UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

MAR 05 2019

Inspection No: 082818-19572-01

Mr. John Pazzelli
Field Production Manager
Bayer Crop Science
2615 Antelope Avenue
Kearney, Nebraska 68847

Dear Mr. Pazzelli:

On August 28, 2018, a Worker Protection Standard Inspection was conducted at your facility in Kearney, Nebraska, by a representative of the U.S. Environmental Protection Agency to determine your facility's compliance with the Federal Insecticide, Fungicide, and Rodenticide Act.

The EPA has completed its review of the inspection report and is closing the file for this matter. Although no further follow-up action is contemplated by the EPA at this time, please note that the Agency reserves its right to pursue appropriate enforcement actions, including penalties, for any violations discovered as a result of this inspection.

Thank you for your cooperation during the inspection. Please call me at (913) 551-7908 if you have any questions or concerns.

Sincerely,

Marie Blankenship
FIFRA Enforcement Officer
Toxics and Pesticides Branch

cc: Mr. Tim Creger, Nebraska Department of Agriculture (e-copy)

Printed on Recycled Paper

MAR 05 2019

Title:
Bayer Crop Science
Subject matter:
Closeout Letter

Due Date: 3/5/2019 Ready for review? ☐ Document Finalized? ☑

Date Finalized: 3/5/2019

Final record location: H WWPD TOPE TOPE 2019 Correspondence Blankenship Closeout Letters

Division: WWPD Branch: Choose One Priority: Medium

Originator:
Blankenship, Marie

Office Manager:
Schrantz, Beth

Attachments:
Click here to attach a file
Close-out Letter Bayer Crop Science.docx

Reviewer: Blankenship, Marie
Review status: Approved Additional Reviewer Required? ☑

Reviewer: Lesher, Mark
Review status: Approved Additional Reviewer Required? ☐

Submit

Bayer Crop Science (Monsanto)
2615 Antelope Ave.
Kearney, NE 68847

Worker Protection Standard (WPS) Inspection

Inspection Date:
08/28/2018

Performed by:
U.S. Environmental Protection Agency Region 7
WWPD/TOPE/PEST
11201 Renner Blvd.
Lenexa, KS 66219

FIFRA Inspection Report No. 0828181957201

NARRATIVE

Objective
A for cause Worker Protection Standard (WPS) Inspection to determine compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inspection Summary
On March 12, 2018, EPA Region 7 received an email from Tim Creger, Pesticide/Fertilizer Program Manager at the Nebraska Department of Agriculture (NDA). In the email Mr. Creger explained that he had received two letters from Legal Aid of Nebraska that alleged workers detasseling corn in July 2017 had been sprayed by an aerial applicator. On March 19, 2018 EPA received a formal referral letter from the NDA requesting that EPA investigate the complaint.

On March 21, 2018 I spoke with Amanda McMahon of Legal Aid of Nebraska. In our conversation we discussed the worker letters and the complaint in general. The information and concerns Amanda stated to me were:

- A group of workers were employed by Gulf Citrus Harvesting and Hauling Inc. to detassel corn in Nebraska during the summer of 2017. The workers were primarily from Texas.
- The group working was about 12 people.
- The workers believe that they were sprayed by an aerial applicator that was possibly spraying an adjacent field.
- Amanda has a copy of the work order which has the address of the worksite and she will provide it to me.
- Workers reported skin irritation, burning throat, coughing, rashes. A mother and father were employed that had two children with them. Another person had a child with an asthma issue.
- The two workers named in the letters were Yasmin Hernandez and Mildred Martinez Cabrera. Mildred's husband Jesus, a.k.a. "Martin" Medina was also employed on the crew.
- A video of the plane was made by Mildred and Amanda has a copy which she will provide.
- Workers had seen the video for WPS training.
- Supervisors left workers in the field to work during the incident.
- The quality of water brought to the field was poor.
- Amanda would contact both Yasmin and Mildred and provide to me their contact information. Amanda did also state that Yasmin was bilingual but Mildred was Spanish speaking only.

After our conversation I received via email from Amanda McMahon the work order documents for Gulf Citrus Harvesting and Hauling Inc. and Monsanto.

The same day I spoke with Tim Creger at NDA. Tim informed me that one of his inspectors, Eric Fuentes Ruiz had a good working relationship with the staff at Monsanto and would be able to provide to me contact information when needed. We also discussed whether the inspection would be conducted by EPA inspectors or state inspectors using EPA credentials.

On March 22, 2018 I mailed to Amanda McMahon a Receipt for Samples for the work order and video that she had emailed to me.

I prepared a list of questions to ask Yasmin and Mildred and with assistance from EPA employee Vainey Alvarado the WPS worker checklist was translated into a bilingual form for our worker interviews.

On April 4, 2018, at about 2:49pm Vianey Alvarado and I spoke via phone with Mildred Martinez Cabrera and Jesus "Martin" Medina. Both Mildred and Jesus answered the questions which were interpreted for me by Vianey Alvarado since Jesus was bilingual but Mildred only spoke Spanish. We began with the list of questions specific to the complaint and then asked the questions from the WPS Worker Employee Interview Checklist.

For the complaint specific questions Mildred and Jesus answered the following:

- The incident happened at field #3216. They know the field by number but not by street location or legal description. The fields are labeled by number.
- The field being sprayed was adjacent to the field where they were working.
- They called "Janisa" who called John Pazzelli with Monsanto and he told them they could leave the field.
- They did not seek medical treatment.
- Jim Marsh was their employer (Gulf Citrus Harvesting & Hauling Inc.) and was the individual who paid them.
- When asked if they were direct sprayed by the airplane or was it drift from the adjacent field they responded that it was windy and drifting towards them.
- Mildred took the video of the plane and Jesus was the individual in the video making the comments.

Next were the WPS Worker questions with Mildred and Jesus answering. Noted below were responses that appeared to be questionable or potential violations of the WPS:

- There was no WPS safety poster at the work site or on the bus used by the crew each day.
- When asked about spray records and the possibility of a "tube" with a spray record at the field site neither could remember if there was one.
- The WPS worker training video was in English only which Mildred could not understand as a Spanish only speaking worker.
- Was there a training attendance signup sheet that they signed and neither said there was.
- Was heat stress discussed and it was answered no.
- Decontamination sites were a mile away and consisted of a bathroom and drinking water only.
- When employees were fainting from heat stress no medical assistance was received.
- After the drift incident happened they requested medical assistance from Jim Marsh who said he would have a nurse come but none did.

I attempted to contact Yasmin Hernandez via email and telephone voice messages. I traded emails with Amanda McMahon concerning my inability to speak with Yasmin and finally made

contact with Yasmin on April 10, 2018. I began with the list of questions specific to the complaint and then asked the questions from the WPS Worker Employee Interview Checklist.

For the complaint specific questions Yasmin Hernandez answered the following:

- The workers were detasseling in field #3216. The aerial sprayer started about 9am. Field #3216 was a large field and workers were in several sections. She and others were working close to the spraying.
- Gulf Citrus Harvesting and Hauling Inc. was her employer and the entity that paid her.
- When asked if she knew what was being sprayed she said no, she talked to her overseer who never said to get out of the field.
- She had a headache after the spraying but it was also a hot day in the field.

I next asked the WPS Worker questions with Yasmin answering. Noted below were responses that appeared to be questionable or potential violations of the WPS:

- There was no WPS safety poster at the worksite or on the bus used each day.
- There was no central display.
- In case of emergency Yasmin would call Jim Marsh but he had stopped taking their calls because of complaints.
- They were to have a nurse available but didn't.

A couple of Yasmin's responses to the WPS questions were different than Mildred and Jesus' responses. They were:

- Yasmin did sign a WPS training attendance form.
- WPS handouts were in Spanish.
- For decontamination the water jugs were filled at the hotel, it was located at the bus or field entrance, sometimes soap was available, and paper towels were generally available.

On April 10, 2018 Vianey Alvarado and I called Mildred Martinez Cabrera and Jesus "Martin" Medina to ask some follow up questions. They were:

- Was there a signup sheet for WPS training attendance? Jesus answered no there was not and Mildred responded that she did not remember.
- Were there handouts for the WPS training and if so were they in English, Spanish, or both? The response received is that they were in both English and Spanish.
- What type of gloves were provided for working? The response was cloth gloves.
- At the field was there a clear plastic tube to contain spray information? The response was no.

On May 7 and 8, 2018 I exchanged emails with Amanda McMahon asking if she had signed and returned the Receipt for Samples mailed to her. Amanda responded that she had it and would sign and mail to me. I received the signed Receipt for Samples via mail on May 11, 2018.

On May 14, 2018 I emailed to Michael Bauman at US EPA Region 4 information concerning the contracting business and EPA Region 7 inspection concerns. On May 15, 2018 I held a conference call with staff at the US EPA Region 4 and staff from the Florida Department of Agriculture and Consumer Services (FDACS). During the call I briefed them on the WPS

complaint and requested that a WPS inspection be completed with Gulf Citrus Harvesting and Hauling Inc. Representatives of FDACS stated that the business had been inspected in the past and they would coordinate with EPA Region 4 to conduct the requested inspection.

On July 6, 2018 I received an email from EPA Region 4 that the inspection had been completed with Gulf Citrus Harvesting and Hauling Inc. and the report was available to me. Upon review of the file it appears that FDACS did not find violations associated with the inspection. The inspection file is included as an attachment with this report.

I contacted Eric Fuentes Ruiz with the Nebraska Dept. of Agriculture. Eric was able to provide me with the name of a contact at the Monsanto (now Bayer Crop Science) seed corn facility in Kearney, Nebraska.

On August 21, 2018 I called and spoke with Susan Betke at the Bayer Crop Science facility in Kearney, Nebraska. Ms. Betke transferred me to John Pazzelli. I discussed the complaint with John and he had comments concerning the complaint. They were:

- He went out to the field on the day in question.
- Nobody coming out of the field had a complaint about contamination.
- When a complaint was made, it was not made until this year (2018).
- The aerial application was made to the field south of field number 3216.
- The aerial application business for the field flown to the south of field #3216 was Wells Flying, contact Ryan or Randy Wells, Holdrege, Nebraska, phone number 308-995-4646.
- Bayer Crop Science uses Nebraskaland Aviation of Holdrege, Nebraska for their aerial application work.

John and I made an inspection appointment for Tuesday, August 28th. We then ended our conversation.

On August 28, 2018, at about 1:00pm, Maren Taylor and I arrived at the Bayer Crop Science facility located at 2615 Antelope Ave., Kearney, NE 68847. Credentials were presented to John Pazzelli, Susan Betke, Brandon Brockelmann and Jeff Tremel. A Notice of inspection was presented to John Pazzelli which he signed and received a copy.

We began by discussing the complaint and then completed a WPS Employer Interview Checklist. During our conversation concerning the complaint Mr. Pazzelli stated:

- The field #3216 is about 30 minutes south of the Bayer Crop Science office.
- The incident with the aerial application occurred at about 10:00am.
- A Bayer Crop Science bilingual crew leader (Contract Coordinator) was with Gulf Citrus Harvesting and Hauling Inc. on the day of the incident.
- The Bayer Crop Science representative called John Pazzelli on the day of the incident to report the airplane within ½ mile of the crew.
- Other Bayer Crop Science representatives also called to report the situation.
- At the time workers were coming out of the field finishing up their work.
- Nobody complained of any health issues that day, night, or the next day.
- A Bayer Crop Science representative was with the crew through early August and there were no complaints.

- John Pazzelli drove to the field and there were no complaints.
- At the south edge of the field there was a 330' buffer of soybeans planted separating the seed corn field from the field corn planted to the south.

We next completed the WPS Employer Interview Checklist. Among some of the items noted on the checklist include:

- Bayer Crop Science requires all workers trained before entering fields to work and must receive a copy of the training attendance sheet. Bayer Crop Science provided me with three copies of training records.
- Burndown and pre-emergent herbicides were applied about 60 days before detasseling.
- No fungicides or insecticides has been applied to the field at the time of detasseling.
- A central posting location is at the entrance of each field that includes the field ID number, an application list, EPA warning sign and emergency information.
- Decontamination supplies are kept on the bus and there is a restroom at the field with decontamination supplies.
- Bayer Crop Science also has an emergency decontamination trailer that can be taken to a site that is stocked with Tyvek suits for an emergency change of clothing.

I was provided with a copy of the Gulf Citrus Harvesting and Hauling WPS training logs, a screenshot of the Bayer WPS training video, a copy of the 2017 Kearney South Prelim Map, and a thumb drive containing the Bayer WPS training video in English and Spanish. I completed a Receipt for Samples which Mr. Pazzelli signed and received a copy.

Maren Taylor and I next drove to the site of field #3216 lead by Bayer employee John Pazzelli. Once at the site we discuss where the workers were at while the aerial application was performed. I observed that there was an area that included trees at the south side of the field. I measured the width between the south edge of the field and the edge of the neighboring field to the south (where the aerial application occurred). The distance was 170 feet. John Pazzelli also reminded Maren and I that in 2017 the south 330' of the field was planted in soybeans to create a buffer between the seed corn and the field corn to the south. Since the workers were in the seed corn with a 330' buffer it more than meets the 100' EZ requirement. John Pazzelli asked if we had seen the field sign to the north as we drove to the field. It is an example of the central field posting by Bayer Crop Science. We then left the area for the day.

On the morning of August 29th after completing a follow up inspection with the aerial applicator Maren and I returned to field #3216. On the way to the field I stopped at Bayer field #3217. From the road I photographed the field posting information that included the field location number, the pesticide application warning sign, the contact telephone number, the emergency medical facility information, and a plastic container to hold a copy of the application record.

On September 1st I received via email from John Pazzelli a copy of the WPS training video approval letter that Monsanto had received for their WPS video in 2014.

I reviewed the materials received. Two items that appears to be missing from the Gulf Citrus Harvesting and Hauling Inc. WPS training record is the identification of the EPA approved training materials used and the trainer's qualification to train.

Related Inspection	**Inspection Number**
Wells Flying Service	082918-19572-01

Attachments

Diagrams – 2
FIFRA Notice of Inspection
FIFRA Receipt for Samples – 2
WPS Employer Interview Checklist
WPS Worker Employee Interview Checklists – 6 pages
Nebraska WPS Complaint Questions – 3 pages
Brandon Brockelman & Jeff Tremel business cards
Gulf Citrus Harvesting & Hauling Inc WPS Training Logs – 9 pages
Screenshot from Monsanto WPS Worker & Handler Training
2017 Kearney South Prelim Map
Email from Tim Creger March 12, 2018
Letter from State of Nebraska March 19, 2018 – 2 pages
Complaint Letters from Legal Aid of Nebraska – 2 pages
Email to Amanda McMahon March 21, 2018
Letter to Amanda McMahon March 22, 2018
Email to Amanda McMahon April 10, 2018
Email to Amanda McMahon May 08, 2018
Letter from Amanda McMahon May 08, 2018
Email to Michael Bauman at EPA Region 4 May 14, 2018
Email to John Pazzelli September 04, 2018
Copy of Monsanto WPS Training Video Letter dated February 03, 2014
Inspector Notes – 7 pages
Gulf Citrus Harvesting & Hauling Work Order – 40 pages
Inspection file of Gulf Citrus Harvesting & Hauling Inc. by FDACS
Digital Image Chain of Custody for EPA Photos
Digital Image Description Log
Digital Photographs on CD-R – 8
Digital Video Chain of Custody
Video on CD-R
Monsanto WPS Worker and Handler Training on Thumb Drive

Report Submitted By:

Shawn Hackett

Shawn Hackett
EPA FIFRA Inspector

10-29-2018
Date

Report Reviewed By:

Jamie Green
Program Manager

11/1/2018
Date

0828181957201 – Diagram 1

24 Rd.

0828181957201

0828181957201 - Diagram 2

Distance measure w/measuring wheel as 170'.

Tillage line from 2017. Seed corn grown north of the line and soybeans to the south. This 330' buffer separated the seed corn from field corn south of E Rd. Workers detasseling would be at least 330' from the aerial application performed.

0828181957201

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

EPA

NOTICE OF PESTICIDE USE/MISUSE INSPECTION

ADDRESS (*EPA Regional Office*)
11201 Renner Blvd.
Lenexa, KS. 66219

DATE: 8-28-18

HOUR: 1:35 A.M. / P.M.

NAME OF INDIVIDUAL: John Pazzelli

TITLE: Field Production Manager

NAME (*Firm, Farmer, Homeowner, etc.*): Bayer Crop Science

ADDRESS (*Number, Street, City, State, and ZIP Code*):
2615 Antelope Ave.
Kearney, NE 68847

REASON FOR INSPECTION

FOR THE PURPOSE OF INSPECTING SITES WHERE PESTICIDES ARE BEING USED TO COLLECT DATA ON THE USE OF PESTICIDES AND TO DETERMINE WHETHER PESTICIDES ARE BEING USED IN COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT; AND FOR THE PURPOSE OF INSPECTING SITES WHERE PESTICIDES HAVE BEEN USED TO DETERMINE WHETHER THE PESTCIDES WERE USED IN COMPLIANCE WITH THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

VIOLATION SUSPECTED: none, WPS complaint followup.

CONSENT

[X] Voluntary Consent Necessary to Enter for Inspection and/or Sampling

The undersigned hereby voluntarily consents to an inspection of Bayer Crop Science, of which I am Owner, Agent or Person-In-Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of FIFRA. I understand that I have the right to refuse consent to this entry.

SIGNATURE	TITLE	DATE
JMPazzelli	Field Production Manager	8/28/18

EPA FORM 3540-25 (Rev. 01-01)

1. Original - USE REPORT COPY
2. OWNER/AGENT COPY
3. REGION COPY
4. INSPECTOR'S COPY

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

EPA

NOTICE OF PESTICIDE USE/MISUSE INSPECTION

ADDRESS (*EPA Regional Office*)
11201 Renner Blvd.
Lenexa, KS. 66219

DATE: 8-28-18

HOUR: 1:35 A.M. / P.M.

NAME OF INDIVIDUAL: John Pazzelli

TITLE: Field Production Manager

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ADDRESS (*Number, Street, City, State, and ZIP Code*): 2615 Antelope Ave.
Kearney, NE 68847

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SIGNATURE	TITLE	DATE
J Pazzelli	Field Production Manager	8/28/15

EPA FORM 3540-25 (Rev. 01-01)

1. Original - USE REPORT COPY
2. OWNER/AGENT COPY
3. REGION COPY
4. INSPECTOR'S COPY

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Receipt for Pesticide Use/Misuse Samples
Office of Enforcement and Compliance Assurance

Facility Name	Facility Address
Bayer Crop Science	2615 Antelope Ave. Kearney, NE 68847
Name of Facility Official	**Title**
John Pazzelli	Field Production Manager

Samples Collected (Assign sample number and describe fully (e.g., product name, size, quantity, registration, establishment, lot, batch, model and/or serial numbers, etc.)) The following pesticide or environmental samples, or both, were collected by the U.S. Environment Protection Agency in connection with the administration and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act and receipt is hereby acknowledged.

Documents Received:

Gulf Citrus Training Log - 9 pages
Training Video Screenshot - 1 page
Thumb drive containing WPS training video in English & Spanish
Copy of 2017 Kearney South Prelim Map.

john.pazzelli@bayer.com

Facility Official Signature	[signature]	Date	8/28/18
☐ Duplicate samples requested and provided N/A ☐ Duplicate samples not requested	Amount paid N/A	☐ Cash N/A ☐ Credit Card ☐ No Charge	
Name of Inspector	Shaun Hackett	Title	FIFRA Inspector
Signature of Inspector	Shaun Hackett	Date	8/28/18
Address	11201 Renner Blvd. Lenexa, KS. 66219		

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Receipt for Pesticide Use/Misuse Samples
Office of Enforcement and Compliance Assurance

Facility Name Legal Aid of Nebraska	Facility Address 941 O St. Suite 825 Lincoln, NE 68508
Name of Facility Official Amanda McMahon	Title Managing Attorney Agricultural Worker Rights Program

Samples Collected (Assign sample number and describe fully (e.g., product name, size, quantity, registration, establishment, lot, batch, model and/or serial numbers, etc.)) The following pesticide or environmental samples, or both, were collected by the U.S. Environment Protection Agency in connection with the administration and enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act and receipt is hereby acknowledged.

Received from Amanda McMahon via email on 3-21-18:

Gulf Citrus Harvesting & Hauling Inc Work Order - 40 pages (glf08-Work Order)

Video taken of aerial Application taken in work field (Video-airplane spraying.MOV)

Facility Official Signature Amanda McMahon	Date 5/8/18
☐ Duplicate samples requested and provided ☐ Duplicate samples not requested	Amount paid ☐ Cash ☐ Credit Card ☐ No Charge
Name of Inspector Shawn Hackett	Title Inspector
Signature of Inspector Shawn Hackett	Date 3-21-2018
Address 11201 Renner Blvd. Lenexa, KS. 66219	

EPA United States Environmental Protection Agency	Region 7 Pesticide Section	1201 Renner Blvd. Lenexa, KS 66219

WPS Employer Interview Checklist

Name of Business or Establishment:	Bayer Crop Science	Inspection No:	0828181957201
Street Address:		Date:	8-28-18
City, State, Zip:		Name of Owner (if not the manager):	
Name of Manager Interviewed:	John Pazzelli	Manager Title:	Field Production Mgr.

Business-Establishment Information

Type of business-establishment:	X farm	___ greenhouse	___ nursery	___ forest	___ commercial applicator
Size of establishment:	field 80 acres		Types of crops grown:	corn	
Number of employees at the establishment:	___ # of certified applicators ISU Train the trainer		___ # of Employee Handlers	~30 # of Employee Workers	
Who applies pesticides:	___ self	___ employees	X commercial applicator Nebraskaland Aviation	___ combination	
Who supervises pesticide use:	Calls Nebraskaland Aviation - Herbicide - grower - Bayer - fungicide insecticide				

Do all employees understand English? If not, explain how WPS required communication occurs. WPS video is in english + Spanish. Crew Leaders (bus drivers) are bilingual. ___ Yes ✓ No

Does the business employ "Family Exempt" employees? If so, provide a list of names and denote their status as a **H**andler or **W**orker. ___ Yes X No

N/A

List (up to 3) WPS pesticides used and date applied

Name of pesticide:	Pre-emergent herbicides and burndown
EPA registration number:	applied. No fungicides ~~or~~ or insecticides are
Date Applied:	applied until after ~~harvest~~ detasseling.

Pesticide Safety Training	YES	NO
Have handlers received pesticide safety training?	N/A	
Have workers received pesticide safety training?	X	
X Is training conducted by a qualified instructor? G.C.H. has T+T certificate	X	
X Is the training material EPA approved? WPS Training ID #:		
Is heat stress discussed in the training?	X	
Is PPE use discussed &/or demonstrated for handlers?		
X How is the training documented?	Attendance Sheet	
Who conducts the training?	G.C.H. conducts training	

Central Posting Location (exclude w/commercial applicators)	YES	NO
Is the required information displayed at the central location? Central Posting at each field		
X application list field; X EPA safety poster field; X emergency information bus ~~+ field~~ + bus log + contractors log book; ___ legible; X accessible to Handlers & Workers		
Does the application list include? ___ location of application; ___ product name; ___ EPA Reg. No.; ___ active ingredient; ___ date & time of application		no apps ___ REI
Are ~~handlers~~/workers informed about the location of the information? during training	X	at time of detasseling

Rev 03/18 Page 1 of 2

Pre-emerge would have been about 60 days before detasseling

0828181957201

Med Emergency Assistance printed a bumper sticker	YES	NO
Is the required emergency information of the nearest facility provided and does it include?	X	
___ Name ___ Telephone number ___ Address of the facility ___ Is it legible		
Are all requirements below available if a handler has been poisoned or injured by a pesticide?		
___ Transportation ___ Product Name ___ EPA Reg. No. ___ Statement of practical treatment		
___ Active Ingredient ___ Antidote ___ How pesticide was used ___ Circumstances of exposure		

Bayer has a calling tree for their workers GCH crew leader is responsible

Decontamination Sites	YES	NO
Are decontamination supplies within ¼ mile of application site, mix/load site, in spray rig, etc?	X decon tanks	
Are supplies in a closed container and not in the restricted area? Kept on bus.	X on bus.	
Are all required items provided? Also a restroom at field with a decontamination station		
X Soap X Water X Single use towels ___ Change of clothes ___ Eyewash (min. 1 pt.) when the label requires protective eyewear		

Bayer has an emergency decon trailer that includes Tyvek

Personal Protective Equipment (PPE)	Yes	No
Is label required PPE provided?		
Is it cleaned and maintained? PPE provided as needed.		
Used correctly?		
Does the employer provide instruction on proper use and fit?		
Is it inspected each day before use?		
Is there adequate storage for PPE & personal clothing away from pesticide storage areas?		
Employees warned not to take PPE home?		

Application Restriction, Monitoring & Equipment Safety N/A	Yes	No
Do handlers receive proper information about label requirements related to safe use? No	N/A	
___ Signal Word ___ PPE Required ___ First Aid ___ Human hazard statements ___ Environmental Precautions		
Are handlers provided access to labeling during handling? Handlers		
Are handlers trained to safely and correctly use all equipment for handling pesticides?		
Are only trained and equipped handler(s) in the application area?		
When handling skull & crossbones pesticides, is monitoring done every 2 hours?		
How is monitoring done? ___ Constant visual contact ___ Voice Contact ___ Both		
If a fumigant is being applied is the handler monitored by: ___ another handler or ___ worker?		
Is equipment inspected & repaired before each day of use for leaks, clogging, damaged parts?		
Is repair and maintenance performed by a trained handler?		
Have there been any incidents of employee refusal to comply with the requirements of WPS?		

Customer Information Exchange (for Commercial Pesticide Applicators) N/A	Yes	No
Does this inspection involve a commercial application of a WPS labeled pesticide?		
Does the business provide complete pesticide application information to the farm owner (agricultural employer) prior to application?		
___ Time and date of application ___ Product Name ___ EPA Registration Number ___ Active Ingredient		
___ Reentry Interval (REI) ___ Posting & Oral Notification ___ Location of application ___ Other protection requirements		
Name, address & phone number of customer (agricultural employer) for follow up:		
Did the customer confirm that all customer information exchange requirements were met?	N/A	
Notes:		

Document observations with copies of records &/or photographs, and written statements.

Shaun Hackett Inspector Signature	[signature] Contact's Signature
Shaun Hackett Inspector Printed Name — 8/28/18 Date Signed	John Pazzelli Contact's Printed Name — 8/28/18 Date Signed

C828181957201

2017 WPS Supplemental Checklist

(To be used in addition to state WPS inspection checklists)

	Pesticide Safety Training	Yes	No
	Are trainers of handlers and workers either a certified applicator, have completed an EPA-approved train-the-trainer program, or designated by the State or Tribal pesticide enforcement agency as a trainer of handlers and workers? Bayer are T+T.	X	
	Have all handlers received annual pesticide safety training?	N/A	
	Have all workers received annual pesticide safety training?	X	
X	Were the training materials used EPA-approved?		
X	Did the agricultural employer keep records of pesticide safety training? (G.C.H)		
X	Did the records include: The trained worker's printed name and signature, the date of the training, identification of the EPA approved training materials used, the trainer's name and qualification to train, and the agricultural employer's name?		
	Hazard Communication		
	Is application information and safety data sheets (SDS) displayed at a central location within 24 hours of end of application and before workers enter that treated area? On each bus.	X	
	Are both displayed for 30 days after REI expires?	X	
	Are records of application information and SDS kept for 2 years from the end of the REI?	X	
	Are records made available to workers, handlers, designated representatives (identified in writing) upon request?	X	
	Basic Pesticide Safety Information		
	Is pesticide safety information displayed at a central location and at sites where decontamination supplies are located, if the decontamination supplies are at a permanent site or at a location with 11 or more workers?	X	
	Notification of Treated Areas		
	Are warning signs posted if REI is greater than 48 hours (outdoor applications) or 4 hours (enclosed space applications)?	X	
	Minimum Age		
	Are handlers and early-entry workers at least 18 years old (excluding the owner's immediate family)?	X	
	Entry Restrictions during Application for Outdoor Production		
	Does the agricultural employer restrict access into the treated area or the application exclusion zone, which is an area up to 100 feet area around the application equipment during outdoor pesticide application on farms, forests, and nurseries or a minimum of 25 feet around the application equipment during enclosed space applications?	X N/A	
	Personal Protective Equipment		
	Does the business use any pesticides that require the use of a respirator on the pesticide label?		X
	If yes above, did the agricultural employer provide medical evaluation, annual respirator fit testing and annual respirator training that conforms to OSHA standards for any handler required to wear any respirator by the labeling?		
	If yes above, has the handler employer kept records of the medical determinations (proof of medical evaluations), respirator fit testing and respirator training for two years from the date conducted?		
	Decontamination Supplies		
	Did the agricultural employer provide 1 gallon of water for each worker and 3 gallons of water for each handler and each early entry worker as measured at the beginning of workers' or handlers' work period?	X	
	Did the agricultural employer provide a system capable of delivering 0.4 gallons/minute for 15 minutes, or 6 gallons of water able to flow gently for about 15 minutes at a mix/load site if handlers use products requiring eye protection or use a pressurized closed system?	N/A	
	Emergency Assistance		
	Can the agricultural employer provide prompt transportation to medical facility if a handler or worker has possibly been poisoned or injured by pesticides?	X	
	Can the agricultural employer promptly provide the SDS, product information (name, EPA Reg. No., active ingredient), the circumstances of application or use of the pesticide and circumstances of exposure to treating medical personnel?	X	

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Document violations observed with copies of records &/or photographs, and written statements.

Inspector Signature	Date Signed	Business Representative Signature	Date Signed
Shawn Hackett	8/28/18	[illegible]	8/28/18

U.S. EPA Region 7
Pesticide Section

Inspection # _____
Date of Interview: 4-4-18

WORKER PROTECTION STANDARD
(La Protección del Trabajador)
Worker Employee Interview Checklist

Business or Farm Name: Gulf Citrus Harvesting + Hauling (Employer)
Employee Interviewed: Mildred Martinez Cabrera + Jesus Medina
Employee's Title: worker

What is a Worker?
Doing tasks such as weeding, planting, cultivating and harvesting, and also moving or operating irrigation equipment.

What is a Handler?
* Mixing, loading, transferring or applying pesticides.
* Cleaning, handling, adjusting or repairing pesticide contaminated equipment.
* Entering a greenhouse before ventilation is met.
* Adjusting or removing outdoor fumigation coverings.
* Handling open pesticide containers.
* Acting as a flagger.
* Assisting with pesticide application.
* Disposing of uncleaned containers.

INFORMATION AT A CENTRAL LOCATION ☐ Not provided ☐ Incomplete

Y ☐ N ☒ Have you done anything shown as a handler task in the above list? If yes, conduct a handler interview.
¿Has hecho trabajos que se consideran trabajos de un supervisor, lista arriba?

Y ☐ N ☒ Do you know where the WPS safety poster and pesticide information are displayed? No poster on the bus
¿Sabes dónde está el aviso de la protección del trabajador/WPS que tiene la información de seguridad y pesticidas?
* No central location on the bus?

Y ☐ N ☒ Do you have free access to the Central Information Display? * WAS there a tube with spray
¿Tienes acceso libre donde está la Información Central con los avisos de seguridad para el empleado?
by the field sign?

Y ☐ N ☒ Is the information kept current? By who? _____
¿Sabes si esta información se mantiene corriente? ¿Por quién?

PESTICIDE SAFETY TRAINING ☐ Not provided ☒ Incomplete ☐ Certified App. #

Y ☒ N ☐ Have you received WPS worker training? When? _____ By whom? _____
¿Has recibido entrenamiento de la protección del empleado? ¿Cuando? ¿por quién?
Video - english only.

Y ☐ N ☐ Did you receive verification? Describe it? _____
¿Recibió usted un certificado? ¿Descríbalo?

Y ☐ N ☐ Was the training understandable to you? Mildred - no Jesus - yes
¿Entendiste el entrenamiento?
English only - need video

What type of training did you receive? ☒ Video ☐ Flip chart ☐ Other _____
¿Qué tibo de entrenamiento recibiste? Video Materiales Otro

Y ☐ N ☒ Was heat stress discussed? no. Sign up sheet for training?
¿Fue el estrés de calor discutido?

Y ☐ N ☐ Did you receive training before entering treated areas on this business during REI and 30 days thereafter?
¿Recibió entrenamiento antes de volver a las áreas tratadas de este negocio durante el tiempo o intervalo de entrada restringido (REI) y durante 30 días después?
Jim Marsh supervisor at Gulf Citrus showed the video.

DECONTAMINATION SITES ☐ Usually not provided ☐ Sometimes not provided

Y ☐ N ☒ Is there a place to wash within ¼ mile of where you are working? ~ 1 mile away. - bathroom & drinking water only.
¿Hay un lugar para lavarse dentro ¼ millas de donde está trabajando?

Y ☐ N ☒ Is there soap, water and single use towels?
¿Hay jabón, agua y toallas de uso único?

Y ☒ N ☐ Is it outside areas that have just been treated (under REI)?
¿Está fuera de las áreas que acaban de ser tratadas (intervalo de entrada restringido (REI))?

Gulf Citrus provided a hat, gloves + protective eyewear.

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EMERGENCY ASSISTANCE ☐ Generally not available ☐ Sometimes not available

How would you report a pesticide illness or exposure? tell Jim Marsh
¿Cómo reportarías una enfermedad o exposición a pesticidas?

What is the procedure should you become poisoned or injured by pesticide? tell Jim Marsh the supervisor.
¿Cuál es el procedimiento si se envenena o se heriré por pesticida?

Y ☐ N ☒ Have you ever been sprayed or otherwise come in direct contact with pesticide without PPE? If yes, list details.
¿Alguna vez te han rociado o has entrado en contacto directo con pesticidas sin el equipo de protección personal?

When people were fainting from heat not medical assistance was received.
→After the drift happened they requested medical assistance from Jim Marsh, he would have a nurse come, but none did.

NOTICE OF APPLICATIONS ☐ Usually Not provided ☐ Sometimes Not provided

Y ☐ N ☒ Are you stopped from entering areas being treated, or areas recently treated with pesticides?
¿Se te impide regresarte a las áreas que están siendo tratadas o áreas recientemente tratadas con pesticidas?

How are you stopped? ☐ Employer tells you ¿El empleador te dice ☐ Employer posts a sign El empleador publica un letrero ☐ Other? Otra forma?
¿Cómo te detienen?

Who tells you or posts the sign? _____
¿Quién te dice o publica el letrero?

How would you know if the area you are working in has been treated with pesticides in the past month? They don't know.
¿Cómo sabría si el área en la que estas trabaja ha sido tratada con pesticidas en el último mes?

To their knowledge the fields they worked in were not treated but they did not see any posting.

PERSONAL PROTECTIVE EQUIPMENT FOR EARLY ENTRY WORKERS, OTHER ITEMS

Y ☐ N ☐ Are you ever asked to enter an area where the REI has not expired (early-entry)? Do not know because they had not knowledge of what fields were treated.
¿Alguna vez se le ha pedido que regrese a un área donde el intervalo de entrada restringido REI no ha expirado?

Y ☐ N ☐ Were you trained on special hazards and precautions?
¿Fuiste entrenado en peligros y precauciones especiales?

Y ☐ N ☐ If yes, were you given the proper PPE and told how to use it? They don't know.
¿Si lo han hecho, se te dio el adecuado equipo de protección personal y te han entrenado como usarlo?

Y ☐ N ☐ Was it clean and in good repair? →only provided a hat, gloves + eyewear.
¿Estaba limpio y en buenas condiciones?

Y ☐ N ☐ Have you ever refused to wear PPE? Why? _____
¿Alguna vez te has negado a usar el adecuado equipo de protección personal? ¿Porque?

Y ☐ N ☐ Have you had retaliation for complying with, or been discouraged from complying with, WPS? List details.
¿Has tenido represalias por cumplir con la protección del trabajador o te han desalentado de cumplir con la protección del trabajador?

→ Were the gloves leather or chemical resistant.

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Notes/Comments:	
Worker's Signature	Date Signed
Pesticide Inspector's Signature	Date Signed

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U.S. EPA Region 7
Pesticide Section

Inspection #
Date of Interview: 4/10/18

WORKER PROTECTION STANDARD
(La Protección del Trabajador)
Worker Employee Interview Checklist

Business or Farm Name: Gulf Citrus Harvesting & Hauling
Employee Interviewed: Yasmin Hernandez
Employee's Title: worker

What is a Worker?
Doing tasks such as weeding, planting, cultivating and harvesting, and also moving or operating irrigation equipment.

What is a Handler?
* Mixing, loading, transferring or applying pesticides.
* Cleaning, handling, adjusting or repairing pesticide contaminated equipment.
* Entering a greenhouse before ventilation is met.
* Adjusting or removing outdoor fumigation coverings.
* Handling open pesticide containers.
* Acting as a flagger.
* Assisting with pesticide application.
* Disposing of uncleaned containers.

INFORMATION AT A CENTRAL LOCATION ☐ Not provided ☐ Incomplete

Y ☐ N ☒ Have you done anything shown as a handler task in the above list? If yes, conduct a handler interview.
¿Has hecho trabajos que se consideran trabajos de un supervisor, lista arriba?

Y ☐ N ☒ Do you know where the WPS safety poster and pesticide information are displayed? Not on site or bus
¿Sabes dónde está el aviso de la protección del trabajador/WPS que tiene la información de seguridad y pesticidas?

Y ☐ N ☒ Do you have free access to the Central Information Display?
¿Tienes acceso libre donde está la Información Central con los avisos de seguridad para el empleado?

Y ☐ N ☐ Is the information kept current? By who? N/A
¿Sabes si esta información se mantiene corriente? ¿Por quién?

PESTICIDE SAFETY TRAINING ☐ Not provided ☐ Incomplete ☐ Certified App.

Y ☒ N ☐ Have you received WPS worker training? When? in Nebraska ~~by~~ whom? Jim Marsh & other guy Kevin?
¿Has recibido entrenamiento de la protección del empleado? ¿Cuando? ¿por quién?

Y ☐ N ☒ Did you receive verification? Describe it?
¿Recibió usted un certificado? ¿Descríbalo? Did sign a training attendence sheet.

Y ☒ N ☐ Was the training understandable to you? Handouts were in Spanish
¿Entendiste el entrenamiento?

What type of training did you receive? ☒ Video ☐ Flip chart ☐ Other
¿Qué tibo de entrenamiento recibiste? Video Materiales Otro

Y ☐ N ☒ Was heat stress discussed? Very brief video
¿Fue el estrés de calor discutido?

Y ☒ N ☐ Did you receive training before entering treated areas on this business during REI and 30 days thereafter?
¿Recibió entrenamiento antes de volver a las áreas tratadas de este negocio durante el tiempo o intervalo de entrada restringido (REI) y durante 30 días después?

DECONTAMINATION SITES ☐ Usually not provided ☐ Sometimes not provided

Y ☐ N ☒ Is there a place to wash within ¼ mile of where you are working? In the bus or field entrance only.
¿Hay un lugar para lavarse dentro ¼ millas de donde está trabajando?

Y ☐ N ☐ Is there soap, water and single use towels? sometimes had soap generally paper towels
¿Hay jabón, agua y toallas de uso único?

Y ☐ N ☐ Is it outside areas that have just been treated (under REI)?
¿Está fuera de las áreas que acaban de ser tratadas (intervalo de entrada restringido (REI))?

water filled into jugs at hotel

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EMERGENCY ASSISTANCE ☐ Generally not available ☐ Sometimes not available

How would you report a pesticide illness or exposure? would call Jim but had stopped
¿Cómo reportarías una enfermedad o exposición a pesticidas? taking their calls because of complaints.

What is the procedure should you become poisoned or injured by pesticide? _____
¿Cuál es el procedimiento si se envenena o se heriré por pesticida?

Y ☐ N ☐ Have you ever been sprayed or otherwise come in direct contact with pesticide without PPE? If yes, list details.
¿Alguna vez te han rociado o has entrado en contacto directo con pesticidas sin el equipo de protección personal?

First Aid box was either empty or expired
Said they would have a nurse but didn't.

NOTICE OF APPLICATIONS ☐ Usually Not provided ☐ Sometimes Not provided

Y ☐ N ☐ Are you stopped from entering areas being treated, or areas recently treated with pesticides?
¿Se te impide regresarte a las áreas que están siendo tratadas o áreas recientemente tratadas con pesticidas? N/A

How are you stopped? ☐ Employer tells you ☐ Employer posts a sign ☐ Other?
¿Cómo te detienen? ¿El empleador te dice El empleador publica un letrero Otra forma?

Who tells you or posts the sign? _____
¿Quién te dice o publica el letrero?

How would you know if the area you are working in has been treated with pesticides in the past month?
¿Cómo sabría si el área en la que estas trabaja ha sido tratada con pesticidas en el último mes?

PERSONAL PROTECTIVE EQUIPMENT FOR EARLY ENTRY WORKERS, OTHER ITEMS

Y ☐ N ☐ Are you ever asked to enter an area where the REI has not expired (early-entry)?
¿Alguna vez se le ha pedido que regrese a un área donde el intervalo de entrada restringido REI no ha expirado?

Y ☐ N ☐ Were you trained on special hazards and precautions? N/A
¿Fuiste entrenado en peligros y precauciones especiales?

Y ☐ N ☐ If yes, were you given the proper PPE and told how to use it?
¿Si lo han hecho, se te dio el adecuado equipo de protección personal y te han entrenado como usarlo?

Y ☐ N ☐ Was it clean and in good repair?
¿Estaba limpio y en buenas condiciones?

Y ☐ N ☐ Have you ever refused to wear PPE? Why? _____
¿Alguna vez te has negado a usar el adecuado equipo de protección personal? ¿Porque?

Y ☐ N ☐ Have you had retaliation for complying with, or been discouraged from complying with, WPS? List details.
¿Has tenido represalias por cumplir con la protección del trabajador o te han desalentado de cumplir con la protección del trabajador?

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Notes/Comments:	
Worker's Signature	Date Signed
Pesticide Inspector's Signature Shawn Hackett	Date Signed 4-10-18

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Nebraska WPS Complaint

Questions for Attorney

1. What else can you tell us about the complaint that is not in the two complainant's letters?
2. Do you know if the video taken by Mildred Martinez Cabrera is available?
3. Do you know the location of the field, other than just #3216?
4. Do you know who farms field #3216 and have contact information?
5. Do you have contact information for Monsanto?
6. Do you have contact information for Gulf Citrus Harvesting & Hauling?
7. Is Gulf Citrus a labor contractor? If so, for _____?

Questions for Complainant

1. What can you tell us about field #3216? How do you know to identify it as #3216? Do you know the location or legal description of the field?
2. What is your relationship to Gulf Citrus Harvesting and Hauling? Are they a labor contractor?
3. What were you doing in the field?
4. Do you know who farms or operates field #3216?
5. What can you tell us about the airplane that flew over? Color, N number, striping?
6. Did you video the plane? Is the video still available? Request a copy via email.
7. Did the plane spray the field you were working in or possibly the field adjacent to where you were working and drift onto where you were working?
8. Do you know what was applied to the field?
9. Were you told to continue working by your company supervisors?
10. The letter received states that clothing was disposed of?
11. Did you seek medical treatment? If so, is a report of treatment available?

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N/A

12. When you returned to the field on the second day to work was the field posted notifying you of an application being performed? Was there application information posted for the field? If so, where?

- Ask the complainant the WPS Worker Interview questions from the checklist. ✓
- Request a written statement. May have to mail or email to them. Request signature and notary. ✓

Questions for Farmer, Monsanto, and/or Gulf Citrus Harvesting & Hauling

1. What is the legal description for field #3216?

2. Who make decisions (spraying, detasseling, etc.) for field #3216?

3. Is there a record(s) of all pesticide applications to the field?

4. Was an aerial applicator hired to make an application on or about July 9, 2017? Was an application made to a nearby field? Is so, do they know who is the applicator?

5. What is the relationship between the farmer, Monsanto, and Gulf Citrus Harvesting and Hauling? Who hired GCH&H?

- In person, once determined who is the agricultural employer conduct a for cause Worker Protection Standard inspection using the WPS Employer Checklist.

Gulf Coast Harvesting & Hauling – Conduct an inspection w/ WPS Employer Checklist.

1. Are they a labor contractor? If so, for Monsanto (?)?

2. Did they provide worker training to Yasmin Hernandez and Mildred Martinez Cabrera?

3. Is there a record of the training and materials used?

4. If they did not provide worker training do they know who did provide training?

- Request copies of WPS training record. & Contracts in Region 7.
- Central Posting, Access to labels & SDS's decontamination supplies.

Aerial Applicator (if it can be determined)

1. Set up appointment to conduct a for cause follow up inspection (if local to R7).

2. Use the WPS Employer Checklist (with emphasis on the customer information exchange).

- Verify field flown and date of application.
- Pesticide applied.
- Who ordered the application?
- Verify the customer information exchange.
- Collect a copy of the label and application record.
- Take a written statement.

Tim Creger, NDA

1. Any additional thoughts or information concerning the complaint? ✓
2. Does he have knowledge of the location of field #3216? ✓

Gulf Citrus Harvesting + Hauling Inc.
P.O. Box 1347
890 Spratt Blvd.
La Belle, FL. 33975
(east of Ft. Myers)

Michael Bauman

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SH

Brandon Bockelmann
Production Lead

Monsanto Company
Kearney Production
2615 Antelope Ave
PO Box 73 (68848)
Kearney, Nebraska 68847
Phone: (308) 238-5331
Fax: (308) 236-6919
Cell: (308) 249-1359
bjbock@monsanto.com

MONSANTO

Jeff Tremel
Site Lead

MONSANTO COMPANY
KEARNEY PRODUCTION
2615 ANTELOPE AVE
PO BOX 73 (68848)
KEARNEY, NEBRASKA 68847
PHONE: (308) 238-5311
MOBILE: (308) 627-7316
jeff.tremel@monsanto.com

Domestic Workers

Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-13-17	Alfaro	Ruben	[redacted]	Ruben R. Alfaro	Anita Coronad
7-13-17	Alvarado	Griselda		Griselda Alvarado	Anita Cantu
	Arevalo	Paulino			
	Cantu	Santos			
7-13-17	Casares	Armando		Armando Casares	Anita Coronado
7-13-17	Cuevas	Jose		[illegible]	Anita Coronado
7-13-17	DeLeon	Yessica		[illegible] de Leon	Anita Coronado
7-13-17	Deleon	Abigail		[illegible] de Leon	Anita Coronado
7-13-17	Espinoza	Erick		Erick Espinoza	Anita Coronado
7-13-17	Flores	Kanisha		Kanishia Flores	Anita Coronado
7-13-17	Flores	Jesus		[illegible]	Anita Coronado
7-13-17	Flores	Eduardo		[illegible]	Anita Coronado
7-13-17	Gaona	Joaquin		J Gaona	Anita Coronado
7-13-17	Hernandez	Yasmin		[illegible]	Anita Coronado
7-13-17	Hernandez	Pablo		[illegible]	Anita Coronado
7-13-17	Hernandez	Jorge		[illegible]	Anita Coronado
7-13-17	Hernandez	Sireya		Sireya M. Hernandez	Anita Coronado

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Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-13-17	Ibarra	Elizabeth		E. Ibarra	Anita Coronado
7-13-17	Ibarra Jr	Jose		Jose	Anita Coronado
7-13-17	Lopez	Brianna		Brianna Lopez	Anita Coronado
7-13-17	Lopez	Jaime		Jaime Lopez	Anita Coronado
7-13-17	Martinez Cabrera	Mildred		Mildred Martinez Cabrera	Anita Coronado
7-13-17	Medina	Jesus		Jesus M. Medina	Anita Coronado
—	Navarro	Juan			
—	Navarro	Miguel			
7-13-17	Obregon	Jaime		Jaime Obregon	Anita Coronado
7-13-17	Perez	Amy		Amy Perez	Anita Coronado
—	Pinera	Osiris			
7-13-17	Pulido Rivera, Jr	Guillermo			Anita Coronado
—	Rico	Juan			
—	Rodriguez	Elizabeth			
7-13-17	Rodriguez Jr	Manuel		Manuel Rodriguez	Anita Coronado
7-13-17	Ruiz	Jacqueline		Jacqueline Ruiz	Anita Coronado
7-13-17	Salazar	Francisco		Francisco Salazar	Anita Coronado

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Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-13-17	Solares Soza	Elmer		ELMER Solares	Anita Coronado
7-13-17	Tobar	Daniel		Daniel Tobar	Anita Coronado
7-13-17	Tobar	David		David Tobar	Anita Coronado
7-13-17	Valle Lopez	Miguel		Miguel Valle	Anita Coronado
7-13-17	Zapata	Armando		Armando Zapata	Anita Coronado
7-13-17	Zapata	Karina		Karina Zapata	Anita Coronado
7-13-17	Zapata	Blanca		Blanca Zapata	Anita Coronado
—	Chagoya	Jose			
7-13-17	Duran	Ramiro		Ramiro Duran	Anita Coronado
—	Hernandez	Kendy			
7-13-17	Yanez	Guadalupe		Guadalupe Yanez	Anita Coronado
7-13-17	Acosta Jr.	Ivico		Ivico Acosta	Anita Coronado
—	Rodriguez	Alberto			
7-13-17	Zapata Jr.	Armando		Armando Zapata	Anita Coronado
7-13-17	Cruz	Christian		Christian Cruz Contreras	Anita Coronado

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Juan Tamayo - 40
H2A workers

Gulf Citrus Harvesting & Haul, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-6-17	Angeles	Manlio Felix			Anita Coronado
—	~~Carmona Carmona~~	~~Mario~~			
7-6-17	Contreras Berman	Luis Josafat			Anita Coronado
7-6-17	Corona Jimenezz	Julio Cesar		Julio Cesar Corona	Anita Coronado
7-6-17	Curincita Bautista	Paco		Paco curincita B	Anita Coronado
7-6-17	Curincita Claudio	Victor		Victor Curincita Claudio	Anita Coronado
7-6-17	Delgado Barrios	Jose Luis		Jose Luis Delgado Barrios	Anita Coronado
7-6-17	Delgado Orozco	Felipe			Anita Coronado
7-6-17	Encarnacion Ramirez	David			Anita Coronado
7-6-17	Flores Arce	Gerardo		Gerardo Flores Arce	Anita Coronado
7-6-17	Galindo Polanco	Juan		Juan Galindo Polanco	Anita Coronado
7-6-17	Hernandez Nicanor	Jose Luis			Anita Coronado
7-6-17	Hernandez Perez	Placido			Anita Coronado
7-6-17	Hernandez Ramirez	Joel		Joel H. R	Anita Coronado
7-6-17	Lopez Cerecedo	Artemio			Anita Coronado
7-6-17	Lopez Escobar	Luis Enrique			Anita Coronado
7-6-17	Martinez Fernandez	Adan		ADAN	Anita Coronado

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Gulf Citrus Harvesting & Haul, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-6-17	Martinez Martinez	Felipe			Anita Coronado
7-6-17	Martinez Sarabia	Oscar			Anita Coronado
7-6-17	Martinez Sarabia	Fredy	Fredy M.S		Anita Coronado
7-6-17	Mendoza Baleriano	Marco Antonio		Marco A Mendoza B	Anita Coronado
7-6-17	Molina Paez	Gadiel		Gadiel Molina	Anita Coronado
7-6-17	Moreno Espino	Abraham		Abraham Moreno	Anita Coronado
7-6-17	Moreno Morales	Orlando			Anita Coronado
7-6-17	Ortiz Arroyo	Alejandro			Anita Coronado
7-6-17	Pacheo Hernandez	Gustavo			Anita Coronado
7-6-17	Paez Venegas	Saul		Saul Paez V.	Anita Coronado
7-6-17	Perianez Callejas	Jesus Omar			Anita Coronado
7-6-17	Perianez Valdez	Hipolito		Hipolito P.V	Anita Coronado
7-6-17	Perianez Valdez	Eduardo		Eduardo P.V	Anita Coronado
7-6-17	Quinones Ramirez	Arturo		A. Q. R	Anita Coronado
7-6-17	Ramirez Mendez	Luis			Anita Coronado
7-6-17	Ramirez Sanjuan	Andres			Anita Coronado
7-6-17	Resendiz Ramirez	Cirenio		Cirenio Resendiz	Anita Coronado

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Gulf Citrus Harvesting & Haul, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-6-17	Resendiz Sierra	Fausto	FAUSTO RESENDIZ		Anita Corona
7-6-17	Rodriguez Villeda	J Cosme			Anita Corona
7-6-17	Rosales Villa	J Jose Trinidad		J Jose Trinidad R V	Anita Corona
7-6-17	Rubio Hernandez	J Abad			Anita Corona
—	~~Segura Gonzalez~~	~~Jose Jesus~~			
7-6-17	Suarez Mata	Raul			Anita Corona
7-6-17	Ramirez Cadena	Jose Luis			Anita Corona

0828181957201 SA

Mario
(H2A workers)

Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975
EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-6-17	Alvarado Guerrero	Gustavo		Gust	Anita Coronado
7-6-17	Alvarado Rosas	Jose Luis		[illegible]	Anita Coronado
7-6-17	Alvardo Rosas	Abraham		[illegible]	Anita Coronado
7-6-17	Avila Mateo	Fernando		[illegible]	Anita Coronado
7-6-17	Avila Mateo	Damien		[illegible]	Anita Coronado
7-6-17	Barajas Vera	Ruben		Ruben Barajas Vera	Anita Coronado
7-6-17	Bernabe Contreras	Jorge		[illegible]	Anita Coronado
———	~~Cruz Saldivar~~	~~Sebastian~~			
7-6-17	Del Angel Santiago	Luis Angel		[illegible]	Anita Coronado
7-6-17	Del Angel Santiago	Juan Alfredo		[illegible]	Anita Coronado
7-6-17	Del Angel Santiago	Francisco Javier		[illegible]	Anita Corona
7-6-17	Diaz Bartolo	Modesto		[illegible]	Anita Coronado
7-6-17	Figueroa Ruiz	Leonardo Daniel		[illegible]	Anita Coronado
———	~~Flores Avila~~	~~Agustin~~			
7-6-17	Fuentes Marquez	Jose De Jesus		[illegible]	Anita Coronado
7-6-17	Garcia Espino	Amador		Amador Garcia	Anita Coronado
7-6-17	Gonzalez Reyes	Armando		Armando Gonzalez Reyes	Anita Coronado

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Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
7-6-17	Gonzalez Reyes	Martin Andres		Martin Andres Gonzalez Reyes	Anita Coronado
7-6-17	Hernandez Montoya	Jose Pueblito		José Pueblito	Anita Coronado
—	~~Jauregui Olmos~~	~~Roberto~~			
7-6-17	Moreno Espino	Jacinto		Jacinto Moreno	Anita Coronado
7-6-17	Moreno Espino	Luis Armando		Luis Armando Moreno Espino	Anita Coronado
—	~~Moreno Morales~~	~~Orlando~~			
7-6-17	Prado Jauregui	Evelio		Evelio prado	Anita Coronado
7-6-17	Prado Lopez	Jose Eduardo		Jose Eduardo prado	Anita Coronado
7-6-17	Pulido Dominguez	Valentin			Anita Coronado
7-6-17	Rendon Jimenez	Misael			Anita Coronado
7-6-17	Rodriguez Ibarra	Jose Baltazar		Jose Baltazar	Anita Coronado
7-6-17	Ronces Garcia	Luis Alberto			Anita Coronado
7-6-17	Ronces Soto	Agustin		Agustin Ronces Soto	Anita Coronado
7-6-17	Ronces Soto	Josue		Josue Ronces Soto	Anita Coronado
7-6-17	Ronquillo Bonilla	Jose Everardo		J.E.R.B.	Anita Coronado
7-6-17	Ruiz Sanchez	Vicente		Vicente	Anita Coronado
7-6-17	Rulvalcaba Hernande	Daniel		Daniel Ruvalcaba Hernández	Anita Coronado

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Gulf Citrus Harvesting & Hauling, Inc.
P.O. Box 1347
LaBelle, FL 33975

EPA Worker Protection Standard-Training Log

Date	Last Name	First Name	Social Security #	Signature	Trainer
~~——~~	~~Ruvalcaba Hernandez~~	~~Fernando~~			
7-6-17	Ruvalcaba Hernandez	Esteban		Esteban Ruvalcaba Hernandez	Anita Coronado
7-6-17	Saldivar Ibarra	Salvador		Salvador Saldivar	Anita Coronado
7-6-17	Sanchez Castillo	Juan Carlos		Juan carlos Sanchez C.	Anita Coronado
7-6-17	Vazquez Lopez	Luis Enrique		LUIS ENRIQUE	Anita Coronado
7-6-17	Velez Martinez	Edgar		Edgar velez Martinez.	Anita Coronado

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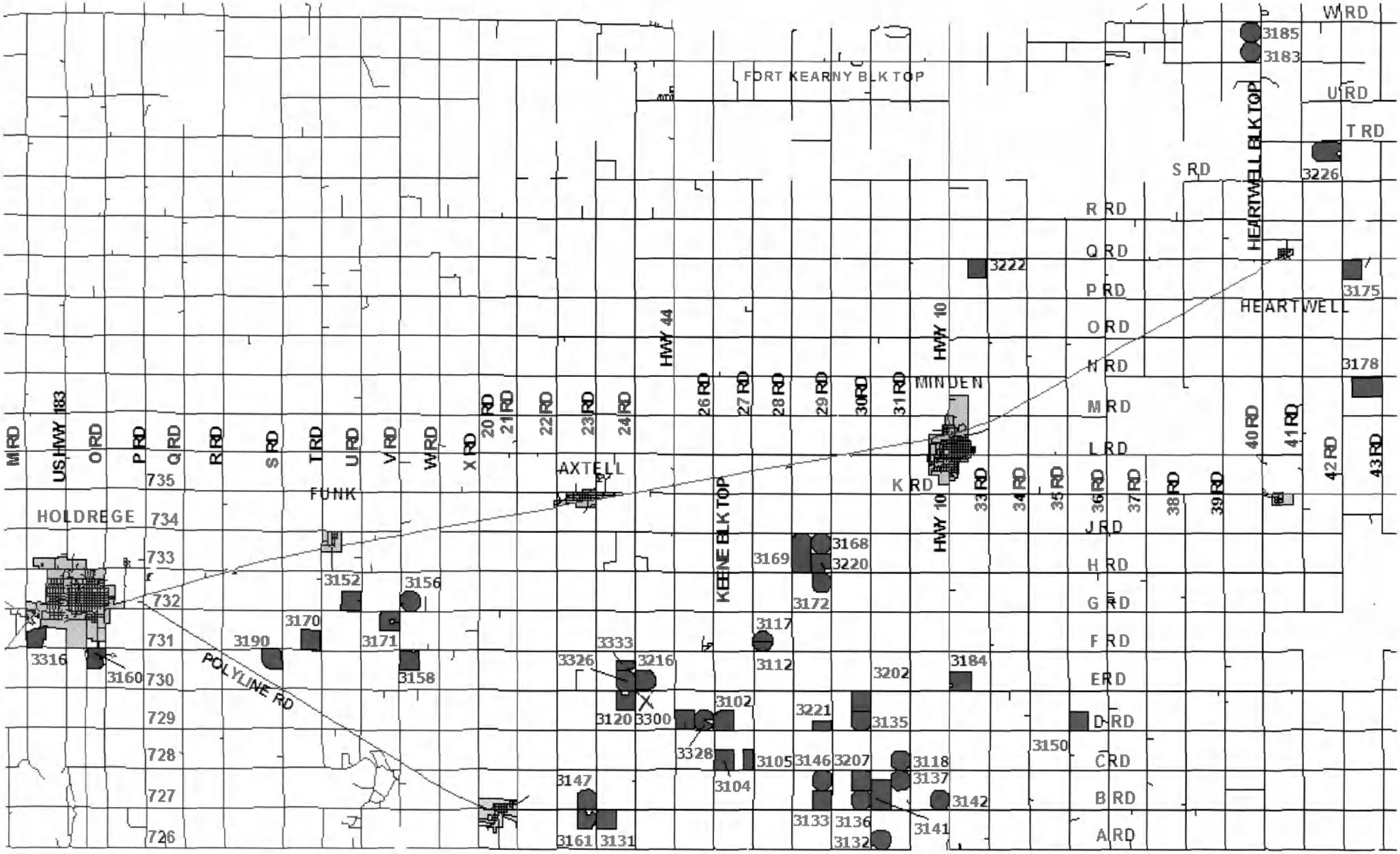
5#

This training video has been approved by the EPA as meeting the criteria for content and quality of materials used in the basic safety training for agricultural workers (pesticide handlers) as required by the WPS for Agricultural Pesticides (40 CFR 170). This material may contain additional content that has not been reviewed by the EPA.

screenshot at end of video
2014 version

2017 Kearney South Prelim Map



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S 64

Frizzell, Damon

From: Creger, Tim <tim.creger@nebraska.gov>
Sent: Monday, March 12, 2018 2:22 PM
To: Frizzell, Damon; Green, Jamie
Cc: Zimmerman, Tammy; Moock, Patricia
Subject: Receipt of WPS complaint from 2017 ENFORCEMENT SENSITIVE
Attachments: 1805_001.pdf

Dear Jamie and Damon,

The attached scanned letters (2 pages) arrived in our department by regular mail on Friday, March 9. I believe I told you about this issue back in December when I was contacted by Legal Aid of Nebraska, who had been contacted by at least one of the parties, claiming they had been sprayed by an aerial application of pesticides while detasseling corn in Nebraska in July of 2017. I am copying you on these letters because I believe the Nebraska Pesticide Act and the FIFRA Cooperative Agreement between NDA and EPA provides for our referral of situations like these from the state agency to the federal authority for follow-up and investigation.

I discussed the nuances of this sort of claim with the attorney from Legal Aid of Nebraska last year, letting her know that the Nebraska Pesticide Act provided the Department with the authority to decline an investigation if the claim was "made more than 90 days after the person complaining knew of the damages". I also told her that the cooperative agreement between EPA and NDA allowed for the Department to refer cases such as this, where complainants are from outside the state and in multiple jurisdictions, to EPA for follow-up.

For these reasons I am requesting guidance on how you would prefer NDA to formally refer the cases to your office for follow-up investigation.

Kindest Regards,

Tim Creger

> **From:** Dept. of AG [mailto:deptofagscans@nebraska.gov]
> **Sent:** Monday, March 12, 2018 1:33 PM
> **To:** Creger, Tim <tim.creger@nebraska.gov>
> **Subject:** DEPT. of AG Attached Image

0828181957201 SA

March 6, 2018

NEBRASKA
BUREAU OF
PLANT INDUSTRY
RECEIVED

MAR 09 2018

Tim Cregar
NE Department of Agriculture
Pesticide and Fertilizer Program
301 Centennial Mall
PO Box 94756
Lincoln, NE 68509-4756

RE: Formal Complaint of Pesticide Violation

Dear Mr. Cregar:

I worked for Gulf Citrus Harvesting & Hauling, Inc. and Monsanto Company during the summer of 2017. I worked in cornfields in Kearney County, Nebraska.

On July 19, 2017, around 10:00 am in the morning, I was working in field #3216 when an airplane flew overhead and began spraying pesticides. I saw one of the crew leaders wave his arms at the airplane and yell, "NO!" The airplane sprayed where we were working for approximately two hours. The supervisors did not have us quit working or leave the field. Some workers did stop working and go sit on the bus. I continued working during the time the plane was spraying. At the end of that day, my clothes and the clothes of other workers were neon green. We threw our clothes away.

We continued to work in the same field the following day. Although, the company's pesticide training said workers were not re-enter a field that had been sprayed for three days.

Please contact me regarding my complaint. I look forward to hearing from you.

Sincerely,

Amanda McMahon

Yasmin Hernandez
7116 San Jose St
Pharr TX 78577
1-956-429-6669 or
1-956-961-1713

By: Amanda McMahon/#23518
Legal Aid of Nebraska
941 "O" Street, Ste 825
Lincoln NE 68508
(531) 500-9073

0828181957201 SB

March 6, 2018

NEBRASKA
BUREAU OF
PLANT INDUSTRY
RECEIVED

MAR 09 2018

Tim Cregar
NE Department of Agriculture
Pesticide and Fertilizer Program
301 Centennial Mall
PO Box 94756
Lincoln, NE 68509-4756

RE: Formal Complaint of Pesticide Violation

Dear Mr. Cregar:

I worked for Gulf Citrus Harvesting & Hauling, Inc. and Monsanto Company from approximately July 9-August 1, 2017. I worked in cornfields in Kearney County, Nebraska.

On July 19, 2017, around 9:30 in the morning, I was working in field #3216 when an airplane flew overhead and began spraying pesticides in a nearby field. I took a video of the airplane with my phone.

My throat became red and constricted for three days.

You may contact me regarding my complaint at Mildred Martinez Cabrera, 502 Lucky Street, Titusville, FL,32780. I do speak English, and will need a Spanish interpreter. My phone number is 1-956-569-3736.

Sincerely,

Amanda McMahon

Mildred Martinez Cabrera
By: Amanda McMahon/#23518
Attorney for Complainant
Legal Aid of Nebraska
941 "O" Street, Ste 825
Lincoln, NE 68508
(531) 500-9073
amcmahon@legalaidofnebraska.org

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Pete Ricketts
Governor

MAR 19 2018

State of Nebraska

Department of Agriculture
Steve Wellman
Director
P.O. Box 94947
Lincoln, NE 68509-4947
(402) 471-2341
Fax: (402) 471-6876
www.nda.nebraska.gov

Mr. Jamie Green
U.S. EPA Region VII
11201 Renner Blvd
Lenexa, KS 66219

March 13, 2018

Dear Mr. Green:

On March 9, 2018, the Nebraska Department of Agriculture (NDA) received the enclosed letters from Ms. Amanda McMahon, an attorney who works for Legal Aid of Nebraska, and is representing the two individuals identified in the letters. The individuals have asked Legal Aid of Nebraska to represent them in a complaint alleging that they were sprayed by an aerial application of a pesticide while detasseling seed corn in Nebraska on July 19, 2017.

The Nebraska Pesticide Act, Section 2-2645(2), provides that the NDA is not required to investigate any complaint that the department determines is made more than ninety days after the person complaining knew of the damages, is outside the scope of the Pesticide Act, or is frivolous or minor in nature. The NDA believes the enclosed complaints merit serious investigation, since the allegations involved potential harm to human health by a pesticide, however, given the complainants both live outside of Nebraska (Florida and Texas), the jurisdiction to collect statements and other evidence from them does not exist.

Additionally, Appendix 3 of the 2018-2021 FIFRA Cooperative Agreement Guidance provides a mechanism whereby the State Lead Agency for pesticides retains the primary authority to investigate cases of alleged misused or misapplied pesticides, "...unless the state requests or defers the inspection or enforcement to EPA." Over the last 24 years that NDA has been granted regulatory primacy for pesticides, the Department has referred fewer than five complaints received by the Department. NDA takes its regulatory primacy seriously, but recognizes situations when EPA is better suited to carry out the mission.

Given the scant details included in the letters, it is difficult to determine the validity of the claim, however, at the very least I would anticipate that EPA will request NDA to assist in collection of evidence that is present in Nebraska. This evidence would potentially include written statements from pesticide applicators, field worker crew leaders, seed corn company labor contractors, and field agronomists. It is not yet known if an actual pesticide application was involved, but if the preliminary evidence suggests there was, I would anticipate NDA will be available to gather application records and any field evidence that might still be available, and submit that evidence to EPA to support EPA's

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investigation. Before NDA begins those activities, please advise me whether referral of the case to EPA requires the evidence be collected under federal or state inspector credentials.

Finally, it is my understanding that while NDA will likely conduct the bulk of the investigation into the allegations in our state, EPA will conduct the enforcement case review and make a determination of compliance with FIFRA and the Worker Protection Standard, not NDA.

Please contact me if you have any questions.

Sincerely,

Tim Creger
NEBRASKA DEPARTMENT OF AGRICULTURE

Tim Creger

Pesticide/Fertilizer Program Manager

S:LegalAidNE_WPS referral to EPA 3-13-18

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March 6, 2018

NEBRASKA
BUREAU OF
PLANT INDUSTRY
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MAR 09 2018

Tim Cregar
NE Department of Agriculture
Pesticide and Fertilizer Program
301 Centennial Mall
PO Box 94756
Lincoln, NE 68509-4756

RE: Formal Complaint of Pesticide Violation

Dear Mr. Cregar:

I worked for Gulf Citrus Harvesting & Hauling, Inc. and Monsanto Company from approximately July 9-August 1, 2017. I worked in cornfields in Kearney County, Nebraska.

On July 19, 2017, around 9:30 in the morning, I was working in field #3216 when an airplane flew overhead and began spraying pesticides in a nearby field. I took a video of the airplane with my phone.

My throat became red and constricted for three days.

You may contact me regarding my complaint at Mildred Martinez Cabrera, 502 Lucky Street, Titusville, FL,32780. I do speak English, and will need a Spanish interpreter. My phone number is 1-956-569-3736.

Sincerely,

Amanda McMahon

Mildred Martinez Cabrera
By: Amanda McMahon/#23518
Attorney for Complainant
Legal Aid of Nebraska
941 "O" Street, Ste 825
Lincoln, NE 68508
(531) 500-9073
amcmahon@legalaidofnebraska.org

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March 6, 2018

NEBRASKA
BUREAU OF
PLANT INDUSTRY
RECEIVED

MAR 09 2018

Tim Cregar
NE Department of Agriculture
Pesticide and Fertilizer Program
301 Centennial Mall
PO Box 94756
Lincoln, NE 68509-4756

RE: Formal Complaint of Pesticide Violation

Dear Mr. Cregar:

I worked for Gulf Citrus Harvesting & Hauling, Inc. and Monsanto Company during the summer of 2017. I worked in cornfields in Kearney County, Nebraska.

On July 19, 2017, around 10:00 am in the morning, I was working in field #3216 when an airplane flew overhead and began spraying pesticides. I saw one of the crew leaders wave his arms at the airplane and yell, "NO!" The airplane sprayed where we were working for approximately two hours. The supervisors did not have us quit working or leave the field. Some workers did stop working and go sit on the bus. I continued working during the time the plane was spraying. At the end of that day, my clothes and the clothes of other workers were neon green. We threw our clothes away.

We continued to work in the same field the following day. Although, the company's pesticide training said workers were not re-enter a field that had been sprayed for three days.

Please contact me regarding my complaint. I look forward to hearing from you.

Sincerely,

Amanda McMahon

Yasmin Hernandez
7116 San Jose St
Pharr TX 78577
1-956-429-6669 or
1-956-961-1713

By: Amanda McMahon/#23518
Legal Aid of Nebraska
941 "O" Street, Ste 825
Lincoln NE 68508
(531) 500-9073

0828181957201 SW

Hackett, Shawn

From: Amanda McMahon <AMcMahon@legalaidofnebraska.org>
Sent: Wednesday, March 21, 2018 10:13 AM
To: Hackett, Shawn
Subject: RE: Worker Safety Complaints
Attachments: glf08-Work Order.pdf; Video - airplane spraying.MOV

Shawn,

I have attached the work order for our clients.

I spoke to Mildred, and she said I could provide the video. It is attached. I asked Mildred if she has an email. She does not have a reliable email. Phone calls are the best way to communicate with her. When you're ready to send Mildred her statement, please let me know if you would like any assistance from me in that process.

Thank you for all of your work on this. Please let me know if you have any questions or need anything on my end.

Amanda McMahon
Managing Attorney
Agricultural Worker Rights Program
Legal Aid of Nebraska
941 "O" Street, Ste. 825
Lincoln, NE 68508
Cell: (531) 500-9073
amcmahon@legalaidofnebraska.org

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Tuesday, March 20, 2018 8:26 AM
To: Amanda McMahon <AMcMahon@legalaidofnebraska.org>
Subject: RE: Worker Safety Complaints

That would be great. I'll call you at about 9AM or just a few minutes after.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Amanda McMahon [mailto:AMcMahon@legalaidofnebraska.org]
Sent: Tuesday, March 20, 2018 8:24 AM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: RE: Worker Safety Complaints

Good morning, Shawn,
Thank you for your email. I will be available tomorrow morning between 9:00 am – 11:00 am to visit with you about the complaint. Would that work?
I will be available on my cell at 531-500-9073.

0828181957201 5

Amanda McMahon
Managing Attorney
Agricultural Worker Rights Program
Legal Aid of Nebraska
941 "O" Street, Ste. 825
Lincoln, NE 68508
Cell: (531) 500-9073
amcmahon@legalaidofnebraska.org

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Tuesday, March 20, 2018 8:10 AM
To: Amanda McMahon <AMcMahon@legalaidofnebraska.org>
Subject: Worker Safety Complaints

Amanda,
I am an inspector in the Pesticide Program at US EPA Region 7 in Lenexa, Kansas. I have been assigned to take the lead on the worker safety complaint involving Mildred Martinez Cabrera and Yasmin Hernandez. I am working out of the office today but will be in on Wednesday 3-21. I have one meeting on Wednesday from 11AM to 12:30PM. Other than this time is there a time on Wednesday that I could call to visit with you about complaint? Thanks.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

0828181957201 SK

03-22-2018

Amanda McMahon
Legal Aid of Nebraska
941 "O" Street, Ste. 825
Lincoln, NE 68508

Amanda,

As we discussed on March 21 I have enclosed a Receipt for Samples to document the Gulf Citrus Harvesting and Hauling Inc. work order and video of the aerial application that you provided to me via email on 3-21-2018.

Please sign and date the Receipt for Samples, keep the bottom copy for your records, and return to me the top copy for the case file. Thanks.

Shawn Hackett

Shawn Hackett
FIFRA Inspector
US EPA Region 7
WWPD/TOPE/PEST
11201 Renner Blvd.
Lenexa, KS 66219

0828181957201 58

Hackett, Shawn

From: Hackett, Shawn
Sent: Tuesday, April 10, 2018 9:37 AM
To: 'Amanda McMahon'
Subject: RE: WPS Complaint in Nebraska

Categories: Record Saved - Shared

That's great, thank you. I thought of texting but can't text on work phones.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Amanda McMahon [mailto:AMcMahon@legalaidofnebraska.org]
Sent: Tuesday, April 10, 2018 9:10 AM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: Re: WPS Complaint in Nebraska

Shawn,
I texted her.
She got your messages, but called you back after 5, and didn't leave a message.
She said she would call this morning around 10am.
If you don't hear from her, please let me know and I'll follow up again.
Thank you,
Amanda

Get Outlook for Android

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Monday, April 9, 2018 11:47:02 AM
To: Amanda McMahon
Subject: WPS Complaint in Nebraska

Amanda,
Vianey Alvarado and I have been able to contact and speak with both Mildred Martinez Cabrera and Jesus Medina. I have attempted to contact Yasmin Hernandez by email along with leaving voice mails for her with no response. I would like to speak with her also and wondered if you had any suggestions of how else to get in touch with her?

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

0828181957201 58

Hackett, Shawn

From: Hackett, Shawn
Sent: Tuesday, May 08, 2018 1:15 PM
To: 'Amanda McMahon'
Subject: RE: Touching Base

Thank you.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Amanda McMahon [mailto:AMcMahon@legalaidofnebraska.org]
Sent: Tuesday, May 08, 2018 1:13 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: RE: Touching Base

Shawn,
I found it.
I have signed it, and am mailing it back to you today.

Amanda McMahon
Managing Attorney
Agricultural Worker Rights Program
Legal Aid of Nebraska
826 P Street
Lincoln, NE 68508
Cell: (531) 500-9073
amcmahon@legalaidofnebraska.org

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Tuesday, May 8, 2018 12:56 PM
To: Amanda McMahon <AMcMahon@legalaidofnebraska.org>
Subject: RE: Touching Base

I wonder if someone else in your office received it. I mailed it about a month ago.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Amanda McMahon [mailto:AMcMahon@legalaidofnebraska.org]
Sent: Tuesday, May 08, 2018 8:40 AM

0828181957201

To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: RE: Touching Base

Shawn,
I haven't received it in the mail yet. I will watch for it, and get it back to you as soon as I receive it.

Amanda McMahon
Managing Attorney
Agricultural Worker Rights Program
Legal Aid of Nebraska
826 P Street
Lincoln, NE 68508
Cell: (531) 500-9073
amcmahon@legalaidofnebraska.org

From: Hackett, Shawn <hackett.shawn@epa.gov>
Sent: Tuesday, May 8, 2018 7:01 AM
To: Amanda McMahon <AMcMahon@legalaidofnebraska.org>
Subject: RE: Touching Base

Amanda,
I mailed to you a Receipt for Samples for the document and video that you provided to me via email. I have not received it back and will need it in order to be able to use the document and video in my report. Thanks.

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Amanda McMahon [mailto:AMcMahon@legalaidofnebraska.org]
Sent: Monday, May 07, 2018 4:49 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: Touching Base

Good afternoon, Shawn,

I just wanted to touch base with you and make sure you don't need anything from me.
I hope everything is going well with the investigation.

Legal Aid
Amanda McMahon
Managing Attorney
Agricultural Worker Rights Program
Legal Aid of Nebraska
826 P Street
Lincoln, NE 68508
Cell: (531) 500-9073
amcmahon@legalaidofnebraska.org
www.legalaidofnebraska.org
#wemakeequaljusticehappen

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0828181957201 SW

Legal Aid
OF NEBRASKA
826 "P" Street, • Lincoln, NE 68508 • legalaidofnebraska.org
phn (402) 435-2161 • tf (800) 742-7555 • fax (402) 435-2171

WWPD MAY 11 2018

May 8, 2018

United States Environmental Protection Agency
Region 7
Attn: Shawn Hackett
11201 Renner Boulevard
Lenexa KS 66219

Dear Mr. Hackett:

Enclosed please find my signed receipt for pesticide use/misuse samples.

Sincerely,

Amanda McMahon

Amanda McMahon
Attorney at Law

Enc.

From: Hackett, Shawn
To: Bauman, Michael
Subject: RE: Contact info
Date: Monday, May 14, 2018 1:35:00 PM

Michael,
Here is some business information and Region 7 concerns. The worker complaint comes as a result of aerial application at a field location in Nebraska in 2017.

Gulf Citrus Harvesting and Hauling Inc.
890 Spratt Blvd. PO Box 1347
LaBelle, FL 33935
James Marsh appears to be the owner/agent.

Region 7 questions/concerns
General WPS employer issues that include worker training and training records.
Was the training an EPA approved training?
Was it given in a language that workers understood?

How is the business connected to Monsanto? Are they a labor contractor?
How many contracts do they have in Region 7 (Iowa, Kansas, Missouri & Nebraska)? Get copies of any and all R7 contracts.
How do they handle employee exposure issues and request for medical assistance?
Do employees have access to central posting? Where is it located?
Access to labels and/or SDS's?
Decontamination supplies?

Shawn Hackett
FIFRA Project Officer for Missouri | Worker Safety Coordinator | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: Bauman, Michael
Sent: Monday, May 14, 2018 1:08 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Subject: Contact info

Hi Shawn,

Good to speak with you all this morning – my desk phone is (404)562-8962. Just a heads up on my schedule for the next month and a half; I'm travelling (with my phone forwarded) May 16-18 and May 22-25. I'm on leave June 12-27.

Talk with you all again tomorrow,
Michael

Michael L. Bauman, MS ¦Life Scientist, Pesticides Section ¦Chemical Safety and Enforcement Branch
Air, Pesticides and Toxics Management Division ¦ U.S. Environmental Protection Agency Region 4
61 Forsyth Street, SW Atlanta, GA 30303 ¦Tel: **404-562-8962** ¦ Email: bauman.michael@epa.gov

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Hackett, Shawn

From: Hackett, Shawn
Sent: Tuesday, September 04, 2018 7:37 AM
To: 'PAZZELLI, JOHN J [AG/2532]'
Subject: RE: EPA Training Video Approval Letter

John,
Thanks for finding and sending a copy of this letter. EPA at the time was sending training approval letters but was not using a number system to track the approvals.

Shawn Hackett
FIFRA Project Officer for Missouri and Nebraska | FIFRA Inspector
U.S. EPA - Region 7 | 11201 Renner Blvd. | Lenexa, KS 66219 | (913) 551-7774
Hackett.Shawn@epa.gov

From: PAZZELLI, JOHN J [AG/2532] [mailto:john.pazzelli@bayer.com]
Sent: Saturday, September 01, 2018 12:38 PM
To: Hackett, Shawn <hackett.shawn@epa.gov>
Cc: GENESER, PATRICK J [AG/2065] <patrick.j.geneser@monsanto.com>
Subject: EPA Training Video Approval Letter

Hello Shawn,

The document I have attached is what our Migrant Seasonal Labor Manager received back in 2014 stating the EPA approves of our training video. We were unable to find a "approval number" in the document.

Please let me know if you have any other questions.

Thanks,

John Pazzelli
Field Production Manager

//////////////////

Kearney Commercial Corn
2615 Antelope Ave.
Kearney, NE 68847
Bayer US – Crop Science
Tel: +1 308-238-5336
Cell: +1 573-590-2050
E-mail: john.pazzelli@bayer.com

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 03 2014

Mr. Patrick Geneser
Migrant and Seasonal Labor Manager
NA Row Crops Mfg
Monsanto Company
14901 Asgrow Road
Farmer City, Illinois 61842

Dear Mr. Geneser:

The U.S. Environmental Protection Agency, Region 7, received a pesticide safety training aid on January 17, 2014 which was developed by your agency in order to fulfill the training requirements for agricultural workers under the Worker Protection Standard 40 C.F.R. Part 170.130.

This material was reviewed for content and quality including presentation; the conveyance of the required information; applicability to the intended target audience; the expression of incorrect (misleading) information; and any possible misinterpretation in content (orally and/or visually).

Based on this review, this WPS training video has been approved by the EPA as meeting the criteria for content and quality of materials for use in the basic safety training for agricultural workers as required by the WPS (40 C.F.R. 170.130).

Training materials approved by the EPA may include the following statement as part of the product and on promotional materials:

"This training video has been approved by the EPA as meeting the criteria for content and quality of materials used in the basic safety training for agricultural workers (pesticide handlers) as required by the WPS for Agricultural Pesticides (40 CFR 170). This material may contain additional content that has not been reviewed by the EPA."

No other statement may be included to convey the EPA approval.

Approved training materials may display neither the official EPA seal nor the Agency identifier (logo). The Agency does not endorse commercial products or services. No identifying insignia of the EPA, such as the logo or seal, may be displayed on this material.

This review applied only to the content and quality of the material identified above addressing the training requirements specified in the WPS. Any additional State/Tribal requirements or non-WPS related content expressed in the submitted material have not been reviewed or evaluated and are not herein approved by the EPA. All of the training material herein approved by the Agency may not be

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substantively revised, released as such, and advertised or sold as being approved by the EPA without a formal re-submission to, and re-approval by, the Agency.

Sincerely,

Jamie Green

Jamie Green, Chief
Toxic and Pesticides Branch

0828181957201 5x

Amanda McMahon 3/21/18 9:00 AM

→ lg group working ~ 12 people
→ detasseling with Jesus goes by "Martin"
→ skin irritation, burning throat, coughing, rashes
→ mother/father 2 children
- poor quality of water brought to field by employer
- has work order - she will email

Employer — Gulf Coast Harvesting

Video — Legal Aid + Mildred have a copy

Field - possibly spraying an adjacent field
work order has address of work site
a lot of clients from Texas - Texas Legal Aid
↳ come to NE to work

Attorney - for ~~Monsanto~~ Yasmin + Mildred

Had seen the Videos for WPS Training

Amanda will contact Yasmin + Mildred

Yasmin — Yasmin142010@live.com
Mildred — no email address

Medical treatment — possible another client had a child with an asthma issue.

→ Supervisors left people in the field to work.

3/21/18 242PM
Tim Creger
What evidence needs to be collected at Monsanto? Eric Fuentes has a good relationship w/ State or Federal credentials. Monsanto.

What does EPA wants collected? Get Tim a list via email.

Monsanto will know their fields

Jasmin Hernandez
956-429-6669 (H)
956-961-1713 (C)

4-2-18 - T.T. Lady at home #. She suggested calling Yasmin's cell phone. Yasmin is a student and currently in class.

4-2-18 L/M on Yasmin's cell phone 2:12PM
4-4-18 L/M on " " 2:45PM

Mildred
956-569-3736

L/M 4-2-18 on Mildred's phone # 2:25PM
4-4-18 T.T. Mildred & Jesus (Martin) at 2:49PM.

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Conversation - Field #~~3~~ 16 location is an issue???
They appear to know the field by number.

- Fields labeled by number
- Field sprayed was adjacent to where they were working
- They called Janisa who called John ~~[illegible]~~ /Monsanto and told them they could leave the field.

Pazzelli

- Did not seek medical treatment.
- Jim? Marsh (supervisor) Gulf Citrus → paid them

Did Drift from the field adjacent or direct spray contact them.
↳ Windy & drifting towards them.

Vi next asked in Spanish the questions on the Worker Protection Standard - Worker Checklist.

→ Both Mildred & Jesus Medina answered questions

→ Who took the video Mildred
→ Was it Jesus yes who was in the video making comments
→ After we discuss the checklist, can we call back if we have questions
→ Would they be willing to sign a written ~~to~~ statement if we prepared it and sent it to them? It would have to be a notarized signature.

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4/10/18 11:55AM (41:13 total time of interview)

T.T. Yasmin

#3216

Detasselling

Sprayer started at ~9:00

large fields - working in different sections

they were working close to the spraying

Gulf Cistrus was the contractor

who paid them — Gulf Citrus

What was being sprayed - she doesn't know

She talked to over seer → never said to get out

Had a headache after the spraying, hot day in the field

4-10-18 VI left message at 2:44PM

4-13-18 Called at 3:25PM - Jesus answered

→ called to ask 4 followup questions

1. Was there a sign up sheet for the WPS Training?
4. At the field was there a clear plastic tube with spray information
3. What type of gloves?

2. With the WPS training was the video English only and were handout available in Spanish?

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1. No sign in sheet for the training
   Jesus – no
   Milded – I don't remember.

2. Handouts for training – Yes
   Were they English or Spanish or both?
   Both

3. Cloth gloves provided.

4. No tube at field.

5/15/18 Conf. Call. with R4 & FDACS

George – FL
→ business has been inspected in the past

FL can conduct a full WPS inspection with the business.

Probably do inspection before the end of the week.

R4 will send information to FDACS

R4 will coordinate with FDACS

Field #3216 - Monsanto
Eric Fuentes cell #
402-429-3420 4M 8:13AM Rec. 11:06AM

Susan
[redacted] Betke → Monsanto contact in Kearney
308-234-9710

Kearney
Holdredge } Aerial applicator locations nearby
Minden

8/21/18
Susan Betke transferred me to John
John Pazzelli 308-238-5336

→ was out there/when a claim was made, not made until this year.
→ went to field, nobody coming out of the field had a complaint about contamination

Aerial Applicator - field next door #3216 (field from is south)

→ Wells Flying
Ryan or Randy Wells
308-995-4646

Monsanto uses Nebraska land Aviation
Ag Sync - application program used by Neb. Aviation.

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8/28/18
Bayer / Monsanto

3216
July 19, 2017 at ~ 10AM

#3216 about 30 minutes south.
Monsanto bilingual crew leader was with GCH on the day.
(contract coordinator)
- Mon. rep called John Pazzelli to report the airplane w/in ½ mile.
- Other Monsanto ~~re~~ employees called to report the situation.

- Workers were coming out of the field finishing it up.
- Nobody complained of any health issues that day, night, next day. Mon Rep stayed with that crew through early August and there were no complaints.
- John was also at field - no complaints

Training # Getting from Compliance person

Version Shown Copyright 2014.

→ Field had 170' from south to corn sprayed. There was also a 330' strip of soybeans at south side of field to separate seed corn from other field corn.

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