Analyzed By:
South Dakota Agricultural Laboratories
1006 32nd Ave Ste 105
Brookings,South Dakota 57006
Phone: 605-692-7325
E-Mail: regina.wixon@sdaglabs.com

Collected By:
(b) (6)
[redacted]

Report Date: 2017-08-02 **Preliminary Report**

Report Of Analysis

Date Received : 2017-07-24
Package Id : 20170724-015

17PE006013 **Description: Pest. Misc.** **Date Collected:**
Black shirt

Analyte	Result
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	ND ppb
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	22.3 ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Simazine	ND ppb
Trifluralin	ND ppb
Azoxystrobin	Pending
Propiconazole	152 ppb

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17PE006014 **Description: Pest Misc.** **Date Collected:**

Green shirt

Analyte	Result
Acetochlor	564 ppb
Alachlor	ND ppb
Atrazine	ND ppb
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	25.6 ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Simazine	ND ppb
Trifluralin	ND ppb
Azoxystrobin	Pending
Propiconazole	99.4 ppb

17PE006015 **Description: Pest Misc.** **Date Collected:**

Jeans

Analyte	Result
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	ND ppb
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	ND ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Simazine	ND ppb
Trifluralin	ND ppb
Azoxystrobin	Pending
Propiconazole	15.4 ppb

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17PE006016 **Description: Pest Misc.** **Date Collected:**

Jeans

Analyte	Result
Azoxystrobin	Pending
Propiconazole	18.8 ppb
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	ND ppb
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	17.7 ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Simazine	ND ppb
Trifluralin	ND ppb

17PE006017 **Description: Vegetation** **Date Collected: 2017-07-13**

(b) (6) [redacted]

Analyte	Result
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	26.1 ppb
Azoxystrobin	Pending
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	ND ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Propiconazole	149 ppb
Simazine	ND ppb
Trifluralin	ND ppb

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17PE006018 **Description: Vegetation** **Date Collected: 2017-07-13**

(b) (6)

Analyte	Result
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	26.4 ppb
Azoxystrobin	Pending
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	ND ppb
Metribuzin	ND ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Propiconazole	526 ppb
Simazine	ND ppb
Trifluralin	ND ppb

17PE006019 **Description: Vegetation** **Date Collected: 2017-07-13**

(b) (6)

Analyte	Result
Acetochlor	ND ppb
Alachlor	ND ppb
Atrazine	51.8 ppb
Azoxystrobin	Pending
Dimethenamid	ND ppb
Ethalfuralin	ND ppb
Metolachlor	ND ppb
Metribuzin	126 ppb
Pendimethalin	ND ppb
Prodiamine	ND ppb
Prometon	ND ppb
Propachlor	ND ppb
Propiconazole	374 ppb
Simazine	ND ppb
Trifluralin	ND ppb

ND Not Detected

Reviewed By: Regina Wixon.

The analytical results on this report reflect what was found in the laboratory sample as it was received at the laboratory.

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Print This Page | Close This Window

Name: (b) (6) [redacted]

(b) (6) [redacted]

Past Results

About This Test

(b) (6) [redacted]

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At your inspection, discuss which plan is applicable to the indoor processing facility, and how you are following the pest management steps outlined in the National Organic Standards.
Resolved: You let your inspector know that you will not be using any pest control materials within your facility. You are only using Insect light traps and sticky tape to deal with flies. This plan is approved.

2) §205.103 Recordkeeping by certified operations. There are two facility maps and two flow charts in your file. Please work with your inspector to remove the map and flow chart that are no longer applicable to your file. **Resolved: Your inspector identified the correct facility map and flow chart to be included in your file. All other flow charts and maps should be removed at your next inspection by placing them into Tab 12 of your paper file.**

3) §205.103 Recordkeeping by certified operations. §205.303 Packaged products labeled "100 percent organic" or "organic." There are four labels in your file for your organic whole broilers. None have been approved. The most recent label turned in with your file indicates that the product is certified organic by Iowa Dept of Ag. Please indicate which label you plan to use moving forward for birds being processed in your indoor slaughter facility. **Reminder: Two labels were submitted, one that is currently being used and one that is proposed for use as an organic label. The label proposed for organic use has "Certified Organic by MOSA" handwritten below the contact information of your farm. This is a requirement of labels that make organic claims. This template is approved, though you should submit a final copy of this label once it is prepared. All labels must be approved prior to use.**

Reminders:

4) §205.105 Allowed and prohibited substances, methods, and ingredients in organic production and handling. §205.103 Recordkeeping by certified operations. Al-natural animal bedding from Americas Choice is listed on your Livestock Input Inventory. We need to verify that the wood bedding used for your livestock does not contain any prohibited substances. Either submit a completed Off-Farm Manure/Bedding Verification form (enclosed) at your next inspection or discontinue use of this product.

5) §205.202 Land requirements. §205.201 Organic production and handling system plan. §205.671 Exclusion from organic sale. On 07/14/2017 you called the MOSA office to let us know that your farm had experienced severe pesticide drift as result of an aerial sprayer flying over your land. Shortly after that the SD Department of Ag visited your farm to asses the damage and to take pesticide residue tests. On 08/02/2017 MOSA sent an inspector to your farm to view the damage. Residue results were submitted and showed positive residues for several prohibited substances. You indicated that your rented pasture, high tunnels and a portion of your vegetable fields were affected, and a map has been submitted of these areas. This is as follows:
- High Tunnels 1 and 3 both have exposed sides and therefore will need to re-transition.
- The garden behind the house, Field 6, and Field 7 will need to re-transition.
a) This land must re-transition for 36 months from the date it was sprayed (07/13/2017). Moving forward any crops harvested from these fields must not be sold, fed or represented as organic, and organic animals may not graze on this pasture without loosing their organic status. Your annual inspectors will continue to monitor this situation.
b) In 2018, please submit an updated map. Currently your map does not clearly define the boundaries of each individual field. This will be important to establish moving forward.
c) Update your Greenhouse Organic System Plan in 2018 to indicate Hoophouses 1 and 3 are non-organic.

Other Comments:

Unless noted above, and as applicable to your operation, we have reviewed your attention to previous certification conditions and found that they were adequately addressed.

If you have any questions regarding this letter, please contact me.

Thank you for certifying with MOSA. We wish you a successful year!

Sincerely,

Erik Gundersen
Certification Specialist

Enclosure(s):
COPS Sheet, MOSA Certificate

Farley, Joseph

From:	(b) (6) [redacted]
Sent:	Wednesday, October 04, 2017 1:04 PM
To:	Farley, Joseph
Subject:	[EXT (b) (6) [redacted]
Attachments:	BEFOREAFTER.png

Hello JD,

Thanks for hearing me out today. My stress level is very high with this situation. (b) (6) [redacted] today, states that he is not at fault and is basically not going to do anything with his insurance company. He told (b) (6) (b) (6) [redacted] that if the state collected test results come back positive and the results of your investigation show he is at fault, then he may change his mind. Everything rests on you now! We need that report back as soon as possible now. The attorney is going to charge tremendously if we have to hire our own investigator.

In the meantime, I am approaching our eye witness neighbor who was outside with us to obtain her written testimony. In my opinion, he was engaged in reckless flying behavior that day and he was within 75 feet of my mailbox with the plane! In my opinion, there is no way we could have tested that high on Propiconazole unless one or all four things were true:

1) he was releasing chemical within 50 feet of the road and very close to my house
2) the wind was from the east or south
3) the chemical mix was higher than he stated
4) the heat shield above the corn was so high that the chemical vaporized into a heavy fog and came right to us. It appears to us that it never settled on the corn.

Attached

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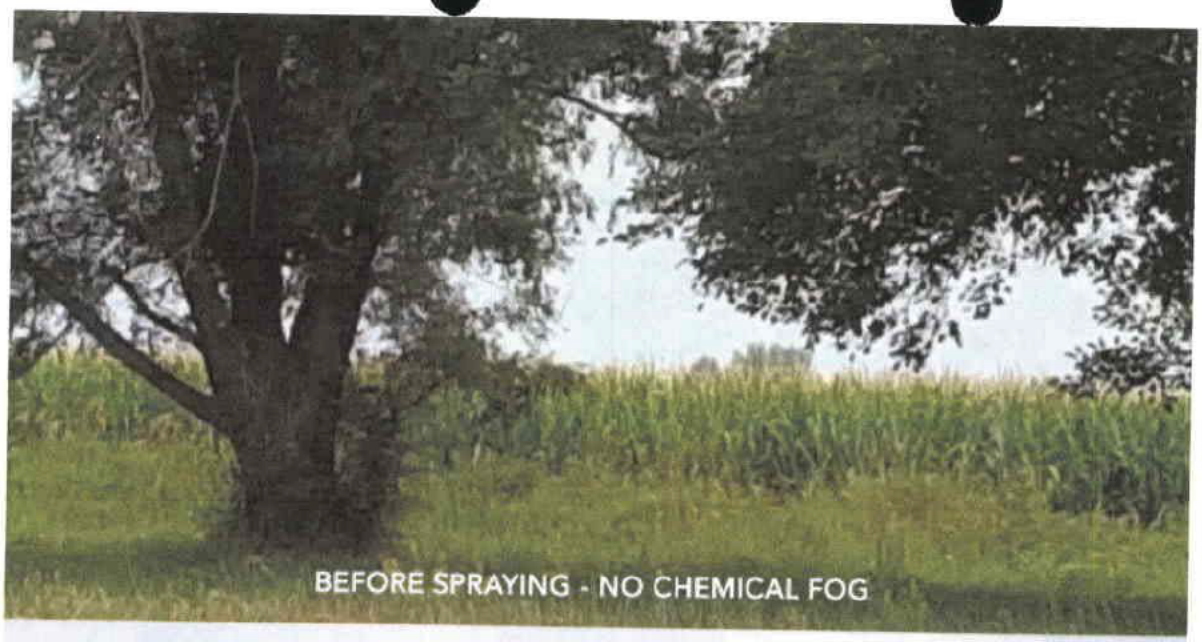

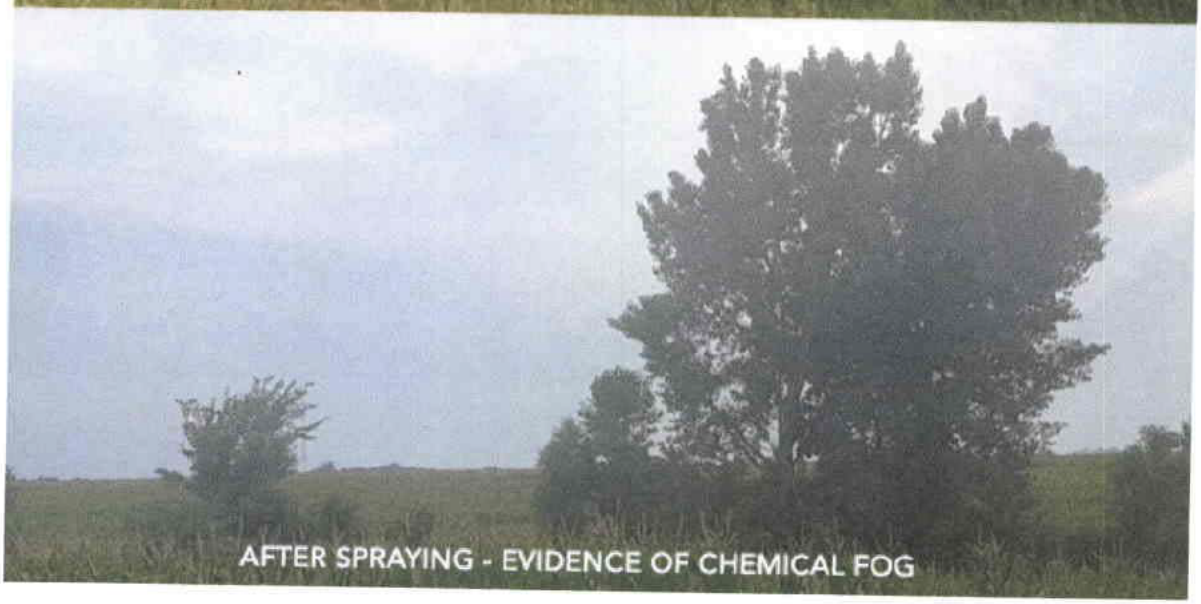

My attorney is (b) (6) [redacted]

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DEPARTMENT OF AGRICULTURE
Division of Regulatory Services
523 East Capitol, Foss Building
Pierre, South Dakota 57501
Telephone: (605)773-4432

RECEIVED
JUL 24 2017

Voluntary Statement

I made the following voluntary statement of fact to Jeff Lounsbery (Pesticide Inspector) of the South Dakota Department of Agriculture on 7-14-17 (Date).

On July 13th, 2017, at approximately 5:40 pm until 6 pm, a crop duster sprayed with 50 feet of the south boundary of our farm and it drifted onto us persons, our pets, chickens, house, equipment in the driveway, and in our garage. We experienced rashes, headache, stomach upset, sore throat, dry mouth, and eye irritation. We were standing in the road trying to stop him because the wind was coming up and it was a fog of vapor drifting on our grass + pets. The applicator flew over our certified organic property 2x, the first time right over our trees by our house.

I, the undersigned have either written the above statement or reviewed it and, hereby swear and affirm that the above statement is a true and accurate account of the facts as they are known to me in connection with the subject matter of the statement.

X (b) (6) [redacted]
Signature – Witness

X 7/14/17
Date

(b) (6) [redacted]
Printed Name

(b) (6) [redacted]
Phone Number

(b) (6) [redacted]
Address

Office – White Witness – Canary Inspector - Pink

JUL 24 2017

a Best Practices Guide to Open Air Poultry Slaughter

By Lauren Gwin, OSU Small Farms Program

Small-scale poultry producers in Oregon who meet certain conditions have the option of slaughtering their poultry in an open air setting. The conditions and regulations are outlined in full in a "Frequently Asked Questions" (FAQ) document from the Oregon Department of Agriculture[1], but are primarily:

- The farmer processes no more than 1000 birds per year;
- The birds are of his or her own raising; and
- The processed birds are sold direct to household consumers, at the farm itself.

Farms that qualify to raise, process, and sell poultry under this new rule are legally exempt from many of the requirements that state-licensed poultry processing facilities must follow. The most notable difference is that state-licensed facilities must be securely enclosed with four solid walls, roof, and floor to protect cleaned poultry carcasses from outside sources of contamination. The new rule does not require this level of construction.

Yet it is still essential for any poultry processor of any size to operate in a safe, sanitary, and environmentally sound way.

We wrote this guidebook to help you with that. Some of our advice – like washing your hands – will sound like common sense. However, the consequences of carelessness can be high: contaminated poultry, sick consumers, personal/farm liability, penalties for environmental damage, and so forth. Other suggestions may be new to you. Take time to come up with a plan that you can and *will* carry out every day you process poultry.

This guide is not a manual for how to slaughter and process poultry, nor does it tell you what equipment you need or how to market your poultry. We have listed useful resources for those topics at the end.

[1] Available on the ODA website: http://www.oregon.gov/ODA/shared/Documents/Publications/FoodSafety/FarmDirectPoultry.pdf. The Oregon Administrative Rules are OAR 603-028-0710 through 603-028-0750.

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Oregon State UNIVERSITY

We practice open air processing and free range organic poultry on certified organic grass. We cannot have any crop dusters spraying near our farm without first notifying us. [redacted] (g) (g)

MOSA ORGANIC CERTIFICATE

RECEIVED
JUL 24 2017
Department of Agriculture
Div. of Ag Services

MOSA has verified through inspection and review that
(b) (6) [redacted]

is certified organic under the US National Organic Program (7 CFR Part 205) for the following categories:

Crop, Livestock

Certified Organic Products/ Services:

Corn; Soybeans; Pasture; Fallow;
Vegetables: broccoli, cucumbers, eggplant, peas, peppers, summer squash, tomatoes, winter squash;
Fruit: watermelon;
In-ground greenhouse production;
Broilers - all eligible for organic slaughter;
Hens for eggs - all eligible for organic slaughter;
Eggs.

Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked (§205.404(c).) MOSA operators must update Organic System Plans annually by May 1. All current certificates are available on MOSA's website: www.mosaorganic.org

Certification #: (b) (6) [redacted]

Effective Date (b) (6) [redacted]

MOSA Certification Representative:
Erik Gundersen

Date Issued:
(b) (6) [redacted]

P.O. Box 821 , 122 W. Jefferson Street , Viroqua , Wisconsin 54665
mosa@mosaorganic.org ■ 608.637.2526 | phone ■ 608.637.7032 | fax

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SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
Division of Agricultural Services
523 East Capitol, Foss Building
Pierre, South Dakota 57501-3182

RECEIVED
JUL 24 2017

Pesticide Damage Complaint Form

1. Claimant's Name: (b) (6) [redacted] Phone Number: (b) (6) [redacted]

Address: (b) (6) [redacted]

2. County: (b) (6) [redacted] Legal Description of Damage Property: (b) (6) [redacted]

3. Property Damage: overspray and drift of insecticide and fungicide on certified organic grass, trees, bushes. Drift

4. Describe Damage: exposure to self + husband while standing on the road in front of our land + house. Strong smell in house + garage. Pets + chickens exposed to drift.

5. Type of Application: Ground ( ) Aerial ( )

6. Facts of Application: Date: 7/13/17 Time (Approximate): 5:35 - 6:00 pm

Weather Conditions (i.e. wind direction, wind speed, temperature, relative humidity):
wind speed 9-10 mph West + South 90 degrees 70%

7. Legal description of crop on which application of pesticide was made: certified organic grass + [illegible]

8. Owner of crop on which application was made: (b) (6) [redacted]

9. Person applying pesticides (if known): Crop Care Aerial Spraying LLC

10. Have you talked to the person that applied the pesticides? Yes ( ) No (X)

If so, give results: _____

11. Witnesses, if any:

Name	Address	Phone Number
(b) (7)(C), (b) (6) [redacted]		

12. Additional Comments: We are certified organic by MOSA and registered as a sensitive farm. The organic inspector will be here on Aug 4th to determine how much land was affected and will be de-certified from drift.

Date: July 15, 2017 Signature: (b) (6) [redacted]

Note: Please complete sketch of damage on page two of this form.

Office – White Firm – Canary Inspector – Pink Applicator - Goldenrod

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
Division of Agricultural Services
523 East Capitol, Foss Building
Pierre, South Dakota 57501-3182

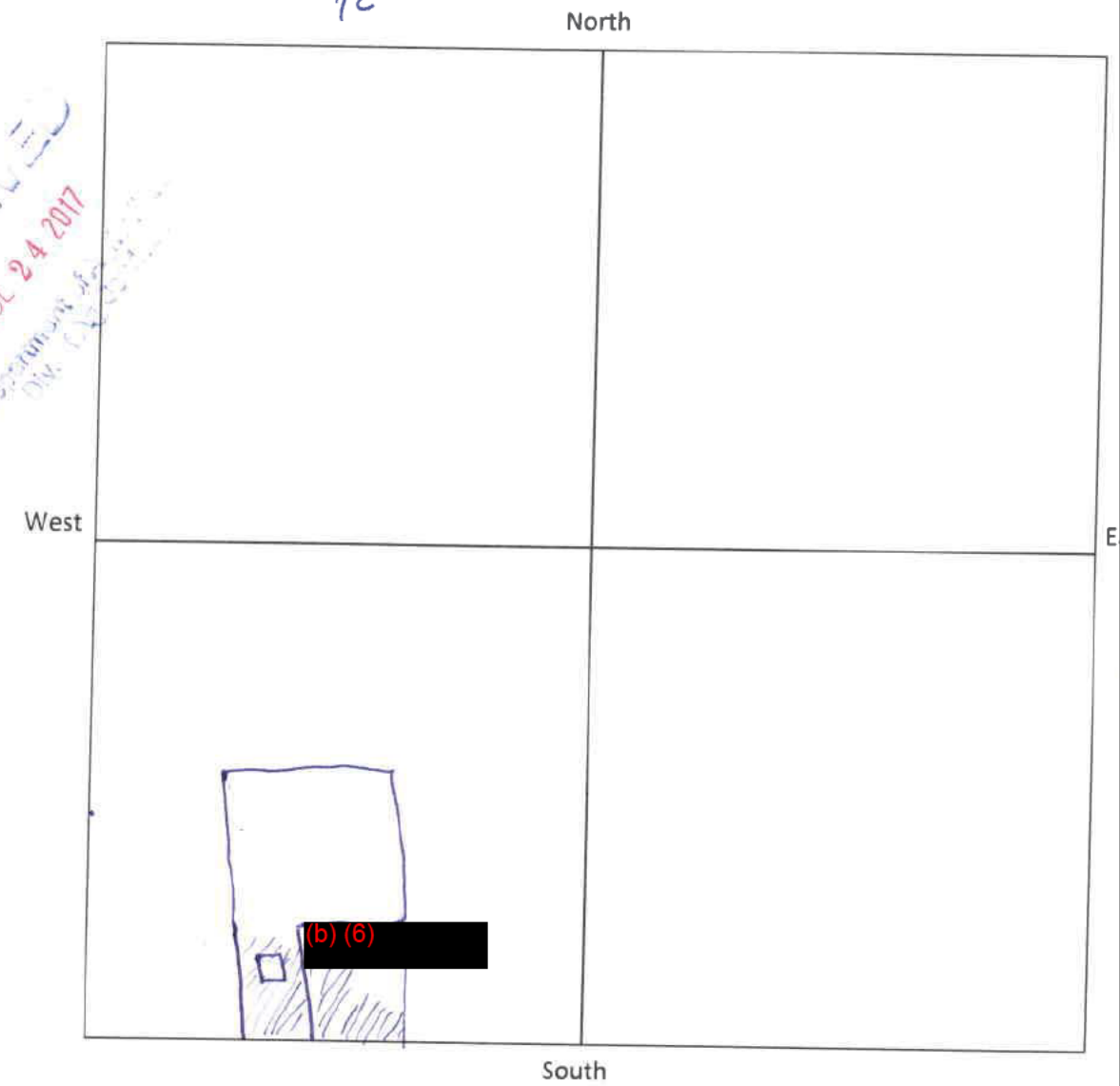
Pesticide Damage Complaint Form

1. Claimant's Name: (b) (6) [redacted] Signature: (b) (6) [redacted] Date: 7/15/17

2. Sketch location of damaged area, indicating section, location and size of area alleged to be damaged.

1/2

(b) (6) [redacted]



RECEIVED JUL 24 2017

Additional comments: It affected the front 200-300ft of my parcel and my rented parcel - (b) (6) [redacted] It is planted in high legume pasture for grazing and polinators.

Office – White Firm – Canary Inspector – Pink Applicator - Goldenrod

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Farley, Joseph

To:	Lounsbery, Jeff
Cc:	Gere, Tom; Farley, Joseph
Subject:	17L071316 Jackson vs Unknown
Attachments:	17L071316.pdf

Jeff,

Please investigate: 17L071316 (b) (6) [redacted] vs Unknown

Thanks,

J.D. Farley
Ag Program Specialist
South Dakota Dept of Agriculture
Division of Agricultural Services
523 E. Capitol Ave., Foss Bldg
Pierre, SD 57501-3182
605.773.4432

3

Pesticide Complaint Information

Date: July 13, 2017

Name of compainant: (b) (6) [redacted]

Phone: (b) (6) [redacted]

Address [redacted]

Type of incident: Drift

Property damaged: Trees

Property location:

Facts of Application:
Date: July 12, 2017

Time: 5:35 PM

Site of application: Corn

Pesticides involved:

Person applying pesticides (if known)

Additional comments:

Note: Inform caller that a damage complaint form will be mailed to them to complete and retain, until such time as they are contacted by one of our inspectors about the complaint.

Inspector: Jeff Lounsbery

Notified: July 13, 2017

Case #: 17L071316

MISUSE/INCIDENT/ACCIDENT INVESTIGATION CHECKLIST

FORMS

- [x] Notice of Inspection (show credentials, explain reason & scope of inspection)
- [x] Use / Misuse Investigation Report
- [x] Pesticide Sample(s) Collection Report
- [x] Pesticide Damage Complaint Form (signed by complainant) (copy to applicator)
- [x] Spray Report (check list)
- [x] Discharge Response Plan on file? ___☐___ YES ___☐___ NO
- [ ] Voluntary Statement Form
- [ ] Report of Pesticide or Fetilizer Discharge Use / Disposal

TYPE OF SAMPLE

- [x] Residue
  - [ ] Soil
  - [ ] Water
  - [x] Vegetation
- [ ] Use Dilutions
- [ ] Formulation
- [ ] Vegetation for visual analysis

WRITTEN INVESTIGATIVE REPORT

- [x] Include Narrative
  * Initial Facts (complaint)
  * Interview (name, address, pertinent facts & elements of proof statement, photos, records, etc.)
  * Ask questions - who, what, when, where, why, how
  * Facts summarized (brief documentation & substantiation of alleged pesticide misuse)

ATTACHMENTS

- [x] Voluntary Statement (signed & dated) from witnesses
- [x] Copies of pertinent records (i.e. if drift, include spray report & National Weather Service Data or S
- [x] Digital photographs. Insert into 8½ X 11 Word document. On each Word document describe what
- [x] Laboratory analytical results (if available)
- [x] Pesticide Labels
- [x] Map of each incident location (show nearest cross streets on map)
- [x] At least one (1) GPS reading of each incident location. Reading should be in decimal degrees and

REMEMBER -- TAKE PROPER SAFETY PRECAUTIONS

2017/ 7/14
(b) (9)