

Washington

Orchard workers sue over spray drift

By DAN WHEAT
Capital Press

YAKIMA, Wash. — Seven orchard workers have filed a lawsuit alleging Ag Air Flying Service of Royal City and Jones Produce of Quincy were negligent in applying pesticides two years ago, causing workers to become ill.

The suit, filed Oct. 5 in Yakima County Superior Court, claims that on Aug. 27, 2014, Ag Air was spraying a potato field for Jones Produce near Mattawa and allowed the pesticide to drift off-target onto a

nearby orchard where approximately 68 workers were tying the limbs of young apple trees.

Ag Air could not be reached for comment. Mike Jones, president of Jones Produce, had no comment, saying he wasn't aware of the incident.

Products in the spray mix included Silencer and Weteit for the potatoes and 45 gallons of Oberon left in the tank from an earlier application to a corn field, the lawsuit states. All of those products are labeled with warnings against human exposure and warn incorrect appli-

cation is a violation of federal law.

Shortly after the exposure, some workers experienced symptoms that included headaches, numbness and tingling in the face and lips, diarrhea, nausea and vomiting, dizziness, shortness of breath and tightness in the chest, the lawsuit alleges.

"The pesticide laws are very clear. It is a violation to spray in a manner inconsistent with the label and the labels clearly state not to permit drift onto people," said Joe Morrison, a Columbia Legal Ser-

VICES attorney representing the workers.

He called the incident "unacceptable" and said notice to the orchard could have prevented it because the orchard then could have temporarily removed the workers.

One of the plaintiffs, Modesta Arista Gomez, and her daughter, Rocio Gomez, said there was no prior notice of spraying.

"When the plane was passing over us, we didn't give it a lot of thought. We were working and doing our jobs. Then we started to smell some-

thing really awful. I've never smelled anything like it," Arista said. She and other workers became ill.

The state departments of Agriculture and Health investigated the incident and found the pesticides on workers' clothing, the lawsuit states. The Department of Health concluded that virtually all the workers suffered a "probable" pesticide-related illness, the lawsuit says.

On May 2, an administrative law judge found Ag Air violated state pesticide application laws and levied a civil

penalty of \$440 and suspended pilot Leonard Beierle from spraying for nine days.

That decision remains under review by the Department of Agriculture over five months after it was rendered, Morrison said.

Rocio Gomez called it a slap on the wrist and said the workers were easily visible from the air because the trees were small and lots of cars were parked along the edge of the orchard.

The lawsuit seeks an amount for damages to be proven at trial.

Registration for popular wheat academy now open

Falling number, herbicide drift on course agenda

By MATTHEW WEAVER
Capital Press

Last year, Washington State University's Wheat Academy sold out within three weeks of registration opening.

Registration for this year's academy opened Oct. 10, and is limited to 75 people. Price is \$75 for farmers and \$125 for agriculture professionals.

"This is my good problem — I have too much interest in the program," WSU weed science professor Drew Lyon said. "I guess I've opted for keeping the quality high and numbers low (rather than) than try to fill the gap."

The program will be Dec. 13-14 in on the WSU campus in Pullman.

Speaker availability only allows for one program, he

said. The program brings more science into the management of wheat than other workshops, Lyon said.

Presenting researchers go more in-depth during 90-minute sessions and incorporate hands-on learning.

"We generally get very good reaction, but watching people as they come out of the different rooms as their sessions end, some of them, you can tell, they had to remember back to that high school or early college chemistry class they had, 20 or 30 years ago in some cases," Lyon said. "For a lot of them, it brings a little more understanding as to why the recommendations that are made for wheat management are the way they are."

Farmers get to interact with researchers and agriculture professionals, Lyon said.

"The chemistry just seems to be right between the speaker, the topics, the format and who attends it," he said.

Falling number, a topic last year, is on the agenda again.

The program may include showing what happens to products baked using grains with low falling number, Lyon said.

"Last year the topic wasn't at the front of a lot of people's minds," he said. "This year it will be, and so my guess is the interactions will be different this year than they were last year for that particular class."

Another topic is how spray particle sizes and nozzle selection affect herbicide drift.

Bob Klein of the University of Nebraska will speak on drift, pesticides and Washington's ban on ester herbicides.

"There's only probably three or four people in the whole country who are as knowledgeable as Bob Klein on this topic," Lyon said. "I think a lot of people will be very interested in what he has to say."

Retired USDA Agricultural Research Service scientist Betty Klepper will speak about wheat growth and development.



Dan Wheat/Capital Press

Tips and buds of cherry trees were eaten off by elk in Mike Trainer's orchard south of Malaga, Wash., on Oct. 4. A herd of elk can do a lot of damage to an orchard in short order.

Growers: Elk damaging Wenatchee orchards

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Elk are damaging fruit trees in orchards south of Wenatchee again and the state Department of Fish and Wildlife has increased the number of hunting permits in the area, partly in response to complaints from orchardists last winter.

Several orchards between the Columbia River and foothills south of Malaga, which is seven miles south of Wenatchee, seem to have the most problems, mainly in blocks of young trees.

"A couple of nights ago I had three big males with racks (antlers) and probably 70 to 80 females. It's a lot. We've been trying to chase them out with four-wheelers but they are not really paying attention to us," said Carlos Torres, who leases 67 acres of orchard from the nearby Alcoa Wenatchee Works.

The herd comes to the river to drink and then eats apples, tips and buds of young trees and rubs bark off trunks and branches. They're in his orchard mostly during the evenings and nights. It's noisy with bulls fighting since it's mating season, he said.

Torres picked a block of Granny Smith apples early because elk were eating them. He

estimates he's lost about 1,200 young Honeycrisp and Gala trees. He needs to take them out this fall and replant next spring at a cost of about \$10 per tree but isn't ready to do that until he decides if he can afford 8-foot-tall fencing for 14 acres.

Joseph Bridges, WDFW wildlife conflict specialist, is trying to help him get fencing wire on discount for about \$9,000 and Torres will supply posts and labor.

Torres said he has tried hazing with guns and other noise-makers, hanging laundry fabric softer tissues in trees and has sprayed trees with soap and water but nothing deters elk for long. Last winter, the herd was in his orchard for weeks.

In recent weeks, neighboring orchardist Mike Trainer hung fabric softer tissues in his young cherry trees.

The smell of fabric softer tends to keep mule deer away but not elk, said Rene Hernandez, another area grower.

"We will start fencing in a week or two so I'm not too worried anymore," he said. "Whoever has an orchard and wants to keep it, they have to fence."

Hernandez said he's only had 20 to 30 elk this fall but last winter had 50 to 150.

This fall, WDFW increased the number of antlerless elk hunting permits in the Malaga area to 170 over seven time periods versus 90 over four time periods last year, according to

statistics supplied by David Volsen, WDFW biologist.

The increase, he said, is partly in response to orchard damage last winter and part of an effort to reduce the larger Colockum herd, which includes the Malaga elk. The Colockum herd was estimated at 6,000 elk a year ago and more than 60 were killed on Interstate 90 between Vantage and Ellensburg last winter.

Now the herd is about 5,000, which is about 300 over goal, said Scott McCorquodale, WDFW wildlife manager in Yakima. The department issued 700 to 900 antlerless hunting permits for the herd this fall and a year ago to thin the herd but likely will reduce that number next fall, he said. Orchardists have fewer elk problems in milder winters and last winter was harsher, more like what used to be normal, Volsen said.

State Sen. Linda Evans Parlette, R-Wenatchee and an orchardist uphill from Malaga near Wenatchee Heights, has asked to get the issue on the agenda of the Oct. 26 Stemilt Partnership meeting. Parlette and Trainer are cousins.

"Last Christmas we counted 60 to 65 in our orchard. They did damage and we've never had that problem before," Parlette said.

"As more orchards go in, they displace habitat. It's an issue that seems to be getting worse. I don't know what the solution is," she said.



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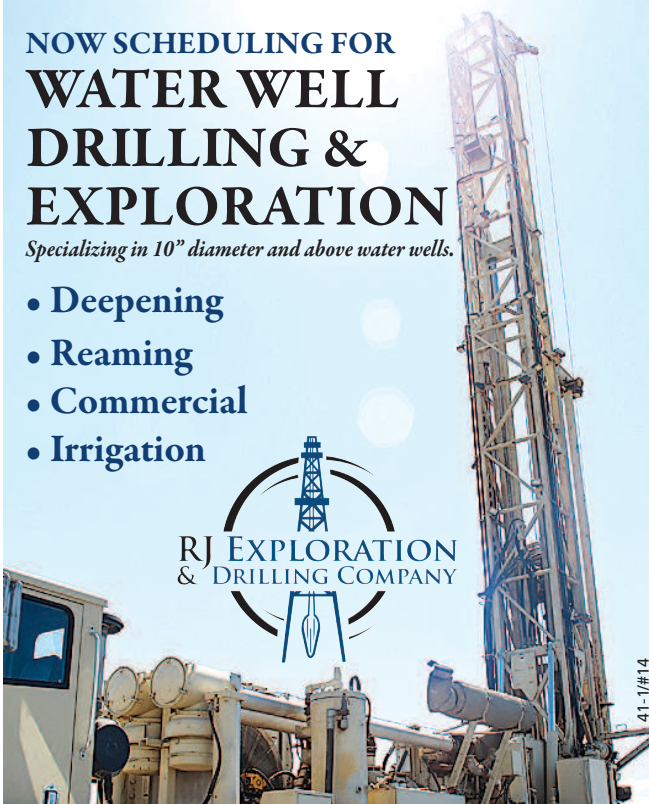
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