The Complaint process

- Complaints come in from the public and from other government agencies.
- The complainant may remain anonymous, but can't be notified of final action.
- Complainant is notified of the action taken by the department.
The Dept. of Agriculture is required to investigate all complaints that are reported within 30 days after the date that damages occurred.

At least 75% of the crop must be standing.

The department has discretion after 30 days of noticing damage.
Process:

• The complaint is forwarded to an Ag. Inspector in the region where the complaint originated.
The Ag. Inspector interviews complainant:

• Did they see the actual application?
• What were the date and time of the application?
• Do they remember the weather conditions at the time?
• Do they know who did the spraying?
Interview continued:

• If the complainant did any spraying on their own property, and if so, obtain records or information.

• Inspector will then proceed to damaged area and obtain samples, take photos and note if there is a visible drift pattern.
Inspector’s Process

• Checks who owns the property adjacent to the complainant’s damaged property.
• Documents if spraying took place, and if so, gathers the information.
• Also checks with county weed boards and Department of Transportation to see if any ROW spraying occurred in the complaint area.
• Sends samples to the South Dakota lab in Brookings for chemical analysis.
• Obtains weather data on date of application from a weather station nearest to the site.
• Or, from several weather stations surrounding the complaint site to determine weather patterns.
Drift Case Specifics

• On July 26, 2018, I receive a potential pesticide drift complaint that came in on a non-dicamba soybean field owned by Bill Smith.
• On July 23, 2018 is when Mr. Smith noticed damaged to his soybean field.
• Between July 11 and 12, 2018, Mr. Smith witnessed a sprayer and a truck parked
Cont. Drift Case Specifics

• Cont. in a Dicamba soybean field located NE of Mr. Smith’s potentially damaged soybean field.

• Jim Wilson is the owner of the Dicamba soybean field located NE of Mr. Wilson’s non-dicamba soybean field.
On July 10, 2018, between the times of 5:00-8:45pm Mr. Wilson applied Xtendimax, RT3 and Affect.

The local weather station reported a SSW wind at 10-15 mph with wind gusts up to 22 mph on July 10, 2018.
• Craig Johnson is the owner of a dicamba soybean field located NW of Mr. Smith’s soybean field.

• On July 10, 2018, between the times of 6:30-11:30 am. Mr. Johnson applied Engenia, Roundup Powermax, Tapout, Zaar and Point Blank.
Cont. Drift Case Specifics

• The local weather station reported a SE, SSE at 9-15 mph between the times of 5:53-11:53 am.

• The Local weather station reported a SSW wind at 10-15 mph with wind gusts up to 22 mph on July 10, 2018.
Cont. Drift Case Specifics

• Tony Holm is the owner of a corn field located west of Mr. Smith’s damaged soybean field.

• Holm applied Roundup Powermax on June 12, 2018.

• The local weather station for June 12, 2018 between the times of 12:53-2:53pm indicated the wind was N, NNW at 7-9 mph
• John Long is the owner of a corn field located east of Mr. Smith’s damaged soybean field.

• Long applied Status and Cornerstone on June 12, 2018, between the times of 1:00-3:00pm.

• The local weather station for June 12, 2018 between the times of 12:53-2:53pm indicated the wind was N, NNW at 7-9 mph.
Google Map showing the damaged soybean field
This is a picture of an affected soybean field in one of my pesticide drift cases, when wind restrictions, are not followed as stated on the pesticide label.

This photo was taken facing south on the north end of the field.
3 foliage samples were pulled. Sample Number 12 was pulled 25 ft from the North fence line, on the North side of the damaged field.
This is a close of view of the soybean plant in sample number 12
Sample Number 13

Sample 13 was taken 30 Ft from the east side of the fence line, east side of the field.

This is a close up view of the soybean plant in sample number 13.
Sample Number 14 was taken 75 Ft from the shelter belt, south side of the field. This is close up view of the soybean plant in sample number 14.
This is a picture of the Dicamba field across the road where Mr. Smith noticed the spray truck sitting.
Results of the sample numbers 12-14

South Dakota Agricultural Laboratories have examined the sample of

Product: Soybeans
Lot Number: 12-SP-19
Collection Date: 2018-07-27
Date Received: 2018-07-31
Laboratory Number: 180086363
Guarantor: Agent/Owner:

Sample Collection Location: 25 FT from the north fence line/ North side of field

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DETECTION LIMIT</th>
<th>METHOD</th>
<th>DUPLICATE</th>
<th>BLANK</th>
<th>SPIKE REC %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,4-D</td>
<td>5.74 ppb</td>
<td>2</td>
<td>GC-MS/MS</td>
<td>6.55</td>
<td>ND</td>
<td>100</td>
</tr>
<tr>
<td>Chlorothalonil</td>
<td>ND</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>180086364</td>
<td>ND</td>
<td>133</td>
</tr>
<tr>
<td>Dicamba</td>
<td>6.73 ppb</td>
<td>1</td>
<td>GC-MS/MS</td>
<td>7.07</td>
<td>ND</td>
<td>105</td>
</tr>
<tr>
<td>Dicamba Metabolite (DCS)</td>
<td>ND</td>
<td>50</td>
<td>GC-MS/MS</td>
<td>ND</td>
<td>ND</td>
<td>65</td>
</tr>
<tr>
<td>Diflufenpyryp</td>
<td>ND</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>ND</td>
<td>ND</td>
<td>106.9</td>
</tr>
<tr>
<td>Dimefenthiuron</td>
<td>ND</td>
<td>5</td>
<td>LG-MS/MS</td>
<td>180086364</td>
<td>ND</td>
<td>111</td>
</tr>
<tr>
<td>Glyphenate</td>
<td>467 ppb</td>
<td>10</td>
<td>LC-MS/MS</td>
<td>18005727</td>
<td>ND</td>
<td>114</td>
</tr>
</tbody>
</table>

Additional active ingredients found but not requested

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DUPLICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atrazine</td>
<td>37.10 ppb</td>
<td>18008371 ppb</td>
</tr>
<tr>
<td>Glufosinate</td>
<td>107.00 ppb</td>
<td>18008727 ppb</td>
</tr>
</tbody>
</table>

Comments:

Reviewed By: Regina Wixson, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.
South Dakota Agricultural Laboratories have examined the sample of

Product: Scybeans
Lot Number: 13-SP-10
Inspector No: 13-SP-10
Collection Date: 2019-07-27
Date Received: 2019-07-31
Laboratory Number: 18R006364

Guarantor:
Agent/Owner:

Sample Collection Location: 30 FT from the east fence line - East side of field

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DETECTION LIMIT</th>
<th>METHOD</th>
<th>DUPLICATE</th>
<th>BLANK</th>
<th>SPIKE REC %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,4-D</td>
<td>4.80 ppb</td>
<td>2</td>
<td>GC-MS/MS</td>
<td>18R006363</td>
<td>ND</td>
<td>100</td>
</tr>
<tr>
<td>Chloridrin</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>ND</td>
<td>ND</td>
<td>133</td>
</tr>
<tr>
<td>Diisobutyl</td>
<td>1.53 ppb</td>
<td>1</td>
<td>GC-MS/MS</td>
<td>18R006363</td>
<td>ND</td>
<td>105</td>
</tr>
<tr>
<td>Diisobutyl Metabolite (DC3A)</td>
<td>ND ppb</td>
<td>5</td>
<td>GC-MS/MS</td>
<td>18R006363</td>
<td>ND</td>
<td>65</td>
</tr>
<tr>
<td>Dithiuron</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>18R006362</td>
<td>ND</td>
<td>105.9</td>
</tr>
<tr>
<td>Dithiuron sulfamide</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>ND</td>
<td>ND</td>
<td>111</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>274 ppb</td>
<td>10</td>
<td>LC-MS/MS</td>
<td>18R0063727</td>
<td>ND</td>
<td>114</td>
</tr>
</tbody>
</table>

Additional active ingredients found but not requested:

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DUPLICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atazome</td>
<td>22.46 ppb</td>
<td>21.00 ppb</td>
</tr>
<tr>
<td>Glutoximate</td>
<td>161.00 ppb</td>
<td>18R005727 ppb</td>
</tr>
</tbody>
</table>

Comments:

Reviewed By: Regina Wixson, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.
South Dakota Agricultural Laboratories have examined the sample of Soybeans.

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DETECTION LIMIT</th>
<th>METHOD</th>
<th>DUPLICATE</th>
<th>BLANK</th>
<th>SPIKE REC %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,4-D</td>
<td>5.61 ppb</td>
<td>2</td>
<td>GC-MS/MS</td>
<td>18RD0003633</td>
<td>ND</td>
<td>100</td>
</tr>
<tr>
<td>Clethodim</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>18RD000364</td>
<td>ND</td>
<td>133</td>
</tr>
<tr>
<td>Dicamba</td>
<td>1.30 ppb</td>
<td>1</td>
<td>GC-MS/MS</td>
<td>18RD0003633</td>
<td>ND</td>
<td>105</td>
</tr>
<tr>
<td>Dicamba Metabolite (DCSA)</td>
<td>ND ppb</td>
<td>50</td>
<td>GC-MS/MS</td>
<td>18RD0003633</td>
<td>ND</td>
<td>65</td>
</tr>
<tr>
<td>Difluorenzopyr</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>18RD0003637</td>
<td>ND</td>
<td>105.0</td>
</tr>
<tr>
<td>Dimethanamide</td>
<td>ND ppb</td>
<td>5</td>
<td>LC-MS/MS</td>
<td>18RD0003604</td>
<td>ND</td>
<td>111</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>4.66 ppb</td>
<td>10</td>
<td>LC-MS/MS</td>
<td>18RD0003727</td>
<td>ND</td>
<td>114</td>
</tr>
</tbody>
</table>

Additional active ingredients found but not requested:

<table>
<thead>
<tr>
<th>ANALYTE</th>
<th>FOUND</th>
<th>DUPLICATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atrazine</td>
<td>17.40 ppb</td>
<td>18RD000371 ppb</td>
</tr>
<tr>
<td>Bromoxynil</td>
<td>&lt;5 ppb</td>
<td>18RD000363 ppb</td>
</tr>
<tr>
<td>Glufosinate</td>
<td>&lt;5 ppb</td>
<td>18RD000363 ppb</td>
</tr>
<tr>
<td>Glufosinate</td>
<td>100.00 ppb</td>
<td>18RD0003727 ppb</td>
</tr>
<tr>
<td>Picloram</td>
<td>0.60 ppb</td>
<td>18RD000363 ppb</td>
</tr>
</tbody>
</table>

Comments:

Reviewed By: Regina Wicen, Ph.D.

The results of this examination will be published as provided by law.
In Conclusion

• Mr. Wilson did not have the required Dicamba training to apply the Dicamba product Xtendimax.
• Mr. Wilson also used RT3 and Affect which was not a approved tank mix.
• Mr. Wilson was also making an application over 10 mph.
In Conclusion

• The Xtedimax with VaporGrip Technology label states: Training Prior to applying this product in the 2018 growing season and each growing season thereafter, applicators must complete dicamba or auxin-specific training. If training is available and required by the state where the applicator intends to apply this product, the applicator must complete the training.

• The Xtedimax with VaporGrip Technology label states: Tank mixing instructions DO NOT tank mix any product with Xtedimax with VaporGrip Technology unless: The intended tank mix product is identified on the list of tested products.
In Conclusion

• The Xtedimax with VaporGrip Technology label states: Sprayer Setup Do Not apply when wind speeds are less than 3 mph or greater than 10 mph

• Mr. Wilson was fined $2,000 dollars for the fines listed above.
Complete Investigation

• After field investigation is completed, the Ag. Inspector puts the information together and forwards it to the Enforcement Specialist with the Department of Ag.
Enforcement Specialist & Case Development

• Ag. Program Specialist will review the Inspector’s report
• Assign follow-ups as needed
• Lab sample results are sent to Department of Agriculture in about 30-60 days.
Ag Specialist Summary

• The Ag Specialist will look for several things when recommending action:
  – Is everyone licensed?
  – Were pesticide labels followed?
  – Time frames between applications to damage symptoms.
  – Wind direction at the time of application.
Case Review:

- The Program Specialist makes a recommendation.
- Dept. staff collectively reviews the recommendation and a final decision is made.
Final Action

• No Action Taken – Summary Letter

• Penalties:
  – Warning Letter
  – Settlement Agreement
  – Revocation of License
No Response to Settlement Agreement

• Case file forwarded to Attorney General’s Office
Final Action Received

- Summary Letter to Complainant
- Case Closed
Statics from 2018 Dicamba Drift Complaints

• 334 samples were taken in total of all the drift cases and sent into the lab
• 46 drift cases where reported
Questions?