



Oregon

Kate Brown, Governor

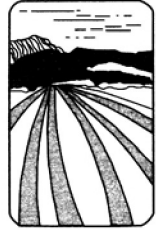
Department of Agriculture

635 Capitol Street NE
Salem, OR 97301-2532

Case Number: 200481

Case Name: Best Buy in Town Landscape Supply / Bearce, Vohs

Case Closed



Overview

Investigator

Keawe Molifua

Case Reviewer

Michael Babbitt

Date Started 06/19/2020

Date Completed 10/28/2020

ROL Provided? Yes No

List Test(s) Requested

Aminocyclopyrachlor
Aminopyralid
Clopyralid
Picloram

Number of Samples Taken 6

Number of Samples Analyzed 6

Number of Applicators 0

Complaint? Yes No

Sample Type Air Veg
 Animal Other

Complaint Form Provided? Yes No

Soil
 Swab
 Water

PARC Yes No

Cease & Desist Yes No

Type of Investigation NUF

Verified Compliance? Yes No

Date Reviewed 10/29/2020

Related Cases

Date Case Completed 10/29/2020

Sixty Days 08/18/2020

One Hundred Twenty Days 10/17/2020

Tracking Devices	Non-target species

Nature	

Parties Involved

<u>Parties Involved</u>	<u>Last / Business Name</u> <u>Address</u> <u>City</u> <u>Email</u>	<u>First</u> <u>State</u>	<u>Zip</u>	<u>License #</u> <u>Phone</u> <u>Phone 2</u>	<u>License Type</u> <u>Expiration Date</u> <u>County</u>	<u>Category</u>
Complainant	Bearce 20243 SW Appy Ct. Beaverton	Irina OR	97007	503-544-5091		
Business	Best Buy in Town 2200 NE Cornelius Pass Rd. Hillsboro	OR	97124			
Manager	Perri	Tim		503-860-5150		
	timperri@gmail.com					
Complainant	Vohs 4728 SW 35th Place Beaverton	Greg OR	97221	503-452-3904		
Grower	Yamhill County 7246 NW Lilac Hill Road Yamhill	OR	97148			

June 19, 2020

The Oregon Department of Agriculture (ODA) received a call from **Irina Bearce** stating that she thinks her plants may have been affected by herbicide contaminated soil. Lead Pesticide Investigator **Mike Odenthal** forwarded the information to me, ODA Pesticide Investigator **Keawe Molifua**, and asked that I pursue this investigation further. Mike provided the following information from Irina:

- She used Mushroom Compost in her garden
- She purchased the compost from **Best Buy in Town Landscape Supply**

Mike stated that he talked to **Tim Perri** from Best Buy in Town Landscape Supply to sample their compost.

June 24, 2020

I called Irina to find out information regarding the pesticide concern. Irina provided the following information:

- She started a garden this year
- Her tomatoes and peas are growing weirdly
- She planted them in Mushroom Compost from Best Buy in Town Landscape Supply
- She purchased 2 units of the Mushroom Compost in early May

I described ODA's role and process in pesticide investigations. We scheduled to meet for a site visit at 1000 hours on June 26, 2020.

I called Tim from Best Buy in Town Landscape Supply and he provided the following information:

- He is aware of the concern from Irina
- The soil that was potentially contaminated is called "Mushroom Compost"
- They purchase it from **Yamhill County Mushrooms**
- He gave permission for me to sample from the soil pile in their yard
- He stopped selling the Mushroom Compost when he received the concern about potential herbicide contamination
- He told me to ask for **Mark** when I am there to collect the samples

I told Tim that I would come to take samples around 1100 hours on June 26, 2020.

The Oregon Department of Agriculture (ODA) received a call from **Greg Vohs** stating that they have contaminated mushroom compost. Mike Odenthal forwarded the information to me and asked that I pursue further. Mike provided the following information from Greg:

- He purchased the compost from Best Buy in Town Landscape Supply
- He thinks there are horse manure pieces in the compost

Narrative

- He had compost tested and it found clopyralid in his compost

I called Greg to discuss the pesticide concern and left a message to call me back.

June 26, 2020

At approximately 1000 hours, I arrived at the Bearce residence at 20243 SW Appy Ct. in Beaverton, Oregon. I introduced myself to Irina and presented my state identification. I was accompanied by **Beth Meyers** from the ODA Noxious Weed Program for training purposes. Irina showed me the area that was potentially damaged by herbicide contaminated compost. I saw possible pesticide related damage symptoms on several tomato plants. Irina provided the following information:

- Her tomato plants are showing the most damage
- She planted them in soil and mulched 7 inches of Mushroom Compost on top of it
- She planted other tomatoes with no mushroom compost and they came up fine
- She has other plants look fine that were planted in the same Mushroom Compost
- She has a pile of Mushroom Compost that has not been used

I decided to take samples to determine if there were pesticide residues present in Irina's garden. I chose to take a series of 2 samples from Irina's garden.

I drove to Best Buy in Town Landscape Supply at 2200 NE Cornelius Pass Rd. in Hillsboro, Oregon and talked to Mark. Mark stated that they stopped selling the Mushroom Compost. Mark stated that they do not use herbicides there. Mark took me to the pile of Mushroom Compost. I saw a large pile of compost that appeared to have large chunks in it. I chose to take a sample of the Mushroom Compost.

I delivered the samples to the ODA lab in Portland, OR and put them on Priority 1.

June 29, 2020

I called Greg to find out information regarding the pesticide concern. Greg provided the following information:

- He purchased compost from Best Buy in Town Landscape Supply in the middle of April
- There are large chunks that he thinks may have the contamination in them
- He planted the compost into four planter boxes
- He planted tomatoes in the planter boxes, which are now showing damage
- He has about three wheelbarrows full of compost that has not been used

I described ODA's role and process in pesticide investigations. We scheduled to meet for a site visit at 0900 hours on June 30, 2020.

Narrative

I called Tim to discuss additional sampling. I requested to take additional samples from the compost pile to look for large chunks that may be contaminated with herbicide. Tim gave permission to take additional samples. I told Tim that I would come around 1100 hours on June 30, 2020.

June 30, 2020

At approximately 0900 hours, I arrived at the Vohs residence at 4728 SW 35th Place in Portland, Oregon. I introduced myself to Greg and presented my state identification. Greg showed me the area that was potentially exposed to herbicide contaminated soil. I saw possible pesticide related damage symptoms on several tomato plants. Greg provided the following information:

- He is seeing a lot of damage in his tomato plants
- There are varying degrees to the damage
- He mixed in a charcoal based additive to some of the soil, which may have lead to less herbicide damage in some plants
- He mixed half native soil and half Mushroom Compost in the beds
- He does not use any pesticides
- He sent samples of the compost pile to a private lab, which found clopyralid present
- His soil sample was composed of the large chunks in his Mushroom Compost pile

I decided to take samples to determine if there were pesticide residues present in Greg's garden. I chose to take a series of 2 samples from Greg's property.

I drove to Best Buy in Town Landscape Supply and talked to a front employee. The employee took me to the pile of Mushroom Compost. I chose to take a sample from the large chunks present in the pile of Mushroom Compost.

I delivered the samples to the ODA lab in Portland, OR and put them on Priority 1.

July 8, 2020

I received an email from Irina requesting an update on the samples.

I emailed Irina stating that we have not received the sample results back.

July 10, 2020

I received the sample results for all of the samples that I submitted to the ODA lab. The results indicated the presence of Clopyralid in all of the samples taken.

July 13, 2020

I called Irina to discuss the lab analysis. I explained the lab analysis to Irina. I told Irina that the results indicated the presence of Clopyralid in all of the samples taken. I discussed the next steps in the case with investigating the source of the Clopyralid.

Narrative

I called Greg to discuss the lab analysis. I explained the lab analysis to Greg. I told Greg that the results indicated the presence of Clopyralid in all of the samples taken. I discussed the next steps in the case with investigating the source of the Clopyralid. Greg requested a copy of the lab analysis.

I emailed Greg a copy of the requested lab analysis.

July/August 2020

ODA investigated the pesticide contamination in compost and found that Yamhill County Mushrooms had clopyralid present in their compost (Refer to ODA Case #200405 for more details).

October 23, 2020

I called Greg to provide a case followup. I gave him an overview of the investigation. Greg stated that he had received the ODA case updates. I told him that I do not expect any further action with his case.

October 2020

I called Irina several times to provide a case followup. I left messages to call me back if she would like a followup on the case. I will provide the case followup to her if I receive a callback in the future.

Sampling Plan

Samples taken June 26, 2020

Based on the complaint of pesticide contamination and site evaluation, I determined that sampling was appropriate to analyze possible pesticide residues. I decided to take a series of 1 vegetation sample and 1 soil sample from the complainant's property and 1 soil sample from Best Buy in Town Landscape Supply (see attachment Sample Map 1 200481 and Sample Map 2 200481). Samples were taken at the following locations indicated below to determine the presence of pesticides. Each sample was collected wearing alcohol-rinsed nitrile gloves and placed into a new sterile sample collection container. Mylar bags were used to collect the samples. After the samples were taken, they were placed in a cooler with ice packs. Samples were hand delivered to the ODA lab in Portland on June 26, 2020 and put on Priority 1.

<u>Sample #</u>	<u>Type</u>	<u>Location</u>	<u>Results</u>
NUF-200481-1	Tomato Veg.	Garden	
	Aminocyclopyrachlor - No Detect		
	Aminopyralid - No Detect		
			Clopyralid
			- 0.13 PPM

Narrative

Picloram -

No Detect

NUF-200481-2 Soil
Aminocyclopyrachlor - No Detect

Garden

Aminopyralid - No Detect

Clopyralid

- 0.14 PPM

Picloram -

No Detect

NUF-200481-3 Best Buy in Town
No Detect

Garden

Aminocyclopyrachlor -

Aminopyralid - No Detect

Clopyralid

- 0.057 PPM

Picloram -

No Detect

Samples taken June 30, 2020

Based on the complaint of pesticide contamination and site evaluation, I determined that sampling was appropriate to analyze possible pesticide residues. I decided to take a series of 1 vegetation sample and 1 soil sample from the complainant's property and 1 soil sample from Best Buy in Town Landscape Supply (see attachment Sample Map 3 200481 and Sample Map 2 200481). Samples were taken at the following locations indicated below to determine the presence of pesticides. Each sample was collected wearing alcohol-rinsed nitrile gloves and placed into a new sterile sample collection container. Mylar bags were used to collect the samples. After the samples were taken, they were placed in a cooler with ice packs. Samples were hand delivered to the ODA lab in Portland on June 30, 2020 and put on Priority 1.

<u>Sample #</u>	<u>Type</u>	<u>Location</u>
NUF-200481-4	Tomato Veg.	Planter Beds

Aminocyclopyrachlor - No Detect

Aminopyralid - No Detect

Clopyralid - 0.15 PPM

Picloram - No Detect

Narrative

NUF-200481-5 Soil Soil pile at Vohs property
Aminocyclopyrachlor - No Detect

Aminopyralid - No Detect

Clopyralid - 0.10 PPM

Picloram - No Detect

NUF-200481-6 Soil (Chunks) Best Buy in Town pile
Aminocyclopyrachlor - No Detect

Aminopyralid - No Detect

Clopyralid - 0.027 PPM

Picloram - No Detect

License Review

No license was reviewed because no pesticide application was identified in this investigation.

Application/Label Review

No label was reviewed because no pesticide application was identified in this investigation.

Investigator Recommendation

I followed up on complaints from Irina Bearce and Greg Vohs that they had received herbicide contaminated compost called Mushroom Compost from Best Buy in Town Landscape Supply. After visiting both sites, I saw damage in their tomato plants that looked similar to herbicide type damage. I took vegetation and soil samples to determine if there were pesticide residues in the complainant's plants and soil. I also took soil samples from the Mushroom Compost pile at Best Buy in Town Landscape Supply. The lab analysis found residues of the pesticide active ingredient, clopyralid, in all of the samples taken. After investigating further, I found that the Mushroom Compost had originally come from Yamhill County Mushrooms. ODA investigated the pesticide contamination in compost and found that Yamhill County Mushroom had clopyralid present in their compost, but had not made any pesticide applications themselves (Refer to ODA Case #200405 for more details). From this investigation, no pesticide applications were identified. I recommend that no further action be taken with this case and refer to ODA Case #200405 for recommendations with Yamhill County Mushrooms.

Conclusion

This case involved ODA's response to two of the many parties who have raised concerns this year about composts that apparently were contaminated with an herbicide/s. Analysis of samples from the complainants' properties and their compost supplier did find residues of clopyralid. Case 200405 was initiated to investigate the source of the retailer/supplier's compost. ODA is working with other agencies to reach out to composters and help with providing additional information.

Attachments

Attachment Name	Type
Case Notes 200481.pdf	Case notes
Emails 200481.pdf	Correspondence
Lab Analysis 1 200481.pdf	Misc.
Lab Analysis 2 200481.pdf	Misc.
Photos and Log 200481.zip	Photos
Sample Map 1 200481.pdf	Maps
Sample Map 2 200481.pdf	Maps
Sample Map 3 200481.pdf	Maps

Enforcement Summary

<u>Name</u>	<u>License Type</u>	<u>Prohibition Violated</u>	<u>Number of Actions</u>	<u>Action</u> NONE	<u>CP Paid?</u>	<u>Notice Issued</u>	<u>Notice Served</u>	<u>Orig CP Amount \$</u>	<u>Hearing Regsted</u>	<u>Informal Held</u>	<u>Final Order Date</u>	<u>Actual CP Amount \$</u>
TOTAL Orig CP Amount \$								TOTAL Actual CP Amount \$				

November 3 2020:

Babbitt, in telephonic concert with Molifua, briefly reopened this case to correct sample numbers in the narrative.