



Memorandum

Biosecurity Queensland

To Rosalie Anderson, Northern Tropics Zone Leader, Biosecurity Queensland
From Aaron Russell, Senior Inspector, Biosecurity Queensland
Cc Mary O'Brien, Senior Scientist, Biosecurity Queensland
Subject Investigation report - Blanchair Pty Ltd
Date 20 Sep 2012 **Telephone** 0740641169

Recommendation

It is recommended that an advisory letter be sent to Don Blanch of Blanchair for applying registered agricultural chemicals in a way other than stated on the instructions.

Offence Provisions

Section 13 (1) of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

A person must not use a registered agricultural chemical product other than in a way stated in the instructions on the approved label for containers for the product.
Maximum penalty 600 penalty units.

Relevant labels and instructions for use

- Restrain 200 label - Apply not less than 60L/ha water. Add Uptake Spraying Oil
- Amine 625 label - Do Not use unless wind speed is more than 3km/hr and less than 15km/hr as measured at the site of application. Add non-ionic surfactant
- Tordon 75-D label - Aircraft - Do Not use less than 50L/ha in sugarcane. Do Not use unless wind speed is more than 3km/hr and less than 15km/hr

Facts and issues

- 1) On 27 March 2012 I attended

were suffering from damage allegedly caused by off-target herbicide drift.
- 2) alleged that off-target drift was caused by aerial spraying of his
by Don BLANCH of BlanchAir Pty
Ltd.

- 3) I noticed that the damage was consistent with phenoxy herbicide damage. Leaves on the all the _____ were yellowing and distorted and the majority of flowers had fallen off the plants.
- 4) There was no visible gradient of damage i.e. Symptoms were consistent throughout the plantation.
- 5) Some broadleaf weeds on the plantation were also showing signs of herbicide damage.
- 6) I took 3 leaf samples from the 2000 mature plants and another sample of some native vegetation on the _____ and have stored them in a secure freezer.
- 7) Richard PIPER, Agronomist for Scientific Advisory Services was employed by _____ and provided a report on the damaged papaya plants. (report attached)
- 8) Three samples taken by PIPER and _____ were analysed by Qhealth and found to contain the herbicides 2,4-D and Fluroxypyr, which is a match with the herbicides BLANCH sprayed. However these are commonly used herbicides in the cane industry and were used by other farms in the area at about the same time.
- 9) A record of interview was conducted with BLANCH and copies of his spray records were audited.
- 10) BLANCH explained during the interview that he approached the spray job with caution and left a buffer of approximately 50m to reduce the chance of drift.
- 11) The records indicate that spraying of _____ cane occurred on 23 Jan 2012 at 7:30am to 8:09am using Amicide 625 Lo-odour, Restrain 400 and Tordon 75-D.
- 12) According to BLANCH's records the wind was West at 1-2knots (at 7:30am), although this was an estimate and no recording equipment was used. The Bureau of Meteorology recorded 2km wind from the West at Ingham at 9:00am (app. 10km from _____). A Westerly breeze would have pushed the spray away from _____. There are however local variations in the wind speed and direction that makes the BOM observations inadmissible as evidence.
- 13) I could not identify a local weather station in the immediate vicinity to record the windspeed and direction.
- 14) The Restrain 400 and Tordon 75-D state DO NOT allow spray drift to drift on to susceptible crops. However I was unable to obtain sufficient evidence to

prove that the herbicide residues on _____ originated from BLANCH's spraying activities. There were a number of other cane farmers in the area that were spraying the same herbicides around the time the damage appeared on the papaws.

- 15) I attained some spray records from neighbours, however some neighbours said they didn't have records of what was sprayed and others were not willing to provide records. Apparently some of the neighbours are involved in a dispute with _____ regarding some uncontrolled weeds on his property.
- 16) The growers that were not willing to provide records gave them to _____ however I was unable to obtain them from him. If need be, I can send a formal written request to _____ to obtain the records.
- 17) I have received a statement from one neighbour _____ describing his spraying activities. He sprayed the same chemicals on his cane up to 29 Dec 2011.
- 18) I have not been able to identify anybody that witnessed BLANCH conduct the spraying.
- 19) The records provided by Blanchair state that 40L/Ha is applied to the cane. The Restrain 200 label – states- Apply not less than 60L/ha water and the Tordon 75-D label states- Do Not use less than 50L/ha in sugarcane. This is a clear breach of the label conditions.

Conclusion

An alleged breach of label conditions has occurred regarding the use of Restrain 200 and Tordon 75-D with a lower rate of water than required by the label.

Evidence is not sufficient to prove allegations that BLANCH's caused off-target drift or applied the chemical in meteorological conditions (wind speed less than 3km/h) that would reasonably be expected to cause off-target drift.

Additional considerations

- 1) _____ is seeking compensation through a lawyer independent of the Biosecurity Queensland investigation.
- 2) _____ said that he was happy with our assistance and does not intend on pursuing his complaint with us regarding use of the chemicals not in accordance with label instructions.



Aaron Russell
**Senior Inspector, North
Biosecurity**

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CERTIFICATE OF ANALYSIS

CLIENT : Steve O'Connor
164 Fulton Rd
Bemerside QLD 4850

Laboratory Reference : ssp30741
ssp30911

ATTN: Steve O'Connor
CC :

Client Order Number :
Quote Number :
Client Project :
Client Batch Reference :
Date Received : 15/02/2012
Date Commenced : 16/02/2012
Laboratory Numbers : 12KE1304

EMAIL : StephenLaura@westnet.com.au

12KE1643
12KE1659

Submitting Authority :

Number of Samples : 3

Reason for Analysis : Alleged spray drift

Method/s of Analysis : KEP 13 Phenoxy Herbicides by LCMS

Remarks : Possible formulations involved were:
Amicide (active constituent 2,4-D at 500 - 725 g/L)
Restrain (active constituent Fluroxypyr 200 g/L)
Tordon 75-D (active constituents 2,4-D at 300 g/L and Picloram at 75 g/L)

Because Picloram is used in lower amounts than the other two compounds, it is less likely to be detected.

All results are reported on a dry weight basis.

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Results in this report have been authorised for release by K. Melksham

K. Melksham

NATA Accredited Laboratory 41

K. Melksham
Senior Chemist, Organics Laboratory

12KE1304 - 12KE1659

Report Date: 13/03/2012

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| | | | | |
|---|-------------------------|----------------------|-------|--|
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| Sampling Date | Client Sample Identifier/Source | Sampling Time | Client Reference Number | Laboratory Number | KE Number | KS Number | Package Number | Date Received | Date Commenced |
|---------------|---------------------------------|---------------|-------------------------|-------------------|-----------|-----------|----------------|---------------|----------------|
| 14-Feb-12 | Paw paw leaves (undamaged) | NS | 1 | 48500-1158 | 12KE1304 | None | ssp30741 | 15-Feb-12 | 18-Feb-12 |
| 23-Feb-12 | Paw paw leaves (damaged) | NS | 1 | 48500-1296 | 12KE1643 | None | ssp30911 | 24-Feb-12 | 24-Feb-12 |
| 23-Feb-12 | Leaf litter | NS | 2 | 48500-1285 | 12KE1659 | None | ssp30911 | 24-Feb-12 | 24-Feb-12 |
| | | | | | | | | | |
| | | | | | | | | | |

Final Report by:

K. Melksham

Final Report Date:

13/03/2012

Checked & OK'd by
Checking Date

S. Turner
13/03/2012

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Moisture

| Organics LabNum | 48500-1158 | 48500-1296 | 48500-1285 |
|--------------------|----------------------------------|--------------------------------|-------------|
| Client Reference | 1 | 1 | 2 |
| Package Number | ssp30741 | ssp30911 | ssp30911 |
| Collected Date | 14-Feb-12 | 23-Feb-12 | 23-Feb-12 |
| Received Date | 15-Feb-12 | 24-Feb-12 | 24-Feb-12 |
| Commenced Date | 16-Feb-12 | 24-Feb-12 | 24-Feb-12 |
| Reported Date | 13-Mar-12 | 13-Mar-12 | 13-Mar-12 |
| Sample Description | Paw/paw leaves (Undamaged) | Paw/paw leaves (damaged) | Leaf/litter |
| Moisture | | | |
| % Moisture | 75 | 80 | 76 |

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Phenoxy Herbicide Results

| Organics LabNum | | | 48500-1158 | 48500-1296 | 48500-1285 |
|--------------------|--------------------------|-----------------|----------------------------|--------------------------|-------------|
| Client Reference | Units (dry weight basis) | Reporting Limit | 1 | 1 | 2 |
| Package Number | | | ssp30741 | ssp30911 | ssp30911 |
| Collected Date | | | 14-Feb-12 | 23-Feb-12 | 23-Feb-12 |
| Received Date | | | 15-Feb-12 | 24-Feb-12 | 24-Feb-12 |
| Commenced Date | | | 16-Feb-12 | 24-Feb-12 | 24-Feb-12 |
| Reported Date | | | 13-Mar-12 | 13-Mar-12 | 13-Mar-12 |
| Sample Description | | | Paw-paw leaves (undamaged) | Paw-paw leaves (damaged) | Leaf litter |

Phenoxy Herbicides

| | mg/kg | 0.1 | <0.1 | 0.12 | 0.13 |
|----------------------|-------|-----|------|------|------|
| 2,4-D | mg/kg | 0.1 | <0.1 | 0.12 | 0.13 |
| 2,4-DB | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| 2,4-DP (Dichlorprop) | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Dicamba | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Fluroxypyr | mg/kg | 0.1 | <0.1 | <0.1 | 0.30 |
| MCPA | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| MCPB | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Mecoprop | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Picloram | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Triclopyr | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Clopyralid | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Fenoprop (2,4,5-TP) | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| 2,4,5-T | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |
| Haloxypop | mg/kg | 0.1 | <0.1 | <0.1 | <0.1 |

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The Australian Drinking Water Guidelines Health Value (ADWG HV) is based on the Acceptable Daily Intake (ADI) set by the Therapeutic Goods Authority (TGA). The ADI (and hence the ADWG HV) applies to the Residue Definition (RD) as listed in Table 3 of the Australian Pesticides and Veterinary Medicines Authority's (APVMA) MRL Standard. Analytical results are for individual compounds (or sums of isomers). In many instances this addresses the RD. "Total" results, where reported, address more complex RDs. There are instances where the individual result does not cover the full RD. This is the situation for Amitraz, Carbophenothion, Coumaphos, Dicofof, Disulfoton, Endrin, Fenamphos, Fenthion, Fipronil, Fluzifop-butyl, Fluometuron, Glufosinate, Haloxyfop-2-otoloyl, Haloxyfop-methyl, HCH Isomers (other than Lindane), Imidacloprid, Methiocarb, Oxydemeton-methyl, Phorate, Phosmet, Pirimicarb, Tebuthiuron, Terbufos and Triallate.

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