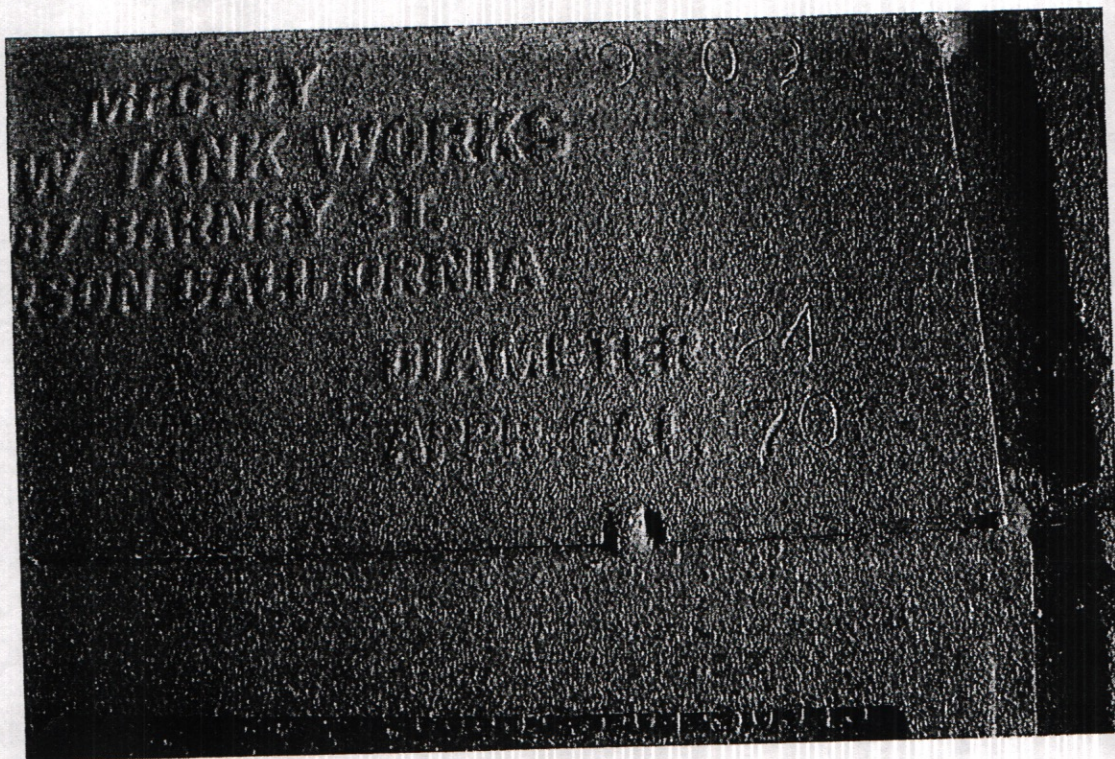
The lack of EPA registration number and code section 12754.5 (b) make Parasite-S a material that the Agricultural Commissioner's office does not have any regulatory jurisdiction over.

On September 25, 2013 11:00 and 11:57 am I spoke with Tiffany Anderson about her complaint about SJCMAD. In our conversations we discussed that I was not able to answer all of the questions in her complaint because the Agricultural Commissioners Office only regulates pesticides and their use. We then discussed how Parasite-S the material with the Formalin is not considered a pesticide by California Department of Pesticide Regulations (CDPR). When we discussed her direct use of the Parasite-S she said that she had noticed that the workers doing the application were wearing respirators but she did not imply that she had done an application herself. During the conversation I tried to make it clear that I was only able to regulate pesticide regulations and tried to answer any other questions and concerns she may have with those materials, but most of the questions I did not have jurisdiction over and could not answer them. At the end of our conversations I let Ms. Anderson know that if she thought of any more questions or had more concerns to contact me and that I may be contacting her with more questions concerning her complaint.

In regard to Ms. Anderson's concerns, SJCMAD had a complete Handler Training program for the required two year period, hazard communication for pesticide handlers, obtained Operator Identification numbers and submitted monthly summary pesticide use reports to the proper agencies. SJCMAD was found in violation of CCR Section 6674, posting of pesticide storage areas. Violation Notice number 101-814507 was issued to SJCMAD on October 2, 2013.

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NAME/TITLE	MO/DAY/YR	NAME/TITLE	MO/DAY/YR
Kimberly D. Martin		Barbara Huecksteadt DAC	





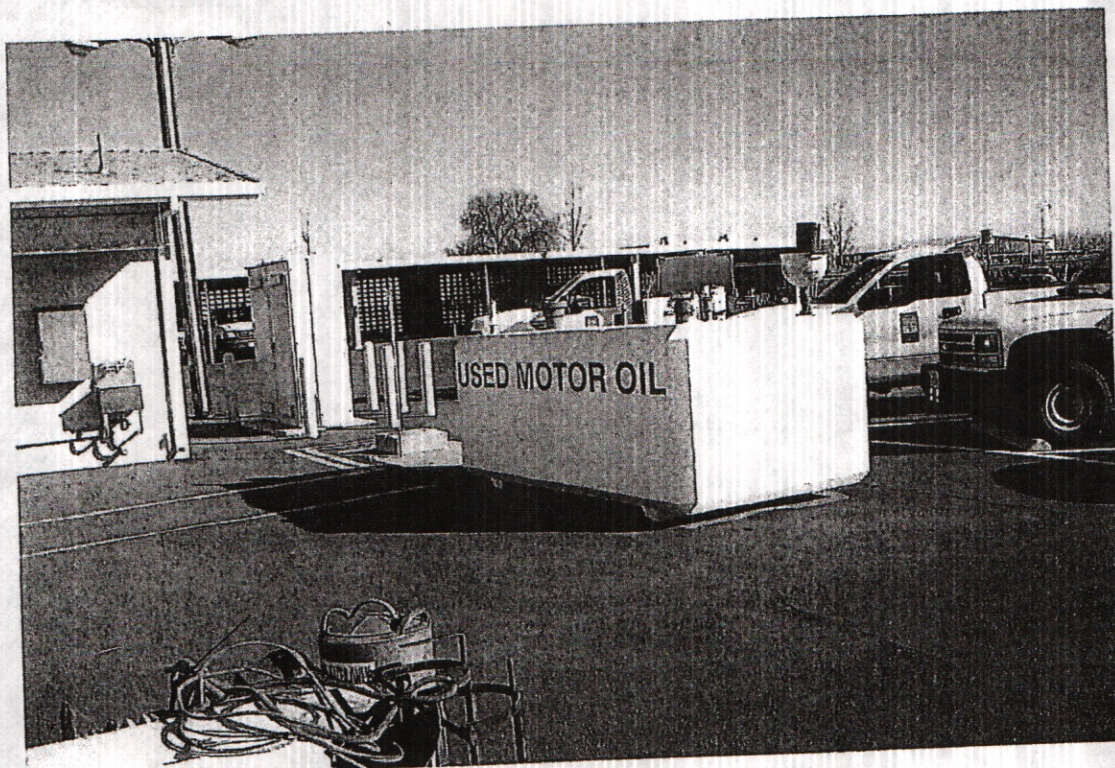
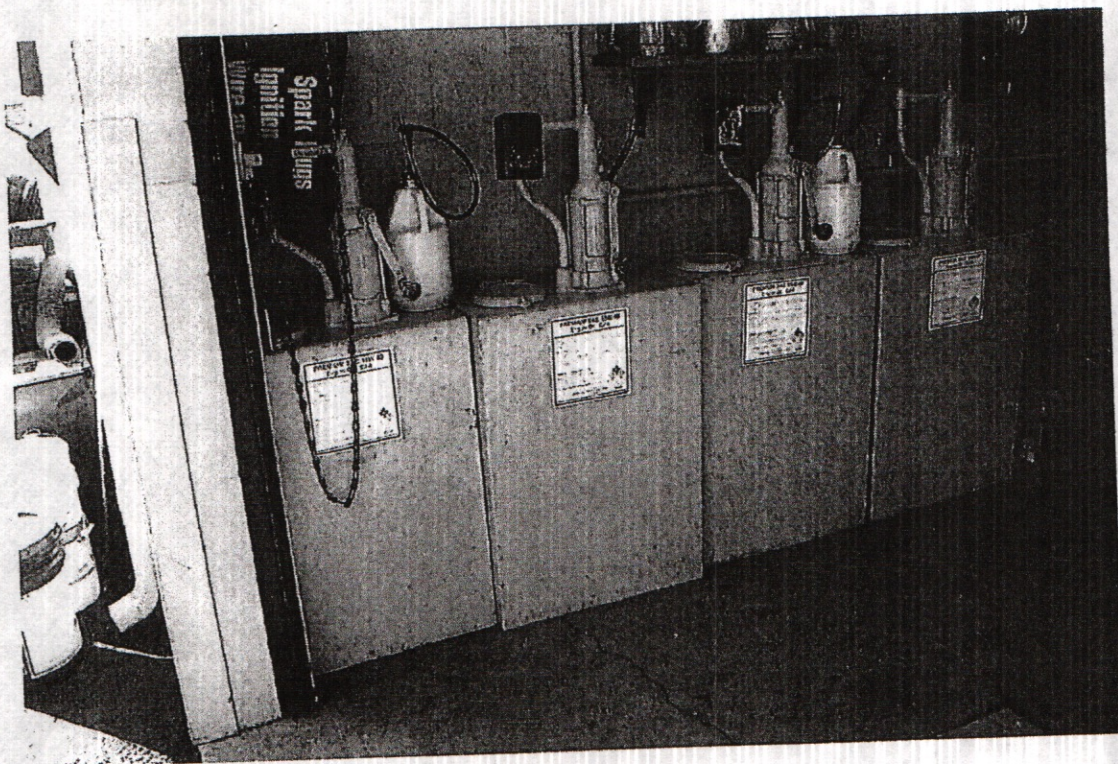
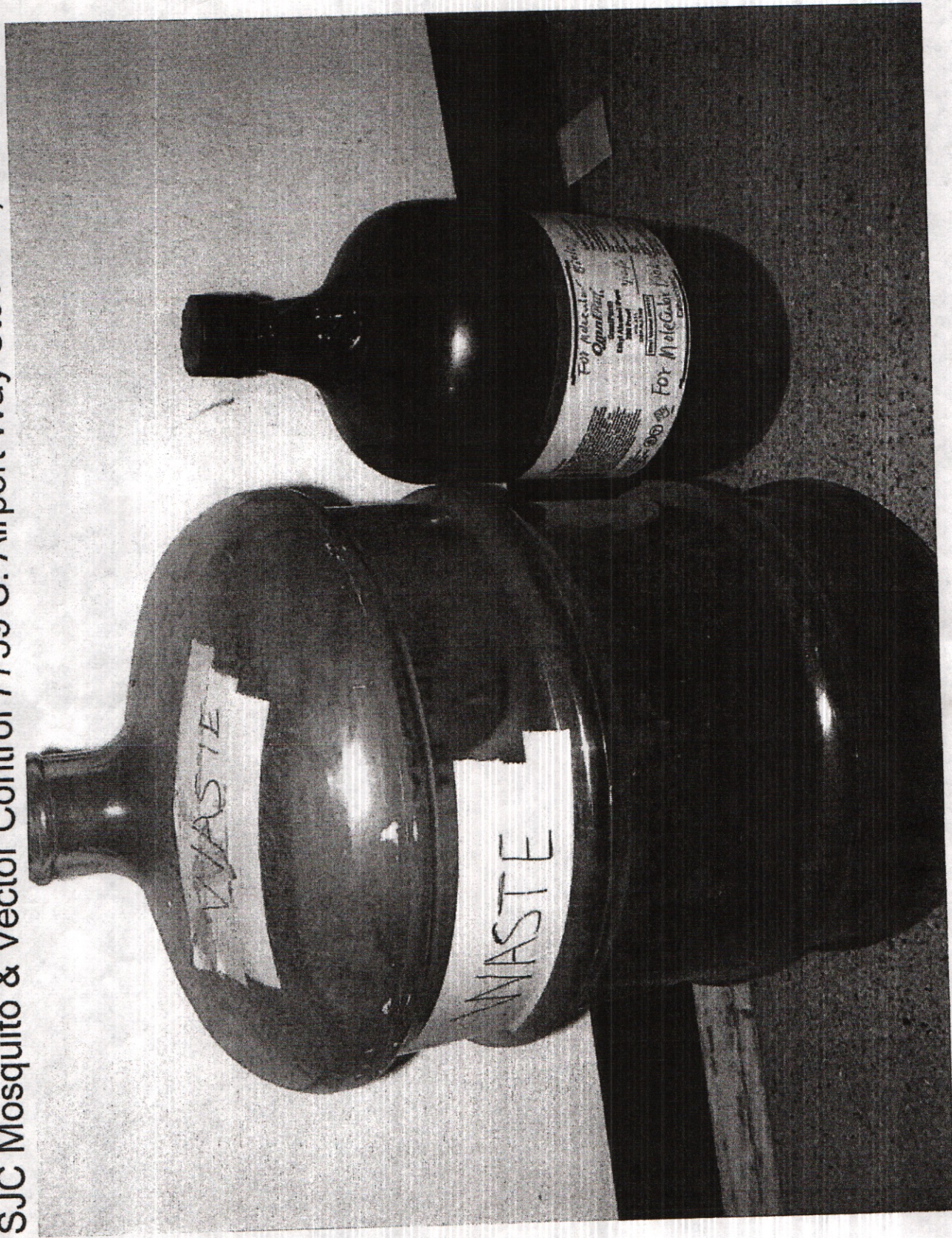
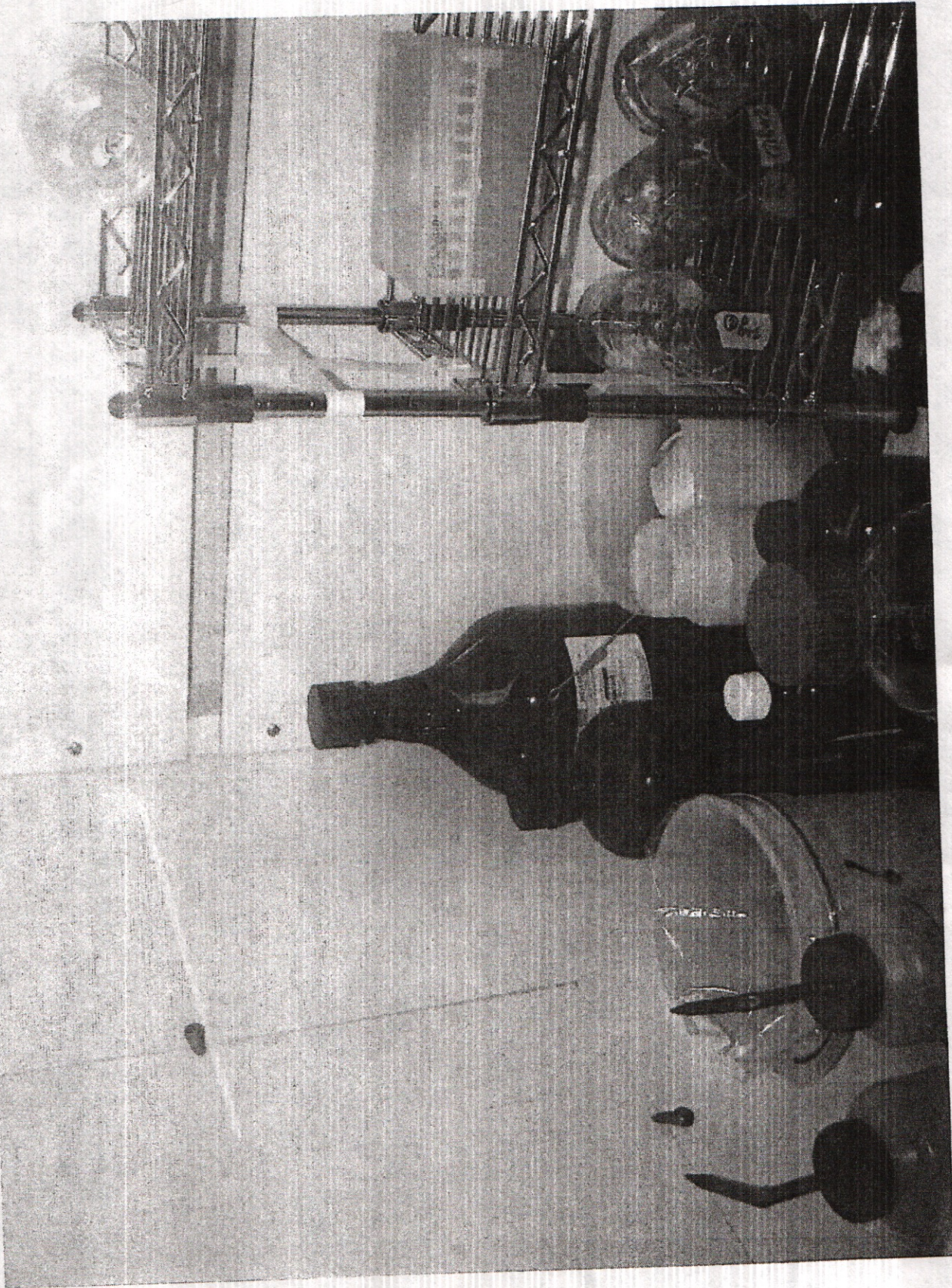




Photo taken on 1-13-14



SJC Mosquito & Vector Control 7759 S. Airport Way Stockton, CA 95206



SJC Mosquito & Vector Control 7759 S. Airport Way Stockton, CA 95206

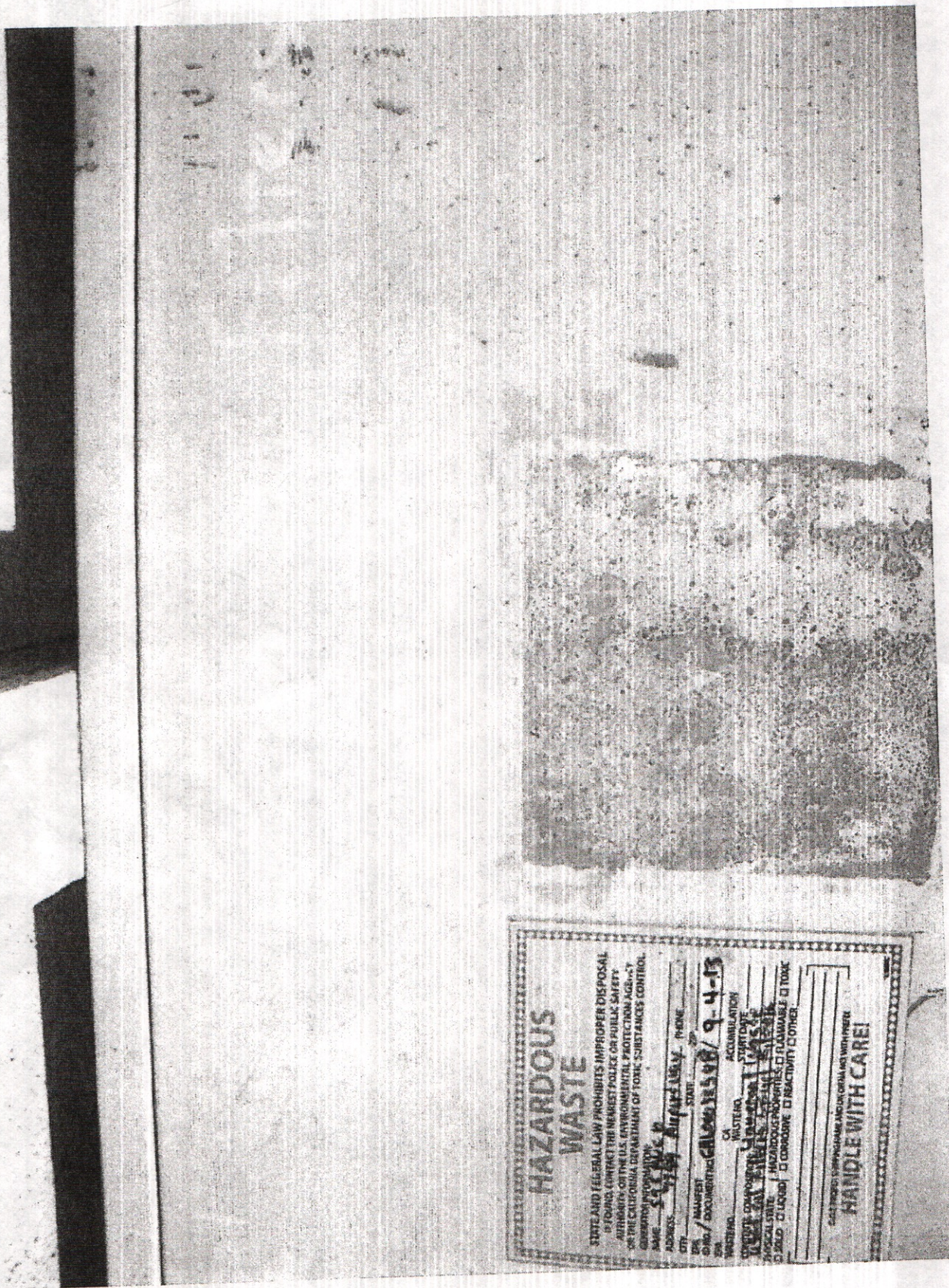


Photo taken on 1-13-14