

CASE INVESTIGATION SUMMARY

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Company: Stone Wall Farms

Licensed: PPA 10648 (Alfred Fugazzi)

Origin of Case: Call from Lincoln Police Department

Background: On April 26, 2016, the Board received a call from John Walsh, a police officer in the town of Lincoln. Walsh said he responded to a complaint received on April 23, 2016, of two dogs that were thought to have been poisoned in Lincoln. Walsh met with the owners of the dogs as well the vegetable grower on the land where the incident occurred.

Findings:

- The grower Alfred Fugazzi leases the land where the incident occurred to grow a variety of crops.
- The owners of the dogs are Hawley (Tim) and Ann Thornton who live within walking distance of the field.
- Fugazzi is licensed as a private pesticide applicator with the Board of Pesticides Control (BPC).
- On April 23, 2016,
 - Lincoln police department receive a complaint at approximately 4:41 PM about dead dogs.
 - Walsh and Lincoln animal control officer Nicole Murchison investigated the incident that same day.
 - Walsh and Murchison met Tim at the Thornton's residence.
 - Tim said that earlier in the day, his wife walked their 2 dogs (dachshund, english setter) down the road in the fields behind their house. Ann called him from the field saying something was wrong with the dachshund and she wanted to take him to an emergency vet and that she could not locate the other dog. Tim drove to the field, Ann took the car to drive the dachshund to the emergency vet and Tim proceeded to look for the english setter. He found the english setter lying in tall grass in the field. The dog was convulsing and foaming at the mouth. The dog died as Tim was carrying him out of the field.
 - Tim took Walsh to the field to show him where he found the english setter. Walsh's written report documents that in this area there was tall grass that was flattened down and a large amount of foam on the grass.
 - Tim and Walsh then went back to the Thornton's residence, by that time Ann was there. Ann said the dachshund died en route to the vets and was convulsing and foaming at the mouth before it died.
 - Walsh saw the 2 deceased dogs while at the Thornton residence.
 - Ann Thornton then took Walsh back to the field where the incident occurred.
 - Ann Thornton showed Walsh the area where she saw the dogs eat something.
 - Walsh searched this area where the dogs had been seen eating and found bread crumbs on the ground. Canine tracks were visible at this spot. Walsh collected some bread crumbs here.
 - While in the field Walsh called Fugazzi and left a voice message about the incident and what they found.
 - While Walsh was still in the field, Fugazzi returned his call and came to the field and met with Walsh.
 - Walsh's written report states that Fugazzi told him earlier that morning, he put out 3 pieces of bread that he had crumbled up and laced with a teaspoon of Lannate insecticide and then put the crumbs out in piles in 3 separate locations in the field to kill crows that were eating his newly planted seeds.
 - Fugazzi showed Walsh the 3 locations where he put the treated bread crumbs.
 - At the first location Walsh saw seven dead crows in the immediate area and what appeared to be more dead crows in the distance. Only a minimal amount of crumbs remained at this location.
 - At the second location, the bait appeared to be untouched.

- The third location was the site the dogs had been seen feeding and where Walsh had collected the bread crumb sample.
- April 26th, The Board inspector met with Walsh.
 - The inspector collected a copy of the 6 page police investigation report on this incident.
 - The inspector collected the Lannate laced bread sample Walsh collected in the field.
 - Walsh discussed the same basic information contained in the police report.
- April 26th, The Board inspector and Walsh then met with Fugazzi.
 - Fugazzi explained that he placed poison bait out in his field on 4-23-2016 because crows damaged his crops (squash and cucumber seeds). This was done about noon time.
 - The inspector completed an inspection on how the Lannate SP insecticide was applied.
 - Fugazzi explained that he crumbled up 4 slices of bread in a bag and added approximately 1 oz. of Lannate to it.
 - The inspector documented the label and labeling of the Lannate SP Insecticide.
 - The inspector took digital photos the field, signs used to post the field, and the farm sign at the field.
 - Fugazzi stated he had contacted Robin Dyer from USDA and the local Maine Wardens about the crow damage prior to this incident. He also tried noise cannons to address the problem prior to using the treated bread.
- On April 26th, the Board inspector then met with Ann Thornton.
 - Thornton described what happened when she saw the dogs eating something in the field.
 - Within 30 seconds the dachshund stumbled and fell, and began coughing and foaming at the mouth. The dog was also shaking and twitching.
 - Thornton took the dog home and tried to induce vomiting without success.
 - Thornton drove towards emergency vet with the dog, the dog died en route to the vets within 45 minutes of ingesting the bread.
 - Thornton then reiterated what her husband experienced with the death of their other dog and summarized her trip back to the field with the Walsh and route she took to enter the field.
 - The inspector collected a written statement from Thornton about the incident.
- April 27, 2016, a Board inspector met with Fugazzi
 - The inspector mailed Ann Thornton a Google Earth map and requested she mark the route she took to enter the field. Thornton marked her route on the map and the inspector received it back April 30th.
 - The inspector collected the 7 ounces of Lannate left over from the application Fugazzi made to the bread.
 - The inspector delivered the Lannate to Bangor's DEP facility for later disposal through the BPC's obsolete pesticide disposal program.
- April 29, 2016, a Board inspector met with Fugazzi
 - Fugazzi signed a written statement about the incident
 - Fugazzi indicated on a map where he placed signs at the field
- May 3, 2016, a Board inspector returned to Fugazzi's field.
 - The inspector checked for signs where Ann Thornton entered the field on May 23rd.

Violations

Use of a pesticide in a careless, negligent or faulty manner in violation of 22 M.R.S. § 1471-D (8)(C).

Use of a pesticide in a manner inconsistent with its label in violation of 7 U.S.C. § 136j (a)(2)(G), 7 M.R.S. § 606 (2)(B) and 22 M.R.S. § 1471-D (8)(F).

- LANNATE® SP is a dry powder in a water soluble bag to be dissolved in water for application by mechanical ground, overhead sprinkler or aerial application equipment only. Hand-held equipment is prohibited for application to crops.
- Do not handle, open, rip, tear, cut or perforate the inner water soluble bag.
- Wear protective eyewear and respirator.

Staff Recommendation(s): Authorize staff to negotiate a consent agreement.