

July 7, 2003

Ms. Jean M. Meiner, Regional Supervisor
Pesticide and Plant Management Division
Michigan Department of Agriculture
Constitution Hall
P.O. Box 30017
Lansing, MI 48909

Dear Ms. Meiner,

I am writing in regard to Mr. Kenneth and Mrs. Deborah Wheeler with whom I have been in contact since April when one of their dogs died suddenly and the other was treated for what was believed to be toxic exposure, possibly from an organophosphate material. I have gone to the Wheeler homestead and took soil samples from an area behind their house that was visibly coated with a white, powdery substance. In one portion of that immediate area, a depression was evident that was filled with the same white, powdery substance at least 6-8 inches thick (photos attached).

After the Wheelers had contacted the Sheriff's office, local county extension office and Michigan Department of Environmental Quality with no response, I suggested they contact the Michigan Department of Agriculture. As you know, at first, the MDA did not respond, but eventually, you or one of your representatives came out to the site and filed a report which you have summarized (Disposition Letter UI-03-65-10 - attached).

After reading the report you have filed and conducting a brief analysis of the site and applicable state and federal law, it is clear that the Michigan Department of Agriculture has, at the very least, been negligent in addressing a potentially serious contamination problem. Several concerns remain where MDA has failed to provide any meaningful information. Also, with the filing of the Disposition Letter, MDA has established a sense that the site poses no threat – real or potential. Below are some concerns I have with the handling of the Wheeler case:

- MDA was not initially responsive to the Wheeler's request for an on-site investigation. It took some prodding from inside sources to get MDA personnel to the site. The sudden death of a large dog and illness of another, accompanied by a written statement from a local veterinarian that organophosphate poisoning was suspected should have elicited or warranted some sort of immediate investigation.

- MDA took no soil samples but referred only to the statements from the person who apparently did the application in order to make a final determination of any potential threat to human or animal health, or the health of the environment. Under Act 451, Part 83 324 §837f (1), MDA can require a person applying registered pesticides to “provide information necessary to determine mobility in the environment and potential to contaminate groundwater.” This type of documentation would have been important to compare with any samples taken from the site.
- MDA concluded from a statement made by the applicator, a rinsate was applied to the field in question. MDA noted that the applicator provided them information on the rinsate and that there were no chemicals in the rinsate commensurate with an organophosphate poisoning. However, in the Disposition Letter to the Wheelers, MDA states, “...an employee of the Crop Production Services applied rinse water from the firm’s pesticide application vehicles twice to a vacant field owned by the employee’s family adjacent to your property.” How much pesticide remained in these application vehicles when the rinsate was applied? Is it not possible that the pesticide (residue) would contain organophosphates in sufficient quantities to cause harm to a large dog, other animals or humans? There is no way of knowing since no samples were taken and the fact that the rinsate was washing *pesticide* containing containers/vehicles was ignored.

I took samples of soil in an area that had a light dusting of the white powdery substance and sent them to an EPA approved environmental lab in Seattle (Friedman & Bruya, Inc.) for independent analysis. There, a fingerprint analysis was done and the results showed large quantities (in the 100’s to 1000’s of parts per million) of three potentially dangerous chemical herbicides: Alachlor, Metolachlor and EPTC. Further analyses are being conducted that will give more exact quantitative information on the concentrations.

As you may know, Alachlor and Metolachlor are in the process of being (or have been) cancelled for standard use as they have been shown to pose significant threat to groundwater quality and pose health risks for direct contact. In fact, they are mentioned specifically in the Michigan Groundwater and Freshwater Protection Act, an Act that gives MDA joint responsibilities with other regulatory agencies, as chemicals that have been shown to be dangerous agents threatening groundwater quality wherever they are applied.

EPTC is also an herbicide on the list of chemicals posing serious threat to groundwater quality and a chemical that is now being stricken for general use in many states. If you look at the MSDS sheets on all of these herbicides, you will find that exposure via direct contact in the apparent quantities measured in the soil, will cause the type of symptoms experienced by the dogs as evidenced in the veterinarian’s report.

If my results are correct, it appears there was much more than rinsate applied to the area in question. Actually, herbicides were applied in great quantities. This would not be inconsistent with local farming practice to eliminate cover on the periphery of a crop field to mitigate pest and invasive plant encroachment. Furthermore, these herbicides are

applied to fields that grow corn and some legumes which is the type of crop grown behind the Wheeler's home.

In addition to the health of local pets like the Wheeler's dogs, deer and other game animals routinely trek through this area. I noticed multiple fresh deer tracks on my way to collect the sample. These deer are potential game for local hunters and should not be coming in contact or ingesting the type of chemicals found behind the Wheeler's home. Another worry is that long-term use of this product may be threatening groundwater that serves as well water in the area and as a source of irrigation (either through wells or through Bush Creek which is adjacent to the site and a potential point of discharge for contaminated groundwater).

From the death of the Wheeler's dog, the visible amount of chemical residue on the soil, the chemical analyses and potential health risk of the types of chemicals found in the soil, I believe the MDA should take a closer look at the area in question. This should include sampling the soil, checking records of the applicator(s) (if they exist) and conducting a thorough investigation of the real or potential threats to the health of animals and humans and the health of the environment.

No agricultural practice should be allowed that kills a person's pet or poses threat to their drinking water supply. I believe that the Wheeler's and the citizens of this state deserve a more appropriate response from their government.

I would be happy to share any and all information I have regarding the Wheeler's case if you are interested.

Sincerely,

Murray C. Borrello, Director and Chair
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Cc: Dan Wyant, MDA Director
Steve Chester, Director MDEQ
Scott Hummel, State Representative
Mike Goschka, State Senator
Dave Camp, U.S. Representative
Kenneth and Deborah Wheeler