

Lawsuit blames insecticide for farm worker’s death

Bayer Cropscience named as defendant in wrongful death complaint

By MATEUSZ PERKOWSKI
Capital Press

The family of a deceased farm worker in Idaho has filed a lawsuit claiming that

his terminal lung cancer was caused by a pesticide that’s being discontinued.

The complaint, filed by the wife and four daughters of Jesus Madera, claims that Bayer Cropscience is liable for his death for manufacturing and selling the insecticide aldicarb, commonly known as Temik 15G.

According to the complaint, Madera did not smoke and was not exposed to asbestos, radon or other substances known to cause lung

cancer prior to his death in November 2013 at the age of 39.

“Mr. Madera’s medical providers concluded that Mr. Madera acquired metastatic adenocarcinoma of the lung due to his exposure to Temik 15G,” the document said.

His family seeks compensation for medical and funeral expenses, as well as the loss of earnings and companionship, in an amount to be proven at trial.

The complaint claims

that Bayer is responsible for Madera’s death because the chemical was “defective and unreasonably dangerous” and the company negligently produced it without adequately warning of its hazards.

Capital Press was unable to reach a spokesperson for Bayer as of press time.

Production of aldicarb was phased out at the end of 2014 as part of an agreement between the company and the U.S. Environmental Protection Agency, which

had previously found that the pesticide “no longer meets our rigorous food safety standards and may pose unacceptable dietary risks, especially to infants and young children.”

However, the product will continue to be sold until the end of 2016 and growers will have until the end of 2018 to use it on certain crops.

To win such a product liability case, the plaintiffs face the burden of proving that the toxic substance was

responsible for the death, said Monique Lillard, a law professor specializing in torts at the University of Idaho.

The plaintiffs can rely on the expert testimony of doctors and other scientists, but they face a tough battle because there can be numerous causes for lung disease, she said.

“The actual cause is often the hardest hurdle for the plaintiff to overcome,” Lillard said.

Calif. citrus growers on edge following HLB discoveries

By TIM HEARDEN
Capital Press

SACRAMENTO — Additional discoveries of the devastating tree disease huanglongbing in urban neighborhoods in the Los Angeles area have California citrus growers on high alert.

University of California Cooperative Extension advisors are urging all citrus growers to monitor their trees for disease symptoms as they conduct research on possible solutions.

For instance, a team at UC-Davis is working to fuse two immunosuppressive genes that attack the disease in different ways to make the plant more effective in fighting the disease, while scientists at UC-Riverside are working with Florida researchers to develop a rootstock with natural resistance to HLB.

Other scientists are studying ways to identify the disease in trees before visual symptoms occur so the trees can be taken out sooner, helping to prevent the spread of HLB.

Growers “are waiting for results of UC researchers with baited breath — especially techniques for early detection,” said Jeannette Warnert, a spokeswoman for the UC’s Division of Agriculture and Natural Resources.

The UC has developed a

website for farmers and ranchers with detailed information on managing the Asian citrus psyllid, which can carry huanglongbing. In some urban areas, a natural enemy of the psyllid, *Tamarixia radiata*, has been released, according to a UC news release.

Mark Hoddle, a biocontrol specialist at UC-Riverside, has found a second natural enemy of the psyllid in *Diaphorocytus aligarhensis*, which comes from the Punjab region of Pakistan. Populations of the insect have been released in urban areas.

The measures come as two additional backyard citrus trees in the San Gabriel, Calif., area were found last week to be infected with huanglongbing, bringing the total number of infected trees to four — a kumquat tree, a lime tree and calamondin and mandarin trees, all on residential property.

Among commercial growers, the finds have “certainly heightened people’s awareness and increased the vigilance,” said Bob Blakely, vice president of the Exeter, Calif.-based California Citrus Mutual.

“The finds have been quite a ways from any commercial citrus, but it’s kind of confirmed what we’ve known is going to be the outcome for quite a while — that eventu-

ally it’s going to show up here in California,” Blakely said. “We’ve held it off longer than other citrus-producing states, primarily through aggressive efforts to control psyllids and slow down their movement. The hope now is to engage homeowners to look for it in their back yard and call their agricultural commissioner ... if they think they have a symptomatic tree.”

Huanglongbing isn’t harmful to humans or animals but causes discoloration of fruit and leaves and eventually kills the tree. The University of Florida estimates the disease causes an average loss of 7,513 jobs per year and has cost growers nearly \$3 billion in revenue in Florida, Georgia, Louisiana, South Carolina and Texas, where the disease is present.

In California, a quarantine for the Asian citrus psyllid has been set up in all or parts of 17 counties, requiring shipped fruit to be free of leaves and stems and restricting movement of any nursery stock that isn’t grown in a USDA-approved facility.

An early symptom of huanglongbing is yellowing of leaves on an individual limb or one sector of the tree’s canopy, according to the UC’s Integrated Pest Management Program. Leaves that turn yellow from HLB will show



Courtesy of UCANR

This citrus tree in Hacienda Heights, Calif., was found to be infected with huanglongbing, which is carried by the Asian citrus psyllid and eventually kills trees. Citrus growers are on high alert for signs of the disease as officials are urging urban homeowners to check their backyard trees.

an asymmetrical pattern of blotchy yellowing or mottling, the program’s scientists explain.

The Asian citrus psyllid was first discovered in California in 2008, and the first case of huanglongbing was found in 2012. In February, the USDA awarded more than \$4.5 million to UC-Davis and nearly \$1.7 million to UC-Riverside for prevention and research into huanglongbing, and the state’s Citrus Pest and Disease Prevention Program has been distributing best-practices tips to nurseries.

Scientists and the public far apart on safety of GMO food

By SEAN ELLIS
Capital Press

BOISE — Scientists are sharply divided from the public on the question of whether genetically modified foods are safe.

The wide disparity is due in part to the fact that anti-GMO advocates have been successful in convincing a lot of people that genetically engineered crops are unsafe and scary, a leading expert on the issue told National Onion Association members last week during their annual meeting.

A Pew Research Center survey on science literacy found that 88 percent of scientists believe GMO foods are safe. By contrast, only 37 percent of the public believe that.

The 51-point margin between what scientists and the public believe about GMO crops was greater than it was for any of the survey’s other topics, including climate

change, fracking and human evolution.

The survey, which was released Jan. 29, was conducted in association with the American Association for the Advancement of Science.

Pat Byrne of Colorado State University’s Department of Soil and Crop Sciences, whose job includes educating people about genetic modification, said he was initially surprised by the wide disparity.

“But in a way, it’s not surprising because the opponents of GMO crops have really been dedicated to spreading uncertainty and fear about (the technology),” he said.

He said both sides of the issue have been guilty of exaggerating their claims and sometimes his job “seems like Mission Impossible because there is so much misinformation about GMO crops. The truth is somewhere in-between.”



Sean Ellis/Capital Press

Colorado State University professor Pat Byrne speaks to National Onion Association members about the issue of genetically modified crops in Boise July 16.

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NOTICE OF PUBLIC HEARING ON THE PROPOSAL TO AMEND THE WASHINGTON DRY PEA AND LENTIL COMMISSION MARKETING ORDER

Washington State Department of Agriculture (WSDA) has scheduled a public hearing on a petition to amend the Washington Dry Pea and Lentil Commission’s Marketing Order (WAC 16-536). The proposal would:

- Rename the commission the “Washington Pulse Crops Commission.”
- Add dried faba beans and lupine as commodities covered by the marketing order, which would subject commercial growers to the terms of the marketing order, including assessments.
- Increase the assessment rate effective January 1, 2016 through December 31, 2018 from 1% to 2% of the net receipts at the first point of sale. The assessment rate would return to 1% on January 1, 2019.
- Remove the citizenship requirement as part of the requirements for board membership in order to bring the rule into harmony with state and federal appellate court decisions.

Changes to the Marketing Order must be approved by referendum vote of affected pulse crop producers and will become effective on January 1, 2016, if approved.

IMPORTANT NOTE: If you are a commercial grower of dried faba beans and/or lupine, please contact Teresa Norman at (360) 902-2043 or tnorman@agr.wa.gov to register your affected producer status. You must be registered as an affected producer in order to vote on this marketing order referendum. Registered producers of other commodities already covered under this marketing order are not required to register unless also producing dried faba beans and/or lupine.

A public hearing to address the proposed amendment will be held:

September 15, 2015 at 9:00 a.m.
Whitman County Health Coalition Public Services Building
310 N Main St.
Colfax, WA

Testimony may be presented at the hearing or submitted in writing. Written submissions must be received by WSDA no later than 5:00 p.m. September 15, 2015 and may be mailed, faxed, or e-mailed to:

Teresa Norman, Commodity Commission Program
P. O. Box 42560
Olympia, WA 98504-2560
Fax: 360-902-2092
Email: tnorman@agr.wa.gov

For questions about or copies of the proposed amendment, contact Teresa Norman, WSDA, at (360) 902-2043 or Tim McGreevy, WA Dry Pea and Lentil Commission, (208) 882-3023.

Dated at Olympia, Washington this 31st day of July, 2015
Derek I. Sandison, Director
WA State Department of Agriculture

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