NEWS RELEASE

California Environmental Protection Agency
Department of Pesticide Regulation

For more information, contact:
Veda Federighi, DPR Communications
(916) 654-1117

Release No. 92-12
Date: June 8, 1992

$75,000 SETTLEMENT REACHED
IN CASE AGAINST TURKEY BREEDING FARM

SACRAMENTO -- Cal/EPA's Department of Pesticide Regulation has reached a $75,000 settlement with Nicholas Turkey Breeding Farms, a large turkey egg breeding farm accused of violating state pesticide laws and regulations. In settling the case, Nicholas did not admit guilt or liability.

"Although it took almost five years to bring this case to conclusion, the company modified its work practices shortly after we began our investigation in 1987," said DPR Director James W. Wells. "This ensured that potentially unsafe working conditions did not persist. This is important because farm worker representatives, who brought the case to our attention, felt that some Nicholas employees had been made ill working with pesticides."

In late October, 1987, the California Rural Legal Assistance Foundation notified the state's pesticide regulatory program (then part of the Department of Food and Agriculture, and now Cal/EPA's Department of Pesticide Regulation) that it believed pesticides were being used in an illegal and unsafe manner at Nicholas Turkey Breeding Farms in Sonoma. Eight workers had complained to CRLA that they were made ill by pesticides at the farm.

This prompted a statewide investigation by DPR and county agricultural commissioners of Nicholas operations in Sonoma, Marin, Placer, San Benito, San Luis Obispo and Santa Clara counties. The investigation continued into early 1989.

Nicholas, a large producer and distributor of turkey breeder eggs, uses various disinfecting chemicals to clean egg shells and farm premises. (Disinfectants are considered pesticides, because they kill bacteria and other microbial pests.) Investigators from CDFA and local county agricultural commissioners' offices found several apparent violations of state pesticide laws and regulations, including: use of pesticides in conflict with labels; use of unregistered pesticides; improper disposal of pesticides; failure to supervise employees in pesticide handling and use; failure to properly clean pesticide equipment; failure to take employees to a physician upon suspected pesticide injury or poisoning; and failure to maintain

adequate safeguards on pesticide equipment and in pesticide storage areas.

Following the investigation, the state filed a complaint in Placer County Superior Court for civil penalties against Nicholas and its parent firm. Civil penalties of up to $10,000 per violation were sought for alleged violations of the Food and Agricultural Code regarding illegal pesticide use, and civil penalties of up to $2,500 were sought for each alleged violation of the Business and Professions Code prohibiting unfair business practices. The possible penalties that could have been levied totaled approximately $150,000. Settlement negotiations began shortly thereafter.

"Nicholas cooperated fully in the investigation and settlement negotiations," said Wells. "Since the investigation, the agricultural commissioners in counties where Nicholas operates have conducted periodic inspections of the company's facilities, and found the firm in compliance with pesticide laws and regulations. It is apparent that Nicholas has undertaken regular and persistent efforts to improve its pesticide-related operations."

##