

## CASE INVESTIGATION REPORT

Case Number: MJW-0002-14

Investigator: Matt West

### I. INTRODUCTION/LOCATION

The Washington State Department of Agriculture (WSDA) was contacted on April 10, 2014 at 10:05:00 AM by Auvil Fruit Co. Inc. regarding a human exposure incident from a neighboring airblast application that drifted onto workers in an adjacent orchard resulting in at least 5 workers seeking medical treatment. An investigation was initiated on 4/10/2014 by Matt West. The original call was taken by Matt West. The location of the incident was T26N R22E section 10 of Douglas County, WA approximately 15 miles north of Orondo, WA.

### II. PARTIES INVOLVED

<b>Complainant</b>	Auvil Fruit Co. Inc. Contact Name: John Auvil
<b>Alleged Infraction</b>	Francisco Negrete Contact Name: Francisco Negrete
<b>Damaged/Aggrieved Party</b>	Viviana Silva Guerrero
<b>Alleged Infraction</b>	Dovex Contact Name: Darin Case-Orchard General Manager
<b>Auvil Fruit Co. Assistant Orchard Manager</b>	Auvil Fruit Co. Contact Name: John Baile
<b>Crew Foreman</b>	Auvil Fruit Co. Contact Name: Mayra Aguilar
<b>Damaged Party</b>	Daryl Najera Ponce
<b>Damaged Party</b>	Elia Gomez
<b>Damaged Party</b>	Elisabeth Zavala
<b>Damaged Party</b>	Isabel Perez
<b>Damaged Party</b>	Josefina Garcia Albarado
<b>Damaged Party</b>	Karen Miranda Guillen
<b>Damaged Party</b>	Maria Isabel Vega
<b>Damaged Party</b>	Maria Salas
<b>Damaged Party</b>	Maria Sanchez
<b>Damaged Party</b>	Marisol Flores Pena
<b>Damaged Party</b>	Marisol Oropesa Lopez
<b>Damaged Party</b>	Paola Bustos Doval
<b>Damaged Party</b>	Rosa Medina
<b>Damaged Party</b>	Rosalia Dircio
<b>Damaged Party</b>	Tatiana Guillen
<b>Damaged Party</b>	Veronica Guillen Abrego

**Damaged Party**  
**Douglas County Fire Chief**

Yuridia Parra Perez  
Douglas County Fire District #4  
Contact Name: Jim Oatey

**Eye-witness**

Auvil Fruit Co.  
Contact Name: Juan Cruz Padilla

**Referring Party**

Northwest Justice Project  
Contact Name: Patrick Pleas

**Alleged Infractor**  
**Auvil Fruit Co. Orchard Manager**

Carlos H Magdaleno  
Brett Patrick Drescher

### III. EVIDENCE OBTAINED

#### **Investigator Observations**

On 4/10/14 I was contacted by Joel Kangiser, WSDA, and asked to follow-up on a possible incident that had been reported to him by Hector Castro, WSDA, who had been contacted by the Wenatchee World regarding an incident that occurred on 4/8/14 around noon and approximately 7 miles south of the Bebe Bridge on the Douglas Co. side of the Columbia River. Mr. Kangiser stated that the Wenatchee World indicated that the Douglas Co. Fire Department had responded and that 20 workers were involved with 5 who went to the hospital. It was reported that some went to Lake Chelan, while others went to the Wenatchee Confluence Hospital. Mr. Kangiser asked that I report any information as soon as possible to him and Mr. Castro.

At 10:11 AM on 4/10/14 I contacted Tito Rodriguez with the Washington State Department of Health (DOH) to see if he had been notified or was aware of any details. A message was left with Mr. Rodriguez to phone me back.

At 10:13 AM on 4/10/14 I contacted the Douglas Co. Fire District #4 (in Orondo) and left a voicemail message to return my call.

At 10:16 AM on 4/10/14 I called the Eastmont Douglas Co. Fire District in East Wenatchee and spoke with Chris Felty. I identified myself and asked if they had responded to any human exposure incidents in the Orondo area on the 8<sup>th</sup>. Mrs. Felty stated that she hadn't heard of anything but would check and asked me to contact Jim Oatey who was the Fire Chief in Orondo and over Dist. 4 who would likely have responded to something in that area.

At 10:20 AM on 4/10/14 I contacted Mr. Oatey at the number provided by Mrs. Felty and received a busy signal. I called again at 10:22 AM and at 10:31 AM and again received a busy signal.

At 10:51 I contacted Jennifer Sievert, DOH, and as she was out of the office I spoke with Paul Marchant who also had not received any information relating to the case.

At 11:07 AM I phoned Jim Oatey again and again it rang busy.

At 11:22 AM Mrs. Felty called back and stated that I might also contact Chelan Fire District # 7 as they may have also responded to something in that area.

At 11:48 AM I contacted the Chelan Fire District 7 and spoke with an individual named Randy who was off call at the time of the incident and asked that I phone back and speak with the administrative assistant, Faye Carol or the Fire Chief, Chief Lemon after 1:00 PM as they were both out at the time.

At 12:01 PM Mr. Rodriguez, DOH, returned my call and stated that he had no additional information.

At 1:07 PM I contacted the Chelan #7 Fire District and spoke with Mrs. Carol who stated that EMS handled the situation and provided me with the name and contact information for Karl Jonasson. I Phoned Mr. Jonasson who stated that they did respond to a pesticide exposure at the Douglas Co. Fire District #4 and transported 5-6 people to local hospitals. Mr. Jonasson stated that some were more severe than others and that 2 paramedic units were involved. He stated that if I needed additional information that I would have to request that through a public disclosure request with RiverComm dispatch. Mr. Jonasson then provided me with his direct #. That call ended at 1:19 PM.

At 1:20 PM I spoke with RiverComm dispatch to obtain a direct number for the Douglas Co. Fire District as the numbers that I had were either busy or going directly to voicemail.

At 1:30 PM I contacted Mr. Rodriguez and updated him on the information that I had obtained from Mr. Jonasson.

My call with Mr. Rodriguez was cut short as I was contacted by Mr. Oatey who stated that on 4/8/14 they were called out at 2:00 PM about 7 miles south of the Bebe Bridge. There were approximately 20 workers in a cherry orchard with a sprayer in the neighboring pear block. He stated that the sprayer in the pears turned the corner and didn't turn off and sprayed workers. The workers were relocated to the other end of the orchard. Several were exposed, some saw it coming and scattered. The ones exposed were in the middle of the row and couldn't run in time to escape. Symptoms consisted of individuals being sick to their stomachs, and sore throats. They decontaminated workers (all female) in the orchard and took 3 to Central Hospital in Wenatchee and 2 to Lake Chelan Hospital in Chelan. Employees injured worked for Auvil Fruit and were affected by spraying done at the neighboring Dovex orchard. He stated that the incident occurred on the east side of the highway and the first orchard on the right past Sun Cove. He stated that mile marker 128 or 228 is located at the entrance to the orchard. Auvil has 1<sup>st</sup> block of cherries. He also stated that 3 different products were applied to the pears and that he had 6 firefighters respond and Chelan EMS had 5 responders. Mr. Oatey then provided me with his contact information and the call was ended at 1:46 PM. Prior to ending the call Mr. Oatey was asked if his responders could provide me with written statements. He responded that they would email me those statements. No statements have been received as of 7/28/14.

At 1:46 PM I spoke with Mr. Rodriguez who had also spoken with Mr. Jonasson. Mr. Rodriguez and I agreed to meet the following morning at 8:00 AM in order to go to the site together to conduct our on-site visits.

At 1:52 PM I contacted Auvil Fruit Co. and was put in contact with Brett Dresher who confirmed that they had several employees who were involved in the incident. He stated that many of the girls came back to work this morning with several complaining that they still didn't feel well and went back to the hospital. Mr. Dresher stated that there is a wide field road that separates the two blocks (Dovex pears and Auvil cherries) and that there was a drift issue from the pears into the cherries. He stated that Rimon, Nexter, Boron-17, Procure, and Supreme oil were applied to the pears. He stated that there were about 20 workers with 11 who were decontaminated and 6 who sought medical treatment. They checked everyone else and there were no complaints of symptoms. Mr. Dresher stated that 7 employees went to the hospital on 4/10/14. John Bales is the on-site manager and stated that he thought there were 13 people in the crew and 14 with the crew boss. On the first day there were 5 who needed transportation to the hospital as soon as possible and two more became ill that evening but didn't go. The next day (4/9/14) 2 more went to the hospital and on 4/10/14 the two that went on the 9<sup>th</sup> went back for additional follow-up as did three that had been transported the day of the incident. One of those who went in on the 10<sup>th</sup> had not returned to work. The total over the last three days was 8 out of 13 sought medical treatment at some point. John Auvil has a file with a list of all those who worked and sought medical treatment. An appointment was set to meet with Mr. Dresher, Mr. Bales and Mr. Auvil the following morning with myself and Mr. Rodriguez. Mr. Dresher stated that they had been in contact with Dovex and that Darin Case was the general orchard manager with Dovex. He provided me with his contact information. In speaking with Mr. Case, Mr. Dresher stated that Mr. Case reported to him that he had been through the orchard 2 times that day and hadn't noticed anyone in the cherries and that the employees had just moved into the block and then the exposure happened shortly after. We ended the call at 2:11 PM.

At 2:12 PM I contacted Mr. Case and agreed to meet with them at their shop the following day after we had finished meeting with Auvil's and collecting samples. Permission to enter the orchard to collect samples and photos was authorized by Mr. Case. Mr. Case appeared very concerned about the health of those exposed and asked about their safety and well being. The call was ended at 2:21 PM.

At 2:23 PM I phoned Mr. Dresher back and asked if there was any clothing that had been preserved that could be sampled. Mr. Dresher stated that all the clothing was laundered and all they had was a towel that was used to dry off with.

At 2:24 PM I phoned Joel Kangiser and provided him with an update.

At 2:27 PM I received a phone call from Patrick Pleas, NW Justice Project who provided me with a referral for the incident stating that they had tried to contact Washington State Department of Labor & Industry (LNI) and that Mark Wilson stated to contact us about the workers health. Mr. Pleas stated that there were very young trees with a slight slope and he wondered how come the applicators didn't see the women working in the cherries. He stated that there was a rumor that the Dovex applicators didn't arrive until later. He then added that at about 1:50 Auvil's transferred employees to Rancho 5 and the airblast sprayers were going at the time they arrived. One woman asked Mayra (crew supervisor) if they should be working there and was told to stay down slope. Tractors were on the south moving towards the north. When they turned around

the tractor was 5-10' away. Mr. Pleas stated that he also had video taken by one of the women with her cell phone. When asked if the employees would share that with me he stated to get a copy from him as these were seasonal workers who are scared of being replaced. Call ended at 2:59 PM.

At 3:44 PM Mark Wilson (LNI) phoned to advise that a referral was coming our way. I responded that it had already been received.

On 4/11/14 Tito Rodriguez and I met with Mr. Drescher, Mr. Bales and Mr. Auvil at their main office. At that time I was provided with a copy of the list showing who had sought medical treatment. That list shows that 10 individuals (had sought medical treatment at some point between the time of the incident on 4/8/14 and 4/10/14. After gathering accident reports, names of those affected and providing them with a record request I went to the site where the incident occurred to collect samples while Mr. Rodriguez went to the site where the women were currently working to begin gathering his statements. After concluding sampling and interviewing Juan Cruz who had been on-site during the incident setting up ladders I went to the location where Mr. Rodriguez was at with the workers and also conducted interviews and gathered statements.

While on-site I determined that it is 60' from the northwestern most edge of trees in the Dovex pears to the southeastern most edge of trees (drip line to drip line) in the Auvil cherry block on the other side of the road. The road separating the Dovex pears from the Auvil cherries is approximately 25' wide. Both the cherry trees where the women were working and the pears which were being sprayed were young trees and as it was early in the season had very little foliage. Workers appear to have entered in the early afternoon from the middle of the 508 block with approximately 10 of them walking up to the top of the block adjacent to the Dovex pears where their ladders were positioned. Approximately 10 others started near the middle of the block where they had parked with all working towards the northwest or towards Hwy. 97 and away from the Dovex pears. Juan Cruz Padilla was on-site and positioned the ladders in the orchard and did not know of the neighboring application when the women arrived. It wasn't until the women were at the top of the block and directly across the road from the application that they noticed the applications when Juan told them they were going to get drenched with spray and to run. Several of the workers were on top of their ladders at the time and were not able to run as many of the others were. Mayra Augilar was the crew supervisor for the affected workers.

On 4/14/14 at 11:35 AM I contacted Mr. Auvil and requested application records for the 508 block and where the women were currently working as I still had a few more interviews and statements to gather. He responded that they were in the 508 cherry block where the incident occurred. I then left the office to interview the workers and to collect the records. Several of the workers with whom I needed to speak were not present or had been relocated to another crew at another site. I followed the instructions given to me by Mayra Aguilar the crew supervisor but did not locate the individuals. I was notified by other workers at that site that I needed to contact Daniel or Juan Diego to see where the workers had been moved. I made several attempts to contact them and received no answer.

At 11:46 AM I contacted Mr. Pleas and requested that he return my call.

At 11:50 AM Gary Buckner, WSDA, phoned for an update.

At 1:55 PM as I was returning from conducting the additional worker interviews in the field, Ignacio Marquez with the WSDA Director's office phoned requesting to go to the field during the on-site visit. He was advised that I had already been to the site and was likely not returning to which he commended me on a great response time.

At 2:15 PM I stopped at Auvil's main office on my way by and collected the application records from Mr. Auvil. At that time I also requested contact information for several of the employees who I had not been able to locate on the establishment to interview. Mr. Auvil stated that he would gather the info and that one of their staff would provide it to me as he would be away from the office for the next several days.

At 2:24 PM I received a phone call from Darin Case with Dovex asking for an update on the workers health. He also called to inform me that even though they had visited with Auvil's to make arrangements for notification to prevent future incidents that Auvil's were out spraying and no notice or communication had been exchanged as they had discussed.

On 4/16/14 at 12:08 PM I had a conversation with Mr. Pleas and he stated that I could pick up a copy of the cell phone video that his client took during the incident and that it would be available in his office later that day. At 3:30 stopped and picked up the video and spoke with Mr. Pleas as he wanted to express some concerns in the inconsistencies that were starting to show up in the conversations that he was having with several of the workers who alleged to have been exposed. Those inconsistencies largely dealt with Mrs. Garcia having known or not known that spraying was occurring when they arrived.

On 4/17/14 at 12:18 PM Mr. Pleas left a message to phone back about worker clothing related to the case. At 1:13PM I phoned him back and he stated that one of his clients has clothing in a bag from the hospital and that he would hold it in a bag in his office and that I could collect it the following day.

On 4/22/14 I contacted Auvil Fruit and spoke with Linda as I had not yet received the contact information for the individuals that I was trying to interview. I was at that time provided with the phone number for Rosalia Dircio. Linda stated that Tatiana Guillen had quit on the 13<sup>th</sup> and that she would obtain a contact number for me and apologized for not getting back to me earlier as the orchard manager stated that I had already spoken with Mrs. Guillen.

On 4/28/14 I contacted Rosalia Dircio at 4:55 PM and left a message to call me back. Mrs. Dircio's husband Claudio returned the call and we agreed to meet in his home that evening to interview his wife. My wife accompanied me during the interview at the Dircio's residence that evening. Mrs. Dircio did not provide a written statement as she did not feel comfortable in writing.

On 5/7/14 I emailed lab results out to Dovex and Auvil's.

On 6/13/14 at 9:36 AM I received a call from Mr. Pleas requesting lab results and to see if the case had been completed yet which he was told it was still several weeks out. He was directed to

fill out a public disclosure request for the information. Sample results were also mailed out to Mrs. Sanchez and Mrs. Guillen as they were no longer employed by Auvil's.

On 6/18/14 I received another call from Mr. Pleas requesting information for the Emergency Responder's who were on site for the incident as he wanted to interview them as well. On 6/25/14 Mr. Pleas had submitted a public disclosure request to the agency requesting documentation related to the case.

Interviews conducted indicate that Paola Bustos, Yurida Parada, Viviana Silva, Karen Miranda, Veronica Guillen, Rosalia Dircio, Elia Gomez, Josefina Albarado, Daryl Najera, Tatiana Guillen, Marisol Oropesa, Rosa Medina, Maria Salas and Juan Cruz were the individuals that were closest to the application site when the alleged drift occurred. Of those listed Marisol Oropesa, Tatiana, Guillen, Daryl Najera, Josefina Albarado, Rosalia Dircio, Paola Bustos and Karen Miranda were transported by ambulance to surrounding medical clinics on the date of the incident. Other employees who were affected and noted symptoms were Mayra Aguilar, Isabela Perez, Maria Isabel Vega, Maria Sanchez, Marisol Flores Pena, and Elizabeth Zavala who were all in the lower cherry block when the incident occurred. All in all there were 20 individuals affected (18 workers, the crew supervisor, and Juan Cruz who set up ladders for the crew).

Interviews also indicated that while there were two applicators spraying in the pears one was located in line with the road between the 508 cherry block and the northeastern adjacent 502 apple block. He was identified as Carlos Magdaleno and at the time of the incident stated that his tank was empty and he returned from the southeast end towards the northwest end where the incident occurred on an empty tank and was not spraying. The second applicator was farther south southwest from Mr. Magdaleno and was identified as Francisco Negrete and was also identified by the workers as the applicator who allegedly drifted onto them. However, cell phone video taken by one of the workers just before the incident occurred shows both applicators spraying in the pears with very little foliage on the trees and spray traveling several rows over from the treated rows on either side of the sprayer as well as several feet above the tops of the pear trees. Although workers identified Mr. Negrete as the applicator responsible for drifting onto them, the cell phone video shows both applicators spraying with spray traveling several rows beyond the treated rows and with a visible spray plume above the canopy.

While many of interviews conducted by Mr. Rodriguez as well as the written statements indicate that Mr. Negrete failed to stop and failed to shut off while turning I could not substantiate that. However, cell phone video taken by one of the workers shows the applicator to the south southeast entering the pears to continue spraying towards SSE. It also shows him turning the nozzles on, indicating that they may had been off earlier as he turned. The fan was still running at the time and a haze of spray was visible in the area where he was spraying. According to statements Mr. Negrete appears to have stopped when he was approached by Juan Cruz and then continued spraying when Juan Cruz went to speak to Carlos Magdaleno. I was not able to verify that the nozzles were on when Mr. Negrete was turning and the workers were exposed, but the video shows that at the time video was taken right around when the incident occurred that the nozzles had been off at the row end and were turned back on. Testimony from the workers state

that the nozzles were on and the plume of spray was carried with the circular winds that were present.

There is also a discrepancy in that most of the workers indicated that they were moved to another block and worked for another half an hour before the ambulances arrived. During that time most of them state that they were not instructed to wash or decontaminate and that water was not available. During my on-site visit on 4/11/14 I checked the bathroom that was located in the east corner of the 508 cherry block adjacent to the pears and Cascade Foothills Rd. and there was soap and water available. On 7/3/14 I spoke with John Baile at Auvil's and Mr. Baile stated that on the date of the incident water was available in the bathrooms as well as in a water cooler and workers were allowed to wash and decontaminate. As I was not on-site until three days after the incident occurred it is not possible to determine if decontamination supplies were available or not.

There is also a discrepancy in the interviews as to whether or not the supervisor Mayra Aguilar knew of the applications and as to if she knowingly ordered workers to work in the upper or southeastern 508 cherry block while the applications were occurring. While most testimony seems to support the claim that workers did not know, and were not notified and that they, by chance, were reaching the top or southeastern edge of the 508 cherry block at the same time the applicator was reaching the northwestern end of the pear block adjacent to the cherries, the cell phone video taken by one of the workers clearly shows that workers were in the cherries working while spraying was occurring in the adjacent pears and that a couple of the workers were discussing whether or not they should leave because spraying was occurring.

At the time of the incident, workers who were in the upper or southeastern 508 cherry block were approximately 40-80 feet away from the applicator. As some had ran earlier, Juan Cruz had identified an area in the orchard that was about 1/3 the distance down the block which is about 350' long. They would have been approximately 135-140' away from the application at that time. Workers in the lower or northwestern 508 cherry block were greater than 350 feet away at the time of the incident.

While it does not appear that workers were notified of the ongoing application there are no existing rules that require neighbors to notify each other when making applications. Field posting was also not required and again, only serves to notify the farms own employees and has no bearing on neighboring workers. Never the less, it does appear that in the past Dovex and Auvil's have exchanged that type of information but due to management changes at both establishments it was not occurring when this incident occurred. Both Dovex and Auvil's stated that they had spoken and would provide that information exchange yet throughout the course of the initial on-site visits there were numerous complaints that notification was not occurring as they had agreed.

Both the pear and cherry trees were fairly young and the site was situated on a hill gradually sloping down from the pears to the cherries and eventually Hwy 97 and the Columbia River. As the trees were young and did not have much foliage, from the pears I could see through the cherries to the highway, yet workers questioned why the applicator did not see them or their ladders as they too felt they could have been seen. The applicators started early in the morning and worked their way from the northeast to the southwest towards the cherries. Workers were not observed at the site earlier in the day and Mr. Negrete stated that he did not realize people were



there until right before he exited the tree row and that is when the winds shifted towards the workers and by then it was already too late. As to why he kept spraying he stated that he had stopped and the women were leaving the area. As he thought they had left the area he continued spraying.

On 7/22/14 I contacted Mr. Case to clarify if and how weather readings were taken. Mr. Case stated that an anemometer is used to check the wind before each spray and several times throughout the application especially if there is a change in velocity or direction.

On 7/28/14 I contacted Mr. Rodriguez (DOH) to follow-up on a witness statement and to confirm if he had submitted his report yet. Mr. Rodriguez confirmed that he had submitted his report (#140031) and that the worker symptoms were consistent with an exposure to the pesticides applied in the pears. Mr. Rodriguez stated that most of the workers exposures were classified as "Probable with moderate severity."

On 7/28/14 I contacted Mr. Case and left a voicemail message to call me back in order to clarify when and where weather readings were taken.

On 7/28/14 historical weather data was obtained from the WSU AgWeatherNet "Bray's Landing" weather station which is located approximately 4.24 miles SSE of where the incident occurred in similar terrain. Generally speaking weather data from the station on 4/8/14 when the incident occurred shows that winds were light and variable and increased in speed peaking between 1:30 PM and 6:30 PM. Data taken at 15 minute intervals on 4/8/14 when the incident occurred shows that wind speed averaged 7.1 mph with gusts measuring at 9.9 mph at 1:00 PM coming from the SE with a temperature of 67.2° F. At 1:15 PM wind speed averaged 6.5 mph from the SE with gusts measuring up to 12.4 mph with a temperature of 68.6° F. At 1:30 PM wind speed averaged 10.7 mph from the W with gusts measuring up to 17.8 mph with a temperature of 70.4° F. At 1:45 PM wind speed averaged 11.7 mph from the W with gusts measuring up to 18.5 mph with a temperature of 70.7°F. Winds from the W would have been away from the cherries or workers while winds from the SE would have been blowing from the pears towards the workers in the cherries.

On 7/29/14 Mr. Case responded to my voicemail with a text at 7:04 AM stating that weather conditions are checked throughout the day and as conditions change. Antonio helps oversee spray activities and was on the upper bench working on a sprayer and was headed down to check on the guys spraying but the situation had just occurred. Currently he stays around the block when they are spraying next to Auvil Fruit to avoid any further issues.

On 7/29/14 at 9:00 AM I arrived at the Dovex office and spoke with Amado Avila to clarify if and where readings were taken. Mr. Avila stated that Antonio Sanchez takes the readings and monitors the winds but was up on the bench working on another sprayer when the incident occurred. He stated that Mr. Sanchez takes the readings with an anemometer along the road on the upwind side of the block to be treated before the application occurs and then checks periodically or as conditions change. Mr. Avila stated that he went to the site right after the incident occurred and took weather readings and that winds were 8-9 mph and the direction was

variable sometimes blowing dust away from the cherries and sometimes blowing dust towards the cherries as he was driving along the road.

## **Testimony**

### **Rosalia Dircio (Damaged Party) Date: 4/28/2014**

On 4/28/14 I interviewed Rosalia Dircio in her home with her and her spouses' permission and in the presence of my spouse. Mrs. Dircio stated that she was working in the block below and experienced a headache and stomach pain. Odors still give her headaches and the doctor told her this was normal. The next day the doctor stated she could go back to work but she still felt nausea and dizziness. She didn't take any medicine and drank lots of water. She had a headache for 1 week and still gets it with certain odors. She also has dry mouth. She went to the hospital the day of the incident with tightening and burning in her throat. She felt dizziness but didn't vomit. She didn't feel anything during the incident but smelled a very strong odor. Upon arriving she grabbed her ladder and went to work in her line. It was breezy that day and she was at the end of the row close to the road. She was about 5 rungs up the ladder and smelled the odor. About 5 minutes later others came down throwing up. Mayra said to leave and when she got in the car she had a headache and when they got to the other block she felt nauseated and was coughing. The ambulance arrived and treated and took her to the hospital in Wenatchee. She is not pregnant and has no other health conditions. She heard two sprayers and didn't see. As soon as she got on her ladder and started wrapping/clipping, girls came down throwing up. Winds were towards the workers and the odor was very strong. She stated that the incident happened shortly after they arrived. She stated she is not capable of writing and therefore did not provide a written statement. She states that Mayra told her to tell another story but she goes to church and fears God and won't lie. When asked what she was told to say differently she said that Mayra had told her to state that they had arrived first then the sprayers arrived after them.

On 4/28/14 Mr. Rodriguez (DOH) interviewed Rosalia Dircio and his notes state that she still has a headache and she still has symptoms. She said she has become sensitive to chemicals and that she could smell the odor. She was about 5 rows to the edge of the orchard. She could hear the ariblaster. She felt the mist hit them. She felt the mist pushed the pesticide toward them. She felt her mouth had a sour taste. First she felt a headache and it was immediately after smelling the spray. She had a lot of cough and could not breathe well. She did not vomit but had nausea and dizziness. She went to the Central Washington Hospital in Wenatchee the same day. The ambulance personnel washed her with cold water and then she was taken by ambulance. Her clothes smelled like pesticide. The next day she went back to work sick. She had a headache, dizziness and nausea was the next symptom. She had symptoms of nausea and headache until Friday. She still had a headache when Mr. Rodriguez interviewed her. She has recurrent nausea if she smells any farm chemicals now. They were tying up branches on trees the date of the incident. She has loss of appetite. She was close to the road dividing the two orchards. She has not been to the hospital again. Nobody told her to wash. Mayra, her supervisor did not tell her. They still worked for about ½ hour after they were drifted. She was not told to wash until the ambulance got there. They did not want her to drive. Nobody told her that the neighboring orchard was spraying. She believes they should have been told. She could see the neighbor

spraying. Mayra did not tell them not to work close to the other orchard. She is upset because she is exposing her life to pesticides.

**Rosa Medina (Damaged Party) Date: 4/14/2014 10:46:51 AM**

On 5/21/14 Rosa Medina was interviewed by Mr. Rodriguez (DOH) and his notes state that she was close to the 3<sup>rd</sup> line. They were getting ready to get on the ladders. They were just carrying the ladders and the incident occurred at 1:30PM. She could smell the pesticide and she developed a sour taste on her lips and a headache. She ran down and half way through the block she started to feel the sour taste in her mouth and a headache. She had an upset stomach but no nausea and no vomiting. She did not go to the hospital nor did she seek medical treatment later. She had numbness in the tongue. The rest of that week she had a headache, numbness in the tongue and a sour taste in her mouth. She did not miss work because she needs to make money. The sour taste in her mouth lasted about 1 week and she also had dryness in the throat and her eyes were itching. Her symptoms started right after the exposure while running to the lower area of the block away from the application area. Nobody asked them to wash or decontaminate. She said the restrooms at the orchard do not have water to wash their hands. She was concerned because instead of having them decontaminate or stop working they were asked to continue working in another section of the ranch. They continued working until the ambulance got there 45 minutes later. It would have been nice she said, for them to have decontaminated and stop work after the incident instead of transporting them to another section of the orchard. She even had a candy to get the sour taste off her mouth and could not do it. It was very difficult to take the flavor out of her mouth. She was working right next to Maria Salas who is her sister.

**Josefina Garcia Albarado (Damaged Party) Date: 4/14/2014 10:21:59 AM**

On 4/23/14 Mr. Rodriguez (DOH) interviewed Josefina Alvarado and his notes state that she could smell the odor and that she was close to the road. She stated that the applicator continued spraying when he took the curve to the isle. She did not feel the spray because she moved away from the applicator and gave her back. She started to vomit 2 hours later. She developed a headache and had stomach pain as well as an irritation in her throat and nose. Her right cheek on her face was itchy and she developed granules on the right cheek. When she got home she had itchiness on her face around 5:00PM. They showered at an office. She had been to the Wenatchee Valley Clinic 4 times as a result of the incident. She still had a throat irritation and has burning in her throat. She stated that the exposure and symptoms occurred from 1:30PM to 3:00PM. She did not vomit or go to the clinic the day of the incident. She was very tired and had dizziness as soon as she smelled the spray. She did not have eye irritation. She missed work for a total of 4 days. She was not at work the day the interviews were conducted. She was trembling and shaking and almost had an asthma attack and still can't breathe well and was experiencing shortness of breath and her nose is very dry. She did not see or hear the tractor previously. She indicated there were no signs at the field and the area they were spraying and that nobody was there to flag. She washed her body at about 2:30-2:40PM and still has an eruption on her face and her clothes smelled like pesticides.

**Paola Bustes Doval (Damaged Party) Date: 4/14/2014 10:21:30 AM**

On 4/28/14 Mr. Rodriguez (DOH) interviewed Paola Bustos and his notes stated that she still has symptoms. She still has problems with her eyes, like sand in her eyes and blurry vision. I told her it was possible to burning in the cornea. Since the exposure her mouth and throat have been irritated. She has granules in her tongue. On the day of the incident she had irritation in the eyes, throat and mouth. The next day (Wednesday) she went to the hospital. She had a headache, nausea and dizziness on Wednesday. She went to the clinic 3 times. She saw Christina Mossa at the clinic on Orondo St. She has a history of asthma but no asthma at this time. She still has irritation in the throat and her eyes are irritated. Her throat has been inflamed. She has never had anything like this. Since the drift happened she still has symptoms. She has not gone back to work since the incident occurred. She went back on the 22<sup>nd</sup> of April. She was about 5 rows away from the edge of the orchard and the road that separates both orchards. She was taping the incident. She was ordered to move to the edge of the orchard. She was ordered to work at the edge. The applicator looked at them and continued spraying she said. She could smell it and felt the mist. She was wearing her clothes. She did not vomit. She had nausea immediately. Her throat was dry immediately. Her eyes were burning, and were very red and she felt pain in her eyes. She still has her throat irritation and her eyes are irritated. I asked who was at fault for what happened. She said it was both her supervisor and the applicator. She said the applicator could have stopped. She said her supervisor stayed far away and ordered them to work in that area. Nobody told them to decontaminate. The foreman was not even around there. They went to another orchard to work and they worked for ½ hour there and nobody told them to wash. The incident occurred at 1:30PM. She could smell the pesticide on her clothes. She feels the medical doctors do not understand the pesticide toxicity or illness. They do not understand how she feels.

On 7/28/14 I contacted Mr. Rodriguez to clarify what he meant by “She was taping the incident”. He wasn’t sure if she was being filmed or taking the actual cell phone video clip. I contacted Mrs. Bustos at 9:33am and she verified that she was being filmed in the cell phone clip and that it was taken by Viviana Silva. She also confirmed her address on Monitor St.

**Tatiana Guillen (Damaged Party) Date: 4/14/2014 10:19:20 AM**

On 4/11/14 Mr. Rodriguez (DOH) interviewed Tatiana Guillen Miranda and his notes state that she was close to Karen. She still has a headache and her tongue is numb. She still has dizziness and her face is itchy. She was told to go to the top of the orchard close to the road. She was supposed to grab the ladders. She grabbed the ladder and saw that there was dust on the air. She was behind her mother Karen. Then suddenly felt like a dust fell on her face. Her throat felt like she had sand inside of it. Her throat was dry and she could not breathe well. She felt her chest tingle. She had nausea but did not vomit. Her mouth felt numb and her eyes burned. Her eyes were teary (lacrimation). Her eyes were very red at the hospital. Her body shook a lot. She had chills. She suffered all these symptoms 10 minutes after she was exposed. She did not vomit. She was transported to Central Washington Hospital. She was given oxygen because she couldn’t breathe. She has stopped eating and has no appetite. Feeling of heaviness on the head. Yesterday her face was itchy. Yesterday she went to the hospital at Chelan. She went to the hospital because she was dizzy and had nausea. Daniel was responsible for making sure they stay away and was dealing with the ladders. When they got to the orchard site, she could smell something at 1:00PM. She believes the employer could have checked the area before they went

in to make sure there were no applications. "The applicator did not stop spraying" she said. She said that he even drifted and did not stop for the person who was bringing the ladders and did not stop spraying.

**Maria Salas (Damaged Party) Date: 4/14/2014**

On 4/14/14 I interviewed Maria Salas who stated that she was at about the 4<sup>th</sup> row in just getting her ladder to work and she was slightly inside from the end of the row. Juan said they were spraying so they left and walked down just before the others got sprayed. She stated that there were two sprayers but the one to the south was the one that sprayed all the women. She stated that he didn't shut off when he turned. They didn't advise them that they were spraying. She said he turned to the north and she didn't see the other sprayer spraying. She had a bloody nose the day of until now. She has a slight headache off and on but the day of was the worst and on Friday she had nausea and stomach pain but no dizziness. She had throat irritation and her stomach was still upset and nauseated and she had blood in her nose today. Her sister was working with her and her throat was irritated. Her sister (Rosa Medina) was working with her and was not at work or available for interview but Mrs. Salas stated that her sister had an irritated throat and an upset stomach. I drew a map of the 502 apple block to the northeast and the 508 cherry block to the southwest with the pears to the southeast. Mrs. Salas stated the applicator farthest northeast was roughly in line with the road between the 502 and 508 blocks at the time of the incident. She stated that the applicator to the southwest was about in line with the middle of the cherry block when the incident occurred and that when he turned he turned to the southwest.

On 4/14/14 Mrs. Salas provided me with a handwritten statement in Spanish which I translated and reads, "To whom it concerns, I, Maria Salas was one of the workers that was affected on Tuesday April 8, 2014 and exposed to chemical that was fumigated that day. One of the (sprayers) to the southwest did not take precautions and continued fumigating. Juan warned us that they were going to fumigate but the man of the chemicals did not warn us neither did he stop his work. In these moments I have not received any type of medical assistance. I have a little nausea, stomach pain and blood in my nose and a headache."

On 5/21/14 Mr. Rodriguez (DOH) interviewed Maria Salas and his notes state that she did not go to the doctor and had a headache and nausea the day of the incident. Now she has been vomiting for over a week. It started last week. Mr. Rodriguez states that he explained to her it is unlikely that it was from the exposure and asked what other symptoms she had from the exposure. She stated that she had lost her taste since the incident and still has a little sour taste in her mouth. She said as soon as they were told by Juan there was a possibility of drift from the neighboring orchard, she put a bandana on her face but still could smell the odor of the pesticide. They were about 3 to 4 rows away from the edge of the orchard next to the road that separates both orchards. She was next to her sister Rosa Medina. Nobody knew that they were going to spray except Juan the irrigator of the ranch that warned them about the potential for drift. She said their supervisor was never around and she stayed in the lower area. She said that the applicator to the right was the one that continued spraying even when he took the corner of the aisle. Nobody told them about the application except for Juan 5 minutes before they were drifted. Their supervisor was not around. They were divided into two groups. Karen, Tatiana, and Daryl were closer to the

application area. She had a sour taste but it was not an allergy. She developed an irritation in the throat and a headache and had burning in the eyes. She had granules that appear to be like acne but are not and still has some eruption of acne like eruptions. She had not sought medical attention but was going to do so now and stated she has a loss of appetite. She had nausea but did not vomit the day of the incident. She is going to Columbia Valley Clinic in Wenatchee because she has been vomiting since last week.

**Maria Sanchez (Damaged Party) Date: 4/14/2014**

On 4/14/14 I interviewed Maria Sanchez who stated she was in the lower block on a ladder between rows 111 and 112 and saw 2 people spraying in the upper block. She stated that she saw one applicator turn when they arrived and the spray plume drifted into the cherry block. There were light winds and the odor came down to where she was working. The plume came down 4-5 of the large trellis posts into the cherry orchard. She had a slight headache right after smelling the odor and kept working. She saw workers running towards them and reported to her supervisor. Myra (supervisor-Mayra) said don't go up there. Myra called Daniel and removed them to another block. On Friday she had a new headache which lasted all day Saturday and Sunday. Her eye on the right side felt very tired and dry. She felt very tired and felt slightly dizzy with a headache. She stated that she couldn't see if the applicator turned off or not.

On 4/14/14 Mrs. Sanchez provided me with a handwritten statement in Spanish which I translated and reads, "On Tuesday I saw that they were spraying and I felt nothing except a headache and dizziness. And I was in the lower part and the odor of the spray reached us there. The spray reached about 4 (sections) and that's all I saw and thank you."

On 4/29/14 Mr. Rodriguez (DOH) interviewed Maria Sanchez and his notes state that she has no symptoms at this time. She still has a headache and never had headaches before and has had a constant headache. She was in the lower part of the block and could smell the pesticide. She was about 5 rows away from the road that divides both orchards and stated it was windy. The spray moved about ½ the block and she could smell the spray strong. She did not feel the spray nor did she smell it on her clothes. The incident occurred about 1:30PM. She started to have a headache and had nausea and continued to work. She had symptoms 15 minutes later. She had a bandana to protect herself. Her eyes burned a little at the field. She did not go to the hospital that same day. She did not consider the headache a bad symptom. On the weekend she could not stand the headache and went to the Wenatchee Valley Clinic on Thursday the 17<sup>th</sup> of April. She continued to have nausea and a headache and stated the pain did not go away. She still has a headache and is seeing cloudy. Her eyes get cloudy and dry. The supervisor did not know they were going to spray. The foreman did not notice they were spraying in the neighboring orchard. She had no numbness and went to the clinic because her headache was very strong. She did not miss any work. Her eyes felt numb too.

**Carlos Magdaleno (Alleged Infractor) Date: 4/11/2014**

On 4/11/14 I interviewed Carlos Magdaleno in the presence of Tito Rodriguez (DOH) at the Dovex office adjacent to their shop. During the interview Mr. Magdaleno stated that they were spraying every other row, both applicators working together. When he arrived there were no

women present. He was spraying 4-5 rows behind Francisco Negrete. Ladders were there in the adjacent cherry block but he didn't see any people. His tank ran out at above so he drove to the bottom without spraying as his tank was empty. When he arrived at the bottom or west end adjacent to the cherries, winds were variable and circulating. I then asked him to clarify and he went back to the last row he was spraying and said he arrived at the east end of the block and finished the tank and came back without spraying to the west end. Juan was talking to Francisco when he arrived and then Juan approached him and said the women were sprayed and asked for the spray recommendation. Mr. Magdaleno asked him for what application and Juan clarified it was the one for the pears. He went to the mix/load site and gave the recommendation to Juan and then he left for his appointment in Wenatchee. He said he never saw women but did see the ladders. He said he was spraying at 125 PSI and had 8 nozzles open with the 2 on top closed.

Mr. Magdaleno also provided me with a written statement on 4/11/14 which was written in Spanish and that I translated as follows: "I Carlos my only comment I have is that I did not see anything because there wasn't anyone and the only thing I know is that Juan Cruz told me that we had sprayed the women but I told him that when I had arrived there wasn't anyone and he also asked me for the recipe (recommendation) for the chemicals and that was all because I had an appointment."

**Marisol Oropesa Lopez (Damaged Party) Date: 4/11/2014**

On 4/11/14 Marisol Oropesa Lopez provided me with a handwritten statement in Spanish which I translated and reads, "I was in front when he passed. All that fell on me or the odor of the pesticide. Also I have all my clothing from that day. My symptoms were dizziness, difficulty breathing, headache and nausea. What protected me was a little bandana that covered my mouth. I still feel headache, dizziness and my eyes are irritated."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Marisol Oropesa Lopez and his notes state that the incident occurred at 1:30PM. She was 30 feet away from the applicators. She went to the eye doctor yesterday at Chelan. She had itching and lacrimation and she had inflammation. At approximately 3:00PM she was transported by ambulance to the Central Washington Hospital. She has not been to any other hospitals or clinics except for yesterday to the eye doctor. She only smelled the spray. She had a sweater on. She covered her face with a bandana and could smell the odor and could smell the odor on her clothes. She still feels dizzy. In the morning she feels like she can't breathe since the incident occurred. She feels she is sensitive to chemicals and still has a headache. Her eyes yesterday had irritation, inflammation and were itchy. First symptom was shortness of breath, headache and nausea. She vomited at 2:00PM. She had dizziness instantly at 1:30PM. "We were about 8 to 9 workers close to the application." At 3:30PM she finished work. She still has symptoms. She was close to the road when the incident happened. Nobody asked them to wash their hands or faces. She missed one day of work because her eyes were burning, they felt hot and inflamed.

**Karen Miranda Guillen (Damaged Party) Date: 4/11/2014**

On 4/11/14 I interviewed Karen Miranda who stated that she was in the group up above and she was in the 4<sup>th</sup> row from the north right at the end (east) of the row. She was placing her ladder

when two sprayers exited their rows. Consequently she does not believe they turned nozzles off as she was directly sprayed and drifted upon as air was blowing towards them. She was facing the pear orchard at the time and it hit on the right side of her face and front of her sweatshirt as she placed her ladder. She couldn't run with the others because her body felt numb and her mouth was numb. She was able to leave and when she reached the end of the row and told Mayra she was sick she started to vomit. She was in a different group than the one told by Juan to run as she arrived just after that and was directly sprayed. She vomited numerous times even when the ambulance arrived. Today she still feels nausea and hasn't been able to eat in 3 days. She had a headache immediately and her eyes burned. She had a rash on the side of her face and neck. She went to the Chelan Hospital the day of the incident and went back to the Chelan Hospital yesterday as she felt dizzy and had a sore throat. Doctor said it would be a 1-2 week reaction and gave her cream for her rash and a prescription for her headache and nausea. Wal-Mart in Chelan would not fulfill her prescription unless she paid for it but would with her accident form. She was waiting for Wal-Mart, Labor and Industries and her employer to resolve. She has worked all days since the incident. Her headache and eyes are getting better but still can't eat because of her upset stomach. She said they reported to Daniel that they had been sprayed. Daniel said to move them to the 502 block. After speaking with Daniel they called the ambulance. The ambulance arrived and decontaminated the employees and took 5 to the hospital the rest were decontaminated and showered at the Auvil facilities. Auvil's laundered all their clothing as well; however Karen's sweatshirt she had been wearing during the incident had not been laundered. She consented to give me the sweatshirt as a sample. Karen was not comfortable in writing and preferred not to provide a written statement.

On 4/14/14 while at the 508 block interviewing workers Karen came to Mayra to report a bloody nose that just started for no reason.

On 4/11/14 Mr. Rodriguez (DOH) interviewed Karen Miranda and his notes state that she felt sick about 1:00PM and that she was about 50 feet away from the application. She was told to go up to the top of the hill and she could hear the airblast sprayer close. She heard the sound for 10 minutes. They were carrying the ladders moving up when they were told by the person who brought the ladders to stay. She started to feel weakness and started to vomit. She did not smell anything and her eyes were burning, her face was itchy and her mouth was numb. She vomited immediately after the exposure. It was less than one to two minutes later when she started to vomit. She was transported via ambulance to the Chelan Hospital. On the 10<sup>th</sup> she went back to the Chelan Hospital. She still had a headache, burning in her eyes, allergies on her face and she has a loss of appetite and feels very weak. She had a sour taste in her mouth immediately after the incident and had foam in her mouth. She was told by the doctor that she had an infection because of the chemical.

**Francisco Negrete (Alleged Infractor) Date: 4/11/2014**

I interviewed Francisco Negrete in the presence of Tito Rodriguez (DOH) at the Dovex office adjacent to their shop. Mr. Negrete stated that there were not people present in the cherry block when they started spraying and winds were blowing away from the cherries but later a weird wind came up towards the cherries. When he exited the row he was spraying the workers were to his



right in the cherry block. He didn't realize that people were there until just before reaching the end of the row. And that is when the air changed towards the workers. By then it was too late. When he saw them he stopped and the women left the area and he continued. He stated that when he first saw them they were walking up to the end of the orchard and that he stopped about 5 trees before the end of the orchard. He stayed just a brief moment and then the women left. He continued spraying after they left. Carlos was 5 rows down from him and closer to the workers or directly in line with the workers. After the workers left Juan spoke with him saying women had been sprayed. Carlos arrived at about that same time and so Juan went to talk to Carlos. Francisco stated that he then finished his tank. I asked him again when he saw the workers. He stated that when he reached the end of the row he saw workers coming up the orchard onto the road. No one was there earlier so he stopped briefly and then continued as the workers left the area. 3-4 workers were up to the road and turned and left the area so he kept spraying. He stated that he thought they were spraying at 125 psi with 8 nozzles open and the top ones were closed.

Mr. Negrete also provided me with a handwritten statement which I translated and reads, "I Francisco was spraying when I was exiting I saw the women. I stopped but the air was rising. I couldn't do anything. The women were exiting to the road and they turned back to the orchard and left and I continued. Afterwards, Juan came and told me that they had been sprayed."

**Viviana Silva Guerrero (Damaged/Aggrieved Party) Date: 4/11/2014**

On 4/11/14 Viviana Silva provided me with a handwritten statement in Spanish which I translated and reads, "We were working in the ranch #1 and we finished the block and afterwards they took us to Ranch #5 at about 1:00 PM and upon arriving we got out of the car and began to walk towards the row where we would start to work. We then realized that there were sprayers in the block in front and all the workers and I began to comment "why are we working here?" if they are spraying within about 10 meters of where the start of our tree rows were. Juan who brought our ladders was surprised and very preoccupied saying "Where is Mayra because we shouldn't be working there." And later when we started to climb our ladders at the same time the sprayers exited their rows very close to us such that Paola and I could feel the breeze of spray. Immediately we felt numbing on the face and bitterness in the mouth. Yuri started to yell at us "let's leave here."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Viviana Silva and his notes stated that she still has numbness in the tongue has still has sourness in her mouth. The incident occurred around 1:30PM. When they arrived at the block they ate lunch. They arrived around 1:15PM. They were walking uphill and they saw the mist coming up. She could see the mist. She was surprised that they were asked to go up the hill. She said "the foreman knew that they were going uphill toward the spray." Nobody told them to get away from the spray. The foreman was on the middle of the block. She was at least 30 feet away from the spray applicator. She still had a headache. She could smell it and felt the mist on her face. She had numbness on her face immediately and her tongue was numb and her mouth was sour. Her eyes were burning and had cloudy vision fast. At 1:30PM. She started to have a headache at 2:30PM. No chest tightness and did not feel pressure on the chest. The next day on Wednesday she went to Central Washington Hospital in the morning. She went on Thursday. She vomited Wednesday morning

at 7:30AM. She was vomiting for about 5 minutes. Her clothes were washed by the company. She missed work on Wednesday and Thursday. The foreman did not call the ambulance. Somebody else called. She was never told to decontaminate. The paramedics got there at 2:20PM. Nobody told them to decontaminate prior to that. Her mouth and face were numb. She stated that Paola is asthmatic and did not come to work at all. She said there are a lot of irregularities in the ranch. Her husband sprays and has entered fields after spraying within the re-entry time. She indicated the irregularities have been worse in the last 5 years. They enter fields before the REI at the ranch.

**Maria Isabel Vega (Damaged/Aggrieved Party) Date: 4/11/2014**

On 4/11/14 I interviewed Maria Isabel Vega who stated that she was in the lower block on a ladder. Right after they started winds were blowing towards them. She smelled a strong odor and saw spraying. There was no time to notify supervisor because others came almost immediately with symptoms. Her symptoms consisted of headache, nausea, stomach pain and after a bit very weak and faint. Yesterday she still had nausea, weakness and headache. Today she's feeling better. She went to the clinic yesterday at Columbia Valley Clinic at 5:00 PM and saw the doctor around 6:00 PM. Doctor told her to take lots of water to detoxify the body next time to leave as soon as possible. He gave her 2 Ibuprofen. She stated she can't see very well and not comfortable providing a written statement.

On 5/21/14 Mr. Rodriguez (DOH) interviewed Maria Vega and his notes state that she was in the middle of the block when the incident occurred. She developed a headache, nausea and dizziness. After she smelled the odor of pesticide she developed nausea, dizziness and a headache. As she saw they were spraying she started to feel sick and she could smell the spray. She also started to feel numbness on the lips. She said that she could smell the odor for 20 minutes at the field. They were taken away from that block to work on another block. She started to feel numbness in the lids. She did not vomit but had nausea almost immediately after smelling the odor. 2 days later went to the little clinic at Columbia Valley community Health. She had symptoms for about 1 week. She still could smell the odor on the field later when they returned to work on the field. This was about 1 week later and she said she could still smell something inside the orchard where they were drifted. She could smell the odor on the trees. She did not miss any work because she can't afford to miss work. She did not have burning in the eyes and had no symptoms at the time of the interview. She had a taste in the mouth for about one week. She believes that if they would have been informed by the applicator they could have prevented the exposure. She did not wash at the field. The only people that were washed were the ones close to the application.

**Auvil Fruit Co. (Crew Foreman) Date: 4/11/2014**

On 4/11/14 Mayra Aguilar (crew supervisor) provided me with a handwritten statement in Spanish which I translated and reads, "I Mayra Aguilar and my work colleagues were told to work at ranch 508. I did not see or hear noise that the neighbors were spraying. I assigned work (locations between rows). When they left I stayed taking the material like 200 feet inside of the rows. When I saw that they were fumigating I ran to stop them and to remove them from there but they were already fumigated and they were coughing and vomiting. I advised my supervisor

and we moved them from the ranch and it was there that they began to feel worse and I called the ambulance immediately.”

On 4/11/14 Tito Rodriguez (DOH) interviewed Mrs. Aguilar. His notes state that incident occurred around 1:30PM on the 8<sup>th</sup> and that she did not know the neighbors were there and that nobody told them anything. Juan Cruz had put the ladders out and Mr. Cruz did not tell them or notice they were spraying. She stated that the two sprayers came out at a distance of about 20-30 feet away. She was in the road about 100 feet away from the sprayer. She saw the workers run and they all ready had been sprayed. She did not hear the sprayer because of the wind, nor did she smell it. She could see the mist moving towards them. She saw the workers being drifted. Almost immediately her mouth felt numb. Almost immediately at 1:30PM. Her eyes were a little itchy and she had a little dizziness. She did not have tears, nausea, headache or vomiting and her numbness lasted 2-3 hours. The rest of her symptoms lasted 2-3 hours. She washed her face with cold water at about 3:00PM and when she arrived home at 4:30PM she removed her clothes and showered. She again was about 100 ft. away and did not smell the spray however employees that were farther away and below her had to seek medical attention.

**Daryl Najera Ponce (Damaged Party) Date: 4/11/2014**

On 4/11/14 I interviewed Daryl Najera Ponce who stated that her symptoms consisted of foaming in the mouth, vomiting and headache. She stated that she was also one of the women who were closest to the application when the incident occurred. She was in the first row putting up her ladder. She and Karen were the first ones or closest ones to the application. When putting up her ladder the applicator was turning and sprayed them directly in the face while turning. She states that he never turned off while spraying. She and Karen were behind the group walking up. The group got on their ladders just as they had set their ladders they were sprayed as he turned. Both applicators turned without shutting off the sprayer.

Ms. Ponce provided me with a handwritten statement in Spanish on 4/11/14 which I translated and reads, “On Tuesday we were working and there were two people spraying on the other side of the road that only divides us from where cars travel but they did not stop spraying and continued. They saw us and still turned around and didn’t stop. Immediately I felt very bad tingling at the mouth and I felt that I was going to faint. I started to feel like foaming in my mouth. My supervisor immediately called the ambulance. I was vomiting like a foamy substance and felt very bad. The paramedics put me on oxygen and I.V. Immediately they took me to the Chelan Hospital and yesterday I went back again to the hospital because I wasn’t feeling any better.”

On 4/11/14 Mr. Rodriguez (DOH) interviewed Daryl Najera and his notes state that she felt like she had ants in her mouth and that she had a sour taste in her mouth and her throat had foam inside. She was about 30 feet away from the applicator. They were in the lower part of the orchard and were told to go to the top of the orchard. They were walking and she was walking with Karen and were carrying their ladders. They immediately inhaled the spray and she said the applicator saw them but did not stop spraying. The person in charge of the ladders told him to stop but the applicator did not stop and continued spraying. She felt something on her face. She immediately wanted to run, but felt dizzy. Her mouth was numb too and she vomited foam when the paramedics arrived. They provided her with oxygen. The only way this could have been

prevented was if the applicator would have stopped spraying. She stated that nobody told them to wash. The foreman did call the paramedics and she was taken by the EMS and was given an IV and was taken to the Chelan Hospital. On the 10<sup>th</sup> she went back to the hospital because she missed work the day before with a headache, dizziness, nausea and vomiting. She vomited on Tuesday as well as on Thursday. She had numbness on her face and her head felt numb too.

**Auvil Fruit Co. (Eye-witness) Date: 4/11/2014**

Juan Cruz Padilla is an employee of Auvil Fruit Co. and was placing ladders in the cherries adjacent to the Dovex pear application when the alleged incident occurred. Mr. Padilla was interviewed at the shop and also took me to the orchard and pointed out where the incident occurred and described where the workers were at. Mr. Padilla stated that he dropped off ladders at the east corner as ladies were arriving at the middle road (located between the upper and lower 508 cherry blocks). 10 were sent up number 508 block while 10 started at 508 block middle all went to work towards the northwest (towards the river and away from the pears). Juan stated he was placing ladders in the orchard and saw 2 sprayers at the neighbors about ½ ways down the row working towards them. As girls were already walking up the rows he put his hand out to signal sprayers to stop but wasn't sure if they had seen him or not but it didn't look like they were stopping. Juan stated that they didn't see the sprayers at the time they entered the orchard. The girls were almost at the top of the row and he told them to go (run) to the bottom because they were going to get wet with spray drift. They began to walk fast but the sprayer was already at the end of the row. He was 20-30 trees from exiting when they ran. Girls were at the end of the row and on ladders when it happened. They were 20 trees northwest running when the applicator the rows and shut off the sprayer. Juan moved his truck before he exited the row. The sprayer was towards the east corner of the cherry block (spraying near the northwest edge of the adjacent pears) and working towards the southwest spraying northwest and southeast. After moving his truck the sprayer entered the row and continued and worked towards the southeast, he (Juan) went to the middle road and 2 girls were doubled over like they were going to vomit. The crew leader said she was calling Daniel to advise him the girls were all ill. She spoke with Daniel and they moved the girls to the 502 block. He spoke with Daniel and was told they weren't working there and to move to the 502 block. He let the girls move to the 502 block. Daniel called him back and said to speak with the applicators and find out what was sprayed. He stopped them and talked to Francisco and said Daniel had asked him to find out what was sprayed as he had drifted onto the ladies. Francisco asked "Really"? Juan responded yes that the ladies were working above. He said the 2<sup>nd</sup> applicator (Carlos) exited and had finished his tank. He told Carlos that Daniel said you had drifted onto the girls. Carlos responded no, that it was Francisco. Francisco had continued spraying. Carlos said at the mix/load site was the recommendation. Juan said he needed it for the medical responders. He followed Carlos to the mix/load site and saw 2 recommendations and asked which one. Carlos said the one on the right side for the pears. He then delivered the recommendation to the paramedics which were at the 502 block.

Mr. Padilla provided me with a handwritten statement in Spanish. I translated the statement which reads, "My name is Juan Cruz. The day that the accident occurred where all the women were drenched in spray, I had put out ladders in top of the 508. When I came I started to lower the ladders down I turned and above I saw that one of the sprayers was coming down and I made

a sign to stop. I don't know if he saw me or didn't see me doing so, then when I saw that he wasn't going to stop I told the women to run because he wasn't going to stop and I took my truck and drove to the other edge of the block. When I returned towards the 508 in the part in the middle the crew supervisor told me 2 women were feeling bad and told me that she was going to call Daniel. Afterwards she told me that they weren't going to work in block 508 now and that they were moving to 502. I started to move towards the top of the orchard with the truck and let the women pass. When they had passed I received a call from Daniel and he told me to stop the sprayers and to ask them what chemicals had been sprayed because they had drenched the women. The one applicator that I asked was Francisco and he never turned off the sprayer when I approached to ask him. What I did was covered my head with my shirt and he simply didn't say anything. It was then Carolos was exiting the other row and came toward him. I went to ask him the same thing and said they had drenched the women and he told me no, it wasn't him as he now wasn't carrying any chemical it was him and signaled to Francisco but Francisco was now starting again to spray. I returned to say Daniel said I need the note to know what class of chemicals they were applying for the paramedics, do you know what the class of chemicals was in order to determine what class of medicine they have to apply to the women and after that I said to Carlos, where was the note (recommendation) so I can take it back to the paramedics and he said it was where they mix/load and he went ahead of me. When we arrived at the mix/load site there were two notes (recommendations) and I asked which one it was and he said the one on the right and I took it and delivered it to the paramedics. This is what I know and saw."

On 4/14/14 I stopped by the shop to speak with Mr. Padilla again to see if he had experienced any symptoms. Mr. Padilla stated that he had a slight headache off and on but was otherwise ok. He stated that the headache started on Friday the 11<sup>th</sup> in the afternoon and was off and on through today. Mr. Padilla was asked to describe where the two applicators were again during the application. He stated that Carlos was lined up with the field road on the north end of the cherry block. When the girls arrived he had just finished his tank and came down the rows towards the girls without spraying and he left. He stated that Francisco was spraying towards the west when Carlos' tank had emptied. When he arrived at the row end turned that's when he sprayed the women. He stated that Francisco came out first and he advised him that he had sprayed the women. Carlos then exited without spraying. The fan was on but the nozzles were closed. He left and then went and talked to Carlos. Carlos finished spraying above when the girls arrive at the ladders and Francisco was 2/3 of the way down the row turning towards the girls with his hood on. He shut off outside left inside nozzles as he turned directing spray into the trees on offset rows. Winds turned it towards the cherries. Some women were on ladders when drift occurred, others were running. I drew a map of the 507 apple block to the north and the 508 cherry block to the south with the pears to the east. Mr. Padilla identified that the applicator to the north was in line with the road between the 507 and 508 blocks. He identified the second applicator to the south of the first and roughly near the northern 1/3 of the cherry block and also identified him as turning to the south when he exited and that he was the first one to exit.

On 5/8/14 Mr. Cruz was interviewed by Mr. Rodriguez (DOH) whose notes state that Mr. Cruz indicated that the incident occurred at 1:15PM. He did not notice that they were spraying and was ordered to move the ladders. He was on the road south of the rest rooms and he had to run to his truck. He started to have a headache which he had about 20-25 minutes later. His eyes were

very itchy and started to scratch. When he started to have the headache he started to have itchy eyes. He started to taste the sour taste at the same time his eyes started to itch and he started to get weak about 3:30PM at his home and wanted to sleep. He stated he used to spray for about 15 years and has never had symptoms like these ones. Since the incident he sometimes still has itchiness all over his body. He stated he could smell it strong and that he told the workers they had to move away. He did not seek medical attention and still had a headache. He stated that he was about 20 meters away and no trees in between him and the applicator. He did not have nausea or vomiting but was exhausted after the drift. He took a shower at home around 3:30-3:45PM. He did not smell the pesticide on himself and believes that if the applicator would have stopped spraying on the top of the hill instead of moving closer to the road and spraying it would have helped. He stated that he put the ladders out at noon so they had to see the ladders.

**Veronica Guillen Abrego (Damaged Party) Date: 4/11/2014**

On 4/11/14 Veronica Guillen provided me with a handwritten statement in Spanish which I translated and reads, "On Tuesday April 8, 2014 we were working in the orchard and the neighbor sprayed us with poison and now I'm starting to feel bad because I was with my two daughters Karen and Tatiana. They were very bad. The ambulance took them with oxygen. I was very scared and my blood pressure was elevated. I hope these words serve this purpose for your attention. Thank you."

Mr. Rodriguez (DOH) interviewed Veronica Guillen and his notes state that she has sour mouth taste and that she has a metallic taste. She was at the same distance as her daughter Karen. She was out on the front of the road. She was at the first row and the applicator passed about 30 feet away from her. There was nothing between her and the applicator, just the road. She was very scared about the health of her daughters and has been under stress. She could smell the spray. Her daughters could feel the spray. She only smelled the spray. Her mouth and tongue were numb. She felt like she wanted to vomit immediately after the exposure. Her eyes burned and she still has burning in the eyes and was prescribed eye drops. She has had a headache since the incident. Nobody told them to decontaminate. A half hour after the incident she vomited. She has not lost her appetite. She still has sour taste in her mouth and headaches. The applicator did not stop spraying and applied the spray twice. She is sensitive to spray. Her daughters have been feeling sick. Yesterday she went to Chelan Community Hospital.

**Elia Gomez (Damaged Party) Date: 4/11/2014**

On 4/11/14 Elia Gomez provided me with a handwritten statement which reads, "I was working on Tuesday it was 1:30 PM and applicators from the neighbor ranch were spraying and I was sprayed and developed numbed mouth, burning eyes."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Elia Gomez and his notes state that the incident occurred around 1:30PM. She was walking towards the edge of the orchard or road. She did not pay attention and notice they were coming towards them with the spray. The foreman told them to stay away from the spray but Elia stated it was too late. She did not smell it as she was already congested. She felt numbness in her mouth and on her tongue and she felt dizzy. She did not vomit but did develop an upset stomach and immediately had an eye irritation. About 1 hour

later she had a headache. She did not miss work but still has a headache and numbness in her mouth, as well as dry mouth. She has not sought medical attention. They did wash her clothes. She did not hear the airblast sprayer. She still had welts from the spray. She did not feel the spray but her clothes smelled yucky like pesticide. She was exposed while walking to the edge of the orchard. She stated that her gums are swollen and that nobody asked them to wash at the field.

**Yurida Parada (Damaged Party) Date: 4/11/2014**

On 4/11/14 Yurida Parada provided me with a handwritten statement which reads, "To whom this may concern: on the day of 4/8/14 at 1:30 PM I was at my worksite when I got sprayed. I was one of the last ones to get sprayed. I was getting material that I needed, I walked up the field. When I got to the top to get my ladder I saw when the sprayers out of nowhere sprayed all of us. They did not stop nor turn off the spraying tractors. They automatically turned into the field and kept on spraying. I was at about 30 feet away. There was a light wind in circular motion which made it worse. All my co-workers fled right away when they got sprayed. I started feeling my symptoms little by little. I got a tingling sensation, numbness around my mouth, blurred vision, dry sore mouth and throat, upset stomach, very nauseous followed by an extremely bad headache. Later in the afternoon felt very weak and tired and very sleepy and exhausted with tightness in the chest. I went to the hospital 4/10/14 after not feeling well and not getting better and received medication for my symptoms."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Yurida Parada and his notes state that she was getting to the top of the hill when she saw the airblast sprayers. She stated, "He did not stop spraying. There was a wind in circular motion and the spray was moving with it." She was 30-40 feet away from the sprayer. "There were a lot of us" she said. She could smell the pesticide. She said it had a strange odor. Little by little she started to have a sour taste in the mouth then a cough and then a headache. She had nausea and a tingling sensation on her lips. In the afternoon she felt very sleepy. She did not go to the hospital that day. The next morning she went to the emergency room at Central Washington Hospital. She still has a sour taste in her mouth. On the first day she had tightness in the chest and yesterday had tightness in the chest too. There was a circular wind and it carried the pesticide around and hit all the workers. On Thursday she went to the hospital and that was the only day she sought medical treatment. She said "it was not her and felt very unaware or confused." She had throat dryness and saw stars on her vision.

**Marisol Flores Pena (Damaged Party) Date: 4/11/2014**

On 4/11/14 I interviewed Marisol Flores Pena who stated that she was experiencing headaches and a dry throat since yesterday and that she started vomiting and had a very strong cough. When the incident occurred she took off running and turned and felt mist drops on her face. She stated that she didn't feel bad until just before the ambulance arrived and that she had headache, sore throat and a dry throat. She stated that yesterday she vomited and has vomited 5 times. It started at noon and last night was the last time she vomited. She also has a raspy hoarse throat and feels nauseated. She has not sought medical treatment but stated that she would later this afternoon. She stated that all her clothing has been washed and if she was to go to a clinic it would likely be the Wenatchee Valley Walk-in. She stated there were three employees on the ladders and they

were told to get down and run. She stated that she covered her face with her bandana and that she was approximately 24' from the row end when she was exposed and that the tractor was turning when she looked back and was exposed.

On 4/11/14 Mrs. Pena provided me with a handwritten statement that was written in Spanish which I translated and reads, "My name is Marisol. I was above my colleagues. We were about to start clipping trees to the trellis when Juan told us to run and we ran towards the bottom but I was too late when they sprayed us with chemicals. I had my back turned when the chemicals fell on us but I know that 4 or more of my colleagues were still up above. I turned and it all fell on my face. I felt like droplets of water. My symptoms are headache, very strong and dry cough, nausea, vomiting and dry throat. Sometimes I have a hoarse (raw) throat."

On 4/14/14 Mr. Rodriguez (DOH) interviewed Marisol Flores Pena and his notes state that she had a dry mouth and also could not breathe. She still has symptoms of shortness of breath and also nausea. She went to the Wenatchee Valley Clinic. She was located in the middle of the block. She could smell the spray. She was under the tree and not on top of a ladder. She felt the mist on her face. She felt drops on her, drops of pesticides. She washed her face about 3 minutes later. She was facing back and could not see the mist. She ran away from the area and had a bandana on her face. Her face was itchy. Her throat was dry and it had a sour taste. She started to have a headache 10 minutes later. The incident occurred at 1:30PM. She had nausea and did not vomit. She felt very dizzy. Her eyes did not bother her because she had glasses. She only has been at the Wenatchee Clinic today. She had nausea, headache and her throat was dry. She still has a headache. She did not miss any days of work but her headache does not go away. She went home and showered and washed her clothes. Her clothes smelled like pesticide. Nobody was aware of what they were spraying. They did not know. She believes the applicator should have told them they were going to spray. She worked with pain. She said they were 18. She had numbness on the mouth and her tongue was numb. Her taste is missing and she still has a sour taste in her mouth.

**Elisabeth Zavala (Damaged Party) Date: 4/11/2014**

On 4/11/14 Elisabeth Zavala provided me with a handwritten statement in Spanish which I translated and reads, "I was assigned in the middle part where I began and when I climbed my ladder I could see when the sprayers were coming and that when the first one made his first turn he did not turn off the sprayer when he turned around. In that moment the people that were walking came back running and the supervisor moved us quickly. When we came to the next place and we exited I began to feel like my lips were asleep. I didn't pay much attention to it because the other colleagues began to vomit and it was in that moment around 1:40 when we called the ambulances. Afterwards I felt an ache in my chest and my heart was very rapid. The paramedics took my pressure and told me to drink water and afterwards they told us to bathe. When I was bathing my eyes were burning badly. I flushed them with water and when I arrived at my house and bathed again and by morning when I woke up my nose was very dry and I felt nauseous and I did not go to the clinic."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Elisabeth Zavala and his notes state that she had high blood pressure and that there were 4 or 5 people that she said were vomiting. She had chest



pressure and that the incident occurred around 1:20PM. She was not close to the road that divides the two orchards but was on top of the ladder about 300 feet away from the applications and was near the middle of the block. She smelled the spray and covered her face. When she arrived home her eyes were burning and she bathed about 2:00PM. Nobody told them to decontaminate. The applicator did not stop spraying when he turned the corner of the row and did not stop spraying, and that she saw that from the top of her ladder. She had numbness on the lips and drank a lot of water. The numbness lasted for about 30 minutes. She experienced tightness in her chest and her heart was racing. The next day she had a nose irritation. She had nausea the following morning and wanted to vomit but did not seek medical attention or miss any work. The day after the incident she had stomach pain.

**Isabel Perez (Damaged Party) Date: 4/11/2014**

On 4/11/14 I interviewed Isabel Perez who stated that she was in the lower cherry block on top of a ladder when the incident occurred. She smelt a strong odor then had a sore throat with a lot of pressure which was closing and dry. She then had a headache. Yesterday she had a very strong headache and went to the Columbia Valley Clinic up Orondo Street in Wenatchee where they told her to drink lots of water and gave her 2 Ibuprofen for her headache. On a scale of 0-10 her headache was an 8. Since the exposure she has a very upset stomach and today still feels all symptoms but is getting better. Yesterday was her first day seeking treatment. She stated that she could see the spray plume but not able to see if it was drifting. When Myra (Mayra) became aware, all moved to another block. She never felt mist or drift, just a real bad odor.

On 4/11/14 Mrs. Perez provided me with a handwritten statement in Spanish which I translated and reads, "I was assigned to the middle block. When I climbed the ladder I saw in the block above they were spraying and a very strong odor was reaching to where I was. My throat was dry and tight and I had a headache. My stomach was upset all day. I did not go to the doctor until Thursday the 10<sup>th</sup>. I went to the small clinic and told them everything that I'm now writing and how I still have a very bad headache. They gave me two Ibuprofen pills for my headache. On a scale of 0-10 I was an 8 and they told me to drink lots of water."

On 4/11/14 Mr. Rodriguez (DOH) interviewed Isabel Perez and his notes state that she had no symptoms and when she smelled the odor she developed a headache, stomach pain and she did not vomit but had nausea. She also had itch eyes, pain in her throat and shortness of breath. She was in the middle of the block and she could smell the spray strong. She got on top of the ladder and smelled it strong. She had a stomach ache and throat irritation. As soon as she saw the mist on the air she heard the tractor. This occurred around 1:30PM. She went to the Columbia Valley Clinic on the 10<sup>th</sup> of April with a headache and stomach upset. Ibuprofen helped her out on Thursday. She did not miss any work. Most of the workers were sick she stated and that there were about 20 workers. She stated that they should have contacted them or put signs in the orchard and that they should have contacted them about the applications to their manager. She did not feel the spray but could smell it. Nobody told them to wash or decontaminate. They did not shower. She showered at home at 4:30PM. She left her clothes outside and then she washed. She felt strange because she was very tired and dizzy at the time. She started to feel bad as soon

as she smelled the spray. She stated that Maria Isabel Vega was close to the application and that she felt sour taste in her mouth and her lips were numb.

### Samples

Samples collected using new pair of nitrile gloves for each sample. Samples placed in clean, labeled amber-glass jars or paper bags. Samples were then placed in a plastic bag with the open end being tied in a knot. Samples were placed in a cooler on ice in the WSDA truck and were then transferred to the WSDA East Wenatchee freezer which is locked when unattended.

Date Collected	Sample #	Description	Location	Results		
4/11/2014	MJW-0002-14-001	Window Swab-white ford truck driven by Juan Cruz during incident and parked at block 508.	Passenger door window. 6"x 6" area/swab 6 swabs/sample Lat: 0 Long: 0 <a href="#">(View On Map)</a>	<b>Test</b>	<b>Reported Result</b>	<b>Units</b>
				Triflumizole	ND	ug
				Novaluron	ND	ug
				Pyridaben	ND	ug
4/11/2014	MJW-0002-14-002	Swab outside of porta-potty	Waypoint (WP) # 034. S corner of block 502 adjacent to E corner of block 508 cherries. Swab outside of door facing SE and SW side. 6" x 6" area /swab, 6 swabs/sample. Lat: 47.76286 Long: 120.06622 <a href="#">(View On Map)</a>	<b>Test</b>	<b>Reported Result</b>	<b>Units</b>
				Novaluron	2.9	ug
				Pyridaben	3.8	ug
				Triflumizole	ND	ug
4/11/2014	MJW-0002-14-003	Swab from plastic stacked fruit bins	WP # 035. Fruit bins directly across road from porta-potty sampled in #002 and adjacent to treated pear block. Lat: 47.76272 Long: 120.06622 <a href="#">(View On Map)</a>	<b>Test</b>	<b>Reported Result</b>	<b>Units</b>
				Novaluron	324	ug
				Pyridaben	105	ug
				Triflumizole	32	ug
4/11/2014	MJW-0002-14-004	Grass foliage from cherry orchard floor	WP #36. NNW end of the upper 508 cherry block between the northeastern	<b>Test</b>	<b>Reported Result</b>	<b>Units</b>
				Novaluron	Q	ppm
				Pyridaben	ND	ppm
				Triflumizole	ND	ppm

			most two rows. Lat: 47.76365 Long: 120.06682 <a href="#">(View On Map)</a>													
4/11/2014	MJW-0002-14-005	Grass foliage from cherry orchard floor	WP # 037. Middle of the upper 508 cherry block between the northeastern most two rows. Lat: 47.76337 Long: 120.06667 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>ND</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	ND	ppm	Pyridaben	ND	ppm	Triflumizole	ND	ppm
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Novaluron	ND	ppm														
Pyridaben	ND	ppm														
Triflumizole	ND	ppm														
4/11/2014	MJW-0002-14-006	Cherry foliage block 508 cherries.	WP # 037. Middle of the upper 508 cherry block between northeastern most two rows. Lat: 47.76337 Long: 120.06667 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>ND</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	ND	ppm	Pyridaben	ND	ppm	Triflumizole	ND	ppm
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Novaluron	ND	ppm														
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Triflumizole	ND	ppm														
4/11/2014	MJW-0002-14-007	Grass foliage from cherry orchard floor.	WP # 038. 2/3 way up from NNW end of upper 508 cherry block between northeastern most two rows. Lat: 47.76308 Long: 120.06655 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>Q</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>ND</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	Q	ppm	Pyridaben	ND	ppm	Triflumizole	ND	ppm
Test	Reported Result	Units														
Novaluron	Q	ppm														
Pyridaben	ND	ppm														
Triflumizole	ND	ppm														
4/11/2014	MJW-0002-14-008	Cherry foliage from block 508 cherries	WP # 038. 2/3 from NNW end of upper block of 508 cherries between northeastern most two rows. Lat: 47.76308 Long: 120.06655 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>ND</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	ND	ppm	Pyridaben	ND	ppm	Triflumizole	ND	ppm
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Triflumizole	ND	ppm														
4/11/2014	MJW-0002-14-009	Grass foliage from SSE end of 508 cherry block	WP # 040. SSE end of 508 cherry block between row 113 and 114. Lat: 47.76281 Long: 120.06635 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>0.11</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>0.10</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>ND</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	0.11	ppm	Pyridaben	0.10	ppm	Triflumizole	ND	ppm
Test	Reported Result	Units														
Novaluron	0.11	ppm														
Pyridaben	0.10	ppm														
Triflumizole	ND	ppm														

4/11/2014	MJW-0002-14-010	Cherry foliage from 508 cherry block.	WP # 040. SSE end of upper 508 block at rows 113/114. Lat: 47.76281 Long: 120.06635 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>0.20</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>0.054</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>0.19</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	0.20	ppm	Pyridaben	0.054	ppm	Triflumizole	0.19	ppm
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Novaluron	0.20	ppm														
Pyridaben	0.054	ppm														
Triflumizole	0.19	ppm														
4/11/2014	MJW-0002-14-011	Pear Foliage	WP # 041. Pear foliage from Dovex pear block directly across road from ESE corner of Auvil 508 cherry block. Sample taken from northwest end of pear block. Lat: 47.76266 Long: 120.06629 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>33</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>15</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>4.8</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	33	ppm	Pyridaben	15	ppm	Triflumizole	4.8	ppm
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Pyridaben	15	ppm														
Triflumizole	4.8	ppm														
4/11/2014	MJW-0002-14-012	Grass foliage from NW end of Dovex pear orchard	WP # 041. NW end of Dovex pear orchard directly SE of ESE corner of Auvil 508 cherry block. Lat: 47.76266 Long: 120.06629 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>13</td> <td>ppm</td> </tr> <tr> <td>Pyridaben</td> <td>12</td> <td>ppm</td> </tr> <tr> <td>Triflumizole</td> <td>1.7</td> <td>ppm</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	13	ppm	Pyridaben	12	ppm	Triflumizole	1.7	ppm
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Triflumizole	1.7	ppm														
4/11/2014	MJW-0002-14-013	Sweatshirt	Sweatshirt worn by Karen Miranda Guillen as she was placing her ladder at the SE end of 508 cherry block when drifted upon. Lat: 0 Long: 0 <a href="#">(View On Map)</a>	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>ND</td> <td>ug</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ug</td> </tr> <tr> <td>Triflumizole</td> <td>9.6</td> <td>ug</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	ND	ug	Pyridaben	ND	ug	Triflumizole	9.6	ug
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Pyridaben	ND	ug														
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4/21/2014	MJW-0002-14-014	Sweatshirt worn by Marisol Oropesa Lopez on 4/8/14	Sweatshirt worn by Marisol Oropesa Lopez on 4/8/14. She alleges she was wearing the sweatshirt when	<table border="1"> <thead> <tr> <th>Test</th> <th>Reported Result</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>Novaluron</td> <td>ND</td> <td>ug</td> </tr> <tr> <td>Pyridaben</td> <td>ND</td> <td>ug</td> </tr> <tr> <td>Triflumizole</td> <td>1.9</td> <td>ug</td> </tr> </tbody> </table>	Test	Reported Result	Units	Novaluron	ND	ug	Pyridaben	ND	ug	Triflumizole	1.9	ug
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		she was drifted upon. Claims she was approximately 24 feet from the end of the row when exposed. Spray may have hit her back but she also turned to look back when she felt the drift. Lat: 0 Long: 0 <a href="#">(View On Map)</a>
<b>Key to Units of Measure:</b> ND = None Detected; MDL = Minimum Detection Limit;ppm = Parts Per Million; ug = micrograms; ug/ml = micrograms per milliliter; ppb = Parts Per Billion; Q = Below Quantitation Limit;M = Parts Per Million; LOQ = Limit of Quantitation; B = Parts Per Billion		

**Records (application / distribution)**

1. A first written request for multiple records of pesticide application records was delivered to Auvil Fruit Co. Inc. on 04/11/2014 requesting that the records be submitted forthwith or by 04/11/2014. Records were received on 04/11/2014. Records were received as requested, but were not on a WSDA adopted or approved form, but acceptable for the request. Records that were submitted were complete and contained all required elements.

1. A first written request for a single record of pesticide application records was delivered to Dovex on 04/11/2014 requesting that the records be submitted forthwith or by 04/11/2014. Records were received on 04/11/2014.

--The following information was omitted or in error:

Missing licensed applicator's (Amado Avila) address and telephone number. Also, while not provided on the application record, copies of the licenses for the two individuals who applied the pesticides were provided during the on-site visit on 4/11/14 when the records were provided.

**License Review**

Name	License# or Unlicensed	License Type	License Categories	License Start	License Expiration
Amado P Avila	PA-61930	Private Applicator		2/26/2001	12/31/2014

Mr. Avila is listed on the pesticide application record as the licensed applicator.

Name	License# or Unlicensed	License Type	License Categories	License Start	License Expiration
Carlos H Magdaleno	PA-67874	Private Applicator		3/18/2004	12/31/2014

Mr. Magdaleno was listed on the application record as one of the two individuals who actually applied the pesticides to the Dovex pears on 4/8/14. While Mr. Magdaleno is a licensed private applicator his license number was not listed on the application record as the licensed applicator was listed as Mr. Avila. Mr. Magdaleno had emptied his spray tank and was returning empty and without spraying when the incident occurred according statements received, however cell phone video clearly show him spraying in the pears adjacent to workers when the workers were present.

Name	License# or Unlicensed	License Type	License Categories	License Start	License Expiration
Darin B Case	PA-5480	Private Applicator		1/1/1982	12/31/2014

Mr. Case is the Orchard General Manager for Dovex and was the point of contact for the investigation, application records, etc. Mr. Case was not listed on the pesticide application records as the licensed applicator in charge.

Name	License# or Unlicensed	License Type	License Categories	License Start	License Expiration
Francisco Negrete	PA-76392	Private Applicator		4/22/2008	12/31/2014

Mr. Negrete was listed on the application record as one of the two individuals who actually applied the pesticides to the Dove pears on 4/8/14. While Mr. Negrete is a licensed private applicator his license number was not listed on the application record as the licensed applicator was listed as Mr. Avila. Mr. Negrete was identified by the employees as the applicator that allegedly drifted upon them as they were working in the adjacent block.

**Label Review**

Product Name	EPA # or WA State #	Ingredients	Reg?	RUP	HG Only	Gen. Use
Buffer-Ten	17545-50016		Y			Y

The Buffer Ten Phosphoric Acid label states the following: “PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: Corrosive. Causes irreversible eye damage. Causes skin burns. Harmful if absorbed through skin. Do not get in eyes, on skin, or on clothing.

DIRECTIONS FOR USE

Read and follow the precautions, restrictions and recommendations on the labels of pesticides used with BUFFER-TEN. Use according to the most restrictive label directions for each product in any tank mix.”

Product Name	EPA # or WA	Ingredients	Reg?	RUP	HG	Gen.
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	State #				Only	Use
IAP Hi Supreme Spray Oil-NW	71058-2	Petroleum oil (98%);	Y			Y

The IAP HI Supreme Spray Oil-NW label states the following: “**Precautionary Statements—**

**Hazards to Humans and Domestic Animals**

**CAUTION:** Harmful if absorbed through skin. Avoid contact with eyes, skin, or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

**DIRECTIONS FOR USE**

It is a violation of Federal Law to use this product in a manner inconsistent with this labeling. Do not apply in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

**SPRAY DRIFT MANAGEMENT**

A variety of factors including weather conditions (e.g., wind direction, winds speed, temperature, relative humidity) and method of application (e.g. , ground, aerial, airblast) can influence pesticide drift. The applicator and grower must evaluate all factors and make appropriate adjustments when applying this product.

**Wind Speed:** Do not apply at wind speeds greater than 15 mph at the application site.

**Temperature Inversions:** If applying at wind speeds less than 3 mph, the applicator, must determine if a: conditions of temperature inversions exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

**Droplet Size:** Apply as a medium or coarser spray (ASABE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

**Airblast Application:** Applicators must be consistent with the limitations for wind speed, temperature inversions, and droplet size indicated above.”

Product Name	EPA # or WA State #	Ingredients	Reg?	RUP	HG Only	Gen. Use
Nexter Miticide/Insecticide	81880-4-10163	Pyridaben (75%);	Y			Y

The Nexter miticide/insecticide label states the following: “PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING/AVISO

May be fatal if inhaled. Do not breathe dust or spray mist. Harmful if swallowed or absorbed through skin. Avoid contact with skin. Remove contaminated clothing and wash before reuse. Causes moderate eye irritation. Do not get in eyes or on clothing.

#### DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

All applicable directions, restrictions, precautions and Notice of Conditions of Sale and Warranty and Liability Limitations are to be followed.

#### APPLICATION INSTRUCTIONS

NEXTER may be applied by ground equipment using either diluted or concentrated sprays. Apply recommended rates of NEXTER as instructed by section VII. Crop-Specific Information. Spray the last 3 rows windward of surface water using nozzles on only one side with the spray directed away from surface water. Avoid spraying over the tops of trees by adjusting or turning off the top nozzles. Shut the nozzles on the side away from the grove off when spraying the outside row. Shut the nozzles off when turning at the ends of the rows and when passing tree/vine gaps in rows.

#### USE RESTRICTIONS AND PRECAUTIONS

- Drift: Do not apply NEXTER when weather conditions favor drift to surface water. Do not apply within 110 feet upwind of surface water or when wind speed is above 8 mph. Do not apply during a temperature inversion.”

Product Name	EPA # or WA State #	Ingredients	Reg?	RUP	HG Only	Gen. Use
Procure 480SC	400-518	Triflumizole (42.14%);	Y			Y

The Procure 480 SC Fungicide label states the following: “PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### CAUTION

Harmful if swallowed. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

#### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read entire label directions before using. Do not apply this product in a way that will contact workers



or other persons, either directly or through drift. Only protected handlers may be in the area during application.”

<b>Product Name</b>	<b>EPA # or WA State #</b>	<b>Ingredients</b>	<b>Reg?</b>	<b>RUP</b>	<b>HG Only</b>	<b>Gen. Use</b>
Rimon 0.83EC	66222-35-400	Novaluron (9.3%);	Y			Y

The Rimon 0.83 EC label states the following: “PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

WARNING

Causes substantial but temporary eye injury. Do not get in eyes or on clothing. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that it will contact workers or other persons, either directly or through drift.

Spray Drift

For orchard airblast applications turn off outward pointing nozzles at row ends and outer rows.

Apply only when wind speed is  $\leq 10$  mph at the application site as measured by an anemometer outside of the orchard on the upwind side. The applicator also must use all other measures necessary to control drift.”

### **Maps**

There are 2 map(s).

### **Photos**

There are 15 photo(s).

A photo log with description of photos is included in the case file.

### **Other Evidence**

[human/animal exposure form](#)

## Summary

On 4/8/14 around 1:30 PM Dovex orchards was making a pear psylla cover spray application to one of their pear blocks which is directly southeast of the Auvil Fruit Co.'s 508 cherry block. Two applicators (Carlos Magdaleno and Francisco Negrete) made the applications for Dovex under the supervision of Amado Avila who was the licensed applicator listed on the application record. Both Mr. Magdaleno and Mr. Negrete are also currently licensed with the WSDA but were listed without a license number on the application record as Mr. Avila was listed as the licensed applicator.

While both Mr. Magdaleno and Mr. Negrete were spraying adjacent to the Auvil's 508 cherry block Mr. Magdaleno states that at the time of the incident he had emptied his tank and was returning from the southeast end of the pear block towards the Auvil cherries with an empty tank and without spraying when the incident occurred. Mr. Negrete was identified as the applicator working to the south of Mr. Magdaleno and was also identified by the workers as the applicator that allegedly drifted onto them as they were working. However, cell phone video taken by the workers clearly shows workers in the cherry block while both applicators were spraying near the northwest edge of the adjacent pear block. The video shows that the trees are very young without much foliage and the spray was observed traveling several rows beyond the treated rows on either side of the sprayers and that a plume was observed above the tops of the pear trees. It also shows the spray plume hanging in the air for some time. Again while the workers identified Mr. Negrete as the applicator responsible for the incident, given the proximity to workers, and the fact that both applicators were spraying in the area of the workers around the time of the incident and the conditions of the spraying it is not possible to determine through video or sampling which of the two was responsible for the drift.

In total 20 of Auvil's employees were present and reported symptoms of exposure resulting from the incident. 18 of those were female workers, one was the crew supervisor (Mayra Aguilar) and the last was the irrigator and individual (Juan Cruz) who set up the ladders for the workers and witnessed the application and directed the workers to run when the alleged incident occurred.

Of the 20 employees affected 5 were transported to surrounding hospitals the date of the incident. Numerous others sought medical treatment or returned for additional medical treatment in the days following.

There is a discrepancy in witness statements as to whether or not there was knowledge of the ongoing applications and that they were knowingly ordered to work in that location or if there was no knowledge and by chance the workers and the applicator all converged near the road at the same time. While much testimony seems to support that the workers had no notification of the applications (which is also not required as they are a neighboring establishment and not employees of the establishment making the applications) and that shortly after their arrival they walked up from the bottom of the cherries towards the pears and upon reaching the end adjacent to the pears they were drifted upon. However, the cell phone video taken by one of the workers clearly shows them working with two applicators spraying in the pears as they discussed whether or not they should leave the area.

There is also a discrepancy as to whether or not the workers were told to decontaminate or wash after the incident occurred. After the incident occurred they were moved to another block away from the area being sprayed and worked for another half hour before the ambulances arrived. Workers state that they were not told to decontaminate and that water was not available in the bathrooms. This cannot be substantiated at this time as water was available in the bathroom that was inspected on 4/11/14 (3 days after the incident) and the on-site manager, John Baile verified that water was available in the bathrooms and a water cooler that the workers had with them and that workers were allowed to wash. Shower facilities were also made available at the Auvil Fruit Co., and the Auvil Fruit Co. washed most of the worker clothing after the incident.

There is one last discrepancy as to whether or not Mr. Negrete turned off the sprayer that I cannot verify. Many workers stated that the sprayer was on while he was turning. The fan was on and nozzles off according to Mr. Negrete, however when workers were again asked to verify that the nozzles were on, they weren't sure only that that they could see the plume drifting towards them. The cell phone video shows the nozzles off at one point while Mr. Negrete is at the end of the row. The fan is running and then the nozzles are turned back on. Again, it's not possible to determine what happened at the time the incident occurred as there is a conflict in testimony.

Sample results show the presence of the pesticides applied in the pears in some of the samples collected within the cherries where workers were present and on worker clothing. Samples indicate that the pesticides applied to the pears were found on worker clothing and in some of the closest areas where workers were present in the adjacent cherry block.

Application records received by Dovex were deficient in the licensed applicator's (Mr. Avila) address and phone number.

Application records received by Auvil Fruit Co. were not received on an approved or adopted form nor did they contain all the required elements but were sufficient for the purpose of this investigation. In reviewing the application records received by Auvil Fruit Co. it does not appear that the products applied in cherry block or the adjacent Auvil apple blocks were consistent with those applied to the pears and/or found within the cherry block and on worker clothing. Auvil's had applied Superior Spray oil in the apples which is a petroleum based product similar to the IAP Hi Supreme oil applied by Dovex however, the lab was not asked to analyze samples for petroleum oil. All in all, the products applied in the pears were different from those applied in the cherries and apples with exception to the petroleum oil based products.

Weather conditions were recorded on the application record as 0-4 mph from the SW-NE. Applicator statements indicate winds were away from the cherries. Winds according to the application record were not excessive and according to worker and applicator statements changed in a circular, variable pattern just prior to the incident. Winds from the SW towards the NE would have been in the direction of the workers. Weather data was also obtained from the WSU AgWeatherNet "Brays Landing" station which is located approximately 4.24 miles SSE of the incident location. This station sits in similar terrain and reports winds that would be in excess of the label directives and in a direction of blowing towards the workers. However, as reported by Dovex, weather conditions were taken on-site on the upwind side with an anemometer and

therefore would be considered as the most accurate, yet it is still unknown if conditions were checked later, and/or how frequently.

Sample results shows the products applied in the pears were detected off target and according to a conversation with Mr. Rodriguez (DOH) on 7/28/14 symptoms experienced were consistent with an exposure to the pesticides applied in the pears. Therefore, the applications made by Dovex to the pears on 4/8/14 drifted off target and were made contrary to label directives and affected numerous workers within the Auvil cherry block. Again as the workers identified Mr. Negrete as the individual responsible for the drift, the cell phone video clearly shows both applicators spraying in the area where samples were collected and given the proximity, conditions of the application and changing weather conditions it is not possible to determine just on samples who was responsible for the off target drift as both were within the vicinity according to the video.

The case was referred to Tito Rodriguez (DOH) and has the assigned DOH case # 140031. On 7/28/14 Mr. Rodriguez stated he had submitted his report and classified most of the workers as “Probable with moderate severity.”

Neither Mr. Case, Mr. Avila, Mr. Negrete, or Mr. Magdaleno has a prior enforcement history with the WSDA.

Based on the incompleteness of the Auvil application records, and worker statements as to the availability of water or having been instructed to decontaminate as well as worker statements regarding irregularities with applicators at the orchard entering blocks during the restricted entry intervals (REI's) it is recommended that a Worker Protection Standard (WPS) inspection and an application record review be conducted at a later date.

## **Attachments**