

## Lenzi, Chelsea

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**From:** ART HIBBITS <ahibbits01@gmail.com>  
**Sent:** Friday, February 07, 2014 8:07 AM  
**To:** sbcob  
**Subject:** Agenda (6), Feb.11  
**Attachments:** Ag Commissioner107.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Chelsea: Please include the attachment, four pages, in the Board Packet, as well...more to follow. Thank you,  
Art



Agricultural Commissioner's Office  
Weights & Measures ■ County of Santa Barbara

Cathleen M. Fisher  
Commissioner / Director

SANTA BARBARA SANTA MARIA LOMPOC SOLVANG CARPINTERIA

**REQUEST TO INSPECT / REVIEW RECORDS**

The California Public Records Act (Government Code Section 6250 et seq.) requires public agencies to make their records available for public inspection and copying unless the records are otherwise exempt from disclosure. Please complete the data request form. Upon receipt of the request form, you will receive confirmation within 10 days from this office regarding the date the records will be disclosed, or confirmation that the records are exempt from disclosure. If you need assistance with your request, please call our office at (805) 934-6200.

Describe the documents or information you are requesting. Please be specific. Include dates, property locations, chemical names, or other appropriate information necessary to identify the information you require. You may attach more pages if necessary.

— PESTICIDE DRIFT COMPLAINT FROM TIM

MOSBY AGAINST NEIGHBORS N AND W

— RECORDS OF INVESTIGATIONS AND RESULTS

PLEASE SCAN AND EML TO:

KARL CAMPBELL - BOHARD <agriculture - girl@yahoo.com>

— BILL TO ART HIBBITS

**How do you want to receive the information?**

- ☐ View documents (no charge)
- ☐ Copies of documents (\$0.10 per page)
- ☐ Text file on diskette or CD or as an e-mail attachment (\$80.00 per hour, 1 hour minimum)
- ☐ Printed report (\$80.00 per hour, 1 hour minimum)

**Where should the information be sent?**

Name: ART HIBBITS

Address: 1251 E. HWY 246 LOMPOC 93436

E-mail: ahibbits01@gmail.com NOTE: 01 is zero-one

Telephone: 805 689 7984

You may bring this form to our office or you may FAX this completed form to:

805-934-6202 <cfisher@agcommissioner.com>

**Santa Barbara County Agricultural Commissioner's Office**  
**PESTICIDE COMPLAINT REPORT NARRATIVE (PCR)**  
**PCR 3 Mosby 8-6-09 drift**

**Summary:** On August 6, 2009, J MOSBY stated he had observed a pesticide application conducted by JOSEPH & SONS, the flower grower located west of his property, drift pesticide onto his property.

**Background Information:** J MOSBY owns approximately 30 acres of land in a largely agricultural area. He leases out a small portion of his land to a flower grower he identified only as "PONCHO" and the remaining land is fallow. He operates a commercial fish farm.

On July 17, J MOSBY called to complain that JOSEPH & SONS drifted pesticides onto his fish ponds, killing a "major" quantity of his fish. J. MOSBY did not see or know the date of any pesticide applications nor did he reveal any dates the fish died. S BRYANT emailed a "Report of Loss" to him for providing details of the incident. He has yet to return a completed report to this office.

J ORTIZ stated they applied pesticides on July 6 and July 11. He faxed pesticide use records showing they applied Endorse, Phyton 27, Rubigan and Breakthru on July 6 and Endorse, Rubigan, Cygnus, and Breakthru on July 11. According to the pesticide labels, all of these pesticides are toxic to fish and other aquatic organisms.

We have been unable to locate PONCHO and he does not have an operator identification number issued by this office.

On July 22, S BRYANT drove to the area and observed a 7-foot high black woven cloth barrier (fence) erected between ORTIZ and MOSBY's properties. She noted JOSEPH & SONS' fields were located approximately 100 feet west/northwest of what appeared to be fish ponds. These ponds are not permitted by Planning and Development as are the 3 fish ponds located approximately 100 feet south of "PONCHO's" fields.

Lack of information from J MOSBY prevents further investigation of this incident.

**Violations:**  
None

**Witnesses:**

NAME	ADDRESS	EMPLOYER	TELEPHONE
Mr. James Mosby (complainant)	755 Highway 246 Lompoc, CA 93436	N/A	(805) 736-6322
Mr. Juan Ortiz, Jr. (respondent)	1815 Corte Jubilo Camarillo, CA 93012	Joseph & Sons 1815 Corte Jubilo Camarillo, CA 93012	(805) 857-1998
Mr. Ventura Ayala (applicator)	1815 Corte Jubilo Camarillo, CA 93012	Joseph & Sons 1815 Corte Jubilo Camarillo, CA 93012	N/A
Susan Bryant	624 W. Foster Road, #E Santa Maria, CA 93455	Santa Barbara County Agricultural Commissioner	(805) 934-6200
Debbie Trupe	624 W. Foster Road, #E Santa Maria, CA 93455	Santa Barbara County Agricultural Commissioner	(805) 934-6200



**Santa Barbara County Agricultural Commissioner's Office**  
**PESTICIDE COMPLAINT REPORT NARRATIVE (PCR)**

**PCR 3 Mosby 8-6-09 drift**

**Investigation and Statements:**

**August 6**

S BRYANT received a second complaint from J MOSBY. He stated he watched a JOSEPH & SONS applicator drift pesticide onto his land on the evening of August 5. S BRYANT spoke to J ORTIZ who faxed over a use record that showed they applied Endorse and Pounce.

**August 7**

Wind data from the website, Weather Underground, measured from the Lompoc Municipal Airport located 2 miles west of the site, was from the NW at 13 mph at 6:35 pm.

S BRYANT and D TRUPE met J MOSBY at JOSEPH & SONS Ranch 2 located west of J MOSBY's property. He stated at about 6:30 pm he saw pesticide drifting "50 to 100 feet" onto his property. He said the wind was about 10 to 15 mph from the west and he went to the field and stopped the application.

We also spoke with J ORTIZ who confirmed V AYALA had sprayed pesticides on August 5. J ORTIZ translated our questions to Spanish while we interviewed V AYALA. V AYALA stated he arrived at the field to spray Bells of Ireland plants on August 5 at 6:30 pm. He said the wind was from the west about 3 mph. He started at the southeast end of the field (closest to the MOSBY property), and worked west. The first pass was made with only the boom on the right side of tractor spraying because the tractor was located on the south side of the block, outside of the planted area. At the west end of the field he turned around, activated both booms to spray, and entered the block to begin his second pass. About mid-way, he noticed J MOSBY at the east end. He stopped spraying and called J ORTIZ who told him to quit spraying, which he did. V AYALA and J MOSBY did not speak. We confirmed he made only one full pass. J ORTIZ and V AYALA stated they were using #10 size nozzles and 95 lbs of pressure to produce a coarse spray to avoid drift. The total amount of solution mixed was 25 gallons consisting of 8 ounces of Endorse and 3 ounces of Pounce.

We took five gradient samples according to the protocols in the Investigation and Sampling Manual. The samples were secured over the weekend. On August 10 S BRYANT shipped them through Federal Express to the CDFA laboratory for analysis for permethrin, the active ingredient in Pounce.

Sample information is summarized below:

Sample Number	Material Sampled	Sample Location	Analysis Results
SB-1 8-7-09	Weed foliage	Approx. 200' from treated area	None detected
SB-2 8-7-09	Soil	Approx. 150' from treated area	None detected
SB-3 8-7-09	Soil	approx. 100' from treated area	None detected
SB-4 8-7-09	Soil	approx. 50' from treated area	None detected
SB-5 8-7-09	Ornamental foliage	treated area	3.59 ppm permethrin

**Findings:**

The sample analyses do not support permethrin drift to J MOSBY's property.

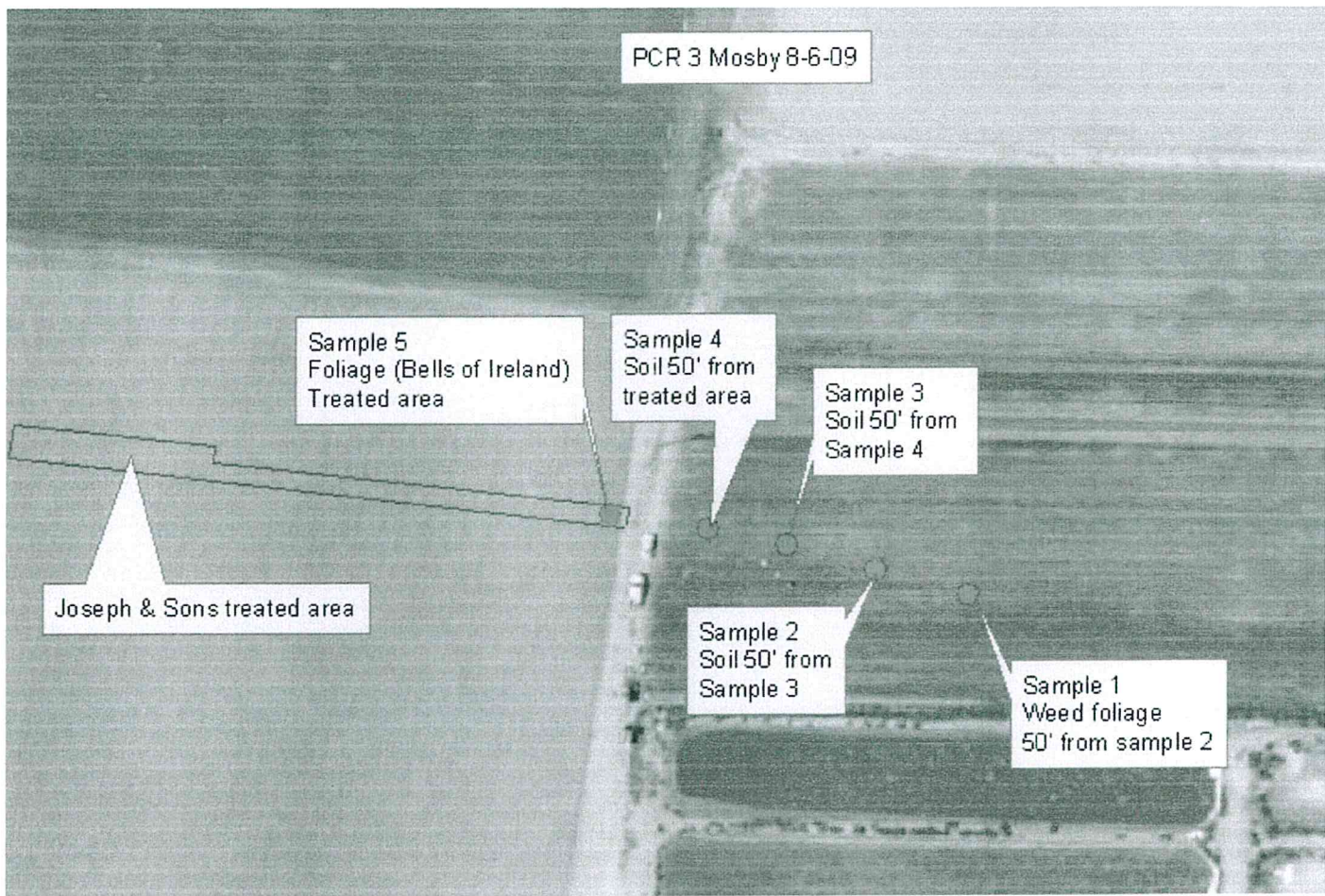
**Attachments:**

Overview map

Sampling map

Weather Underground Printout

Planning & Development Permit



Report Prepared By	Date	Report Reviewed By	Date
Debbie Trupe & Susan Bryant	9-18-09	Susan Bryant	9-18-09