



Subject: Soil/Compost and Clopyralid Issues – Pesticide Use Investigations #200405, #200408, #200481, and #210040

You are receiving this message because you have expressed interest in receiving updates or are part of the current pesticide investigations related to clopyralid in soil/compost including the Oregon Department of Agriculture’s (ODA) Pesticide Investigations # 200405 (Dean Innovations), # 200408 (McFarlane's), and # 200481 (Best Buy In Town). Additionally, ODA has received, and has responded to additional concerns of contaminated soil purchased from other distributors in the greater Portland area including Bottens, Greenlands, and Grimms (for more information see # 200405 below). There was also one concern from a Bend resident where soil and manure samples were taken (#210040). Please note, not all soil/compost products from these distributors contain the source ingredients that have been found to be contaminated in these investigations (i.e. mushroom compost or manure) and their other materials do not pose a contamination concern at this time.

As part of ODA’s commitment in keeping you informed, the following information has been updated on ODA’s [Current Issues webpage](#) under the title: [Soil/Compost and Clopyralid Investigations](#) (scroll down until you find the Investigation updates section).

Current Investigation Status:

- ODA Pesticide Case #200405 - ODA narrowed its search of Dean Innovations’ suppliers to three potential sources of contamination based on positive lab results. The two types of materials from these three sources were mushroom compost (from two different suppliers) and cow manure (from one supplier). The three suppliers have been identified as Yamhill Mushroom Company, Great Western Supply out of Olympia, Washington, and Organix Inc. out of Eastern Washington. ODA is working with the Washington State Department of Agriculture (WSDA) on follow-up with the Washington based companies. ODA is working with DEQ on follow-up with Yamhill Mushroom Company. During the course of this investigation, ODA discovered other distributors in the Greater Portland Area that received mushroom compost from Yamhill Mushroom Company which includes Grimms, Best Buy In Town, Botten’s and Schlegel’s.

Additional laboratory reports relating to case # 200405:

- [On July 17, 2020](#), several samples originally taken on May 19, 2020 from Dean Innovations’ property were re-tested in the laboratory to include a test for an additional herbicide, fluroxypyr. The additional testing did not measure fluroxypyr in any of these materials. As a quick reminder, in the original testing from samples collected on May

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19, 2020 Fun Guy (mushroom compost) and Stinky Bull (manure) confirmed the presence of clopyralid while White Lightning and Planet Earth did not detect any of the herbicides above the method reporting limits. Fluroxypyr was tested as a follow-up to private lab results received from a customer who reported purchasing from Dean Innovations.

- [On July 15, 2020](#), ODA collected six (6) samples from Yamhill Mushroom Company. Results confirmed the presence of clopyralid in 3 of the samples taken of materials that had not been composted (straw, canola meal, and pre-mushroom compost). 2,4-D was also detected in two (2) of the samples of material that had not been composted (canola meal and alfalfa seed).
 - Samples collected on [July 24, 2020](#) from Great Western Supply (Ostrom mushroom compost) confirmed the presence of clopyralid in this source of mushroom compost.
 - [On July 2, 2020](#) a soil-mushroom compost sample from Botten's confirmed the presence of clopyralid while the soil-premium sample from Greenland's did not find clopyralid above the reporting limits.
- ODA Pesticide Case #200408 - ODA is continuing to look into any potential source of contamination from the positive sample taken from a residential property involved with this case. During the course of the investigation we did not find any contamination in the product at McFarlane's. Furthermore, McFarlane's does not utilize the ingredients found to be problematic in the other cases (i.e. mushroom compost and manure) or utilize the suppliers: Yamhill Mushroom Company, Great Western Supply or Organix Inc. An additional sample was collected in July relating to this case,
 - [On July 16, 2020](#), an additional soil sample was taken from a resident's property. This additional sample did not detect any of the herbicides above the method reporting limits.
 - ODA Pesticide Case #200481 - During the course of the investigation, ODA discovered that Yamhill Mushroom Company was a supplier and likely the source of contamination in products that contain mushroom compost.
 - ODA Pesticide Case #210040 - [On July 17, 2020](#) a horse manure sample taken from a residence in Bend was positive for the herbicides aminopyralid and 2,4-D. Clopyralid was not detected above the reporting limits.

Reading the Lab Results

- When reviewing lab results, remember that a result of <0.010 ppm does not mean clopyralid is not present, it only tells us that the lab cannot measure it below that limit. Conducting a bioassay is the most effective way to determine the presence of clopyralid in your soil.
- You may see method reporting levels (MRLs) that are not 0.010 ppm, which is the MRL for most of the results. That raised MRL means there was an



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Kate Brown, Governor

interference in the sample for that particular analyte and the lab could not confirm a number below that MRL. So, if the report says <0.040 ppm with and MRL at 0.040 ppm, it tells you the same thing the <0.010 ppm does. There was none of the active at or above the MRL.

ODA has collected enough samples as part of its investigative process. If you have concerns about additional soil and compost distributors, please reach out to ODA by email at contaminatedsoilquestions@oda.state.or.us. You may be asked to submit photos as part of the investigative process.

Next Steps

ODA's Pesticide Program will be working with the suppliers to try and identify the source of the contamination, however this may be difficult due the complexity of the supply chain channels. ODA, DEQ and Portland Metro have been working on outreach and education efforts to pesticide applicators & operators, CAFO operators, and composters to help prevent future similar incidents.

ODA's Fertilizer Program continues to work with Dean Innovations to complete registration of new, reformulated products prior to sale. Dean Innovations has updated the label for the current product they have in the marketplace. McFarlane's will remove all claims and references to nutrient content and any soil amending or plant growth claims for their compost products. Bulk compost with no claims does not require registration in Oregon. The program has determined that the Bottens product is unregistered and labeled/ represented correctly and would not require registration. We are reviewing the other company's products for conformance with Oregon Fertilizer Rules.

Additionally, ODA and WSDA jointly issued a [public comment letter](#) to the Environmental Protection Agency (EPA) request for comments regarding Clopyralid Proposed Interim Registration Review Decision. The letter request that additional measures be put in place on education and outreach to landowners on the lasting effects of clopyralid and restrictions on compost allowance among other language suggestions. A copy of the letter has been added to the website for your review.

Additional Resources - ODA has new information to the website we would like you to be aware of:

- [Bioassay test for Herbicide Residues in Compost](#)
- [Herbicide residues in compost – A reminder for compost facilities](#)

ODA continues to have ongoing, regular communications with partners agencies to discuss this issue and provide you with the best resources at they become available.

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If you have any questions about the update or resources provided, please send an email to contaminatedsoilquestions@oda.state.or.us

ODA will continue to provide periodic updates of the status of the investigations to interested parties. Information about the ODA Pesticides Program may be found at the following web site.

<https://www.oregon.gov/ODA/programs/Pesticides/Pages/PesticidesCurrentIssues.aspx>