

December 4, 2025

**Subject: DPR's Misclassification of Drinking-Water Contamination Samples, Enforcement Failures, and Chain-of-Custody Violations**

Dear Director Morrison,

This letter constitutes a formal misconduct complaint regarding the actions of DPR Enforcement Officer Brian Orlando and all related decision-making that resulted in the improper classification and handling of this contamination episode.

I am writing to address a critical issue that I recently discovered which raises serious questions about the integrity of DPR's enforcement practices, the handling of my contamination case, and the Department's adherence to statutory duties and internal protocols.

On July 2, 2025, environmental and water samples were collected from my property as part of the ongoing investigation into offsite herbicide contamination originating from the W. M. Beaty & Associates application site. Before any DPR or CAC staff ever visited my property, I had already submitted two independent laboratory results in early June confirming hexazinone contamination in both my stream water and my pond sediment. These results established that contamination was real, already present, and entering the watershed prior to DPR's involvement.

Prior to sampling, I explicitly informed DPR and the Lassen County Agricultural Commissioner — both verbally on site and in writing through formal complaints submitted to each agency approximately one month earlier — that I was actively drinking water originating from the same stream into which contamination had entered. Those written complaints included my independent laboratory results from early June 2025 confirming the presence of hexazinone in my stream water and pond sediment. DPR therefore knew from the outset that this was a confirmed contamination event involving human exposure and drinking-water impact, not a theoretical or low-risk situation. Under DPR's own Enforcement Program Standards, this alone requires an immediate elevation of the case to Priority 1 or Priority 2.

Despite this, DPR assigned every sample in this investigation to "Priority 3" – the lowest possible classification used for routine, non-urgent, non-enforcement cases. This classification is not merely inappropriate — it violates DPR laboratory prioritization rules, pesticide episode investigation standards, and basic public-health protections. This misclassification directly resulted in the laboratory results not being released until November 2025, more than four months after sampling, and even now that the results are available, DPR has still not notified the neighboring downstream property owners whose water supply may also be affected.

**CHAIN-OF-CUSTODY FAILURES AND DPR MANUAL VIOLATIONS**

The chain-of-custody forms contain additional information that makes the Priority-3 classification indefensible.

A review of the original forms shows that nearly all handwritten entries — including my name, address information, sample category selections, and the Priority-3 designation itself — appear in the same blue ink and handwriting style. By contrast, the scientists who actually collected the samples signed their names in a different pen and handwriting. This strongly indicates that the Priority-3 classification and the selection of “Environmental Effects” (instead of the correct “Health Hazard”) were completed by DPR Enforcement personnel, not the sampling scientists. Given that Enforcement Officer Brian Orlando was the only DPR enforcement representative present on July 2, 2025, and told me he would be transporting the samples to the laboratory, it is reasonable to conclude that he filled out these fields.

In addition, DPR’s own scientific staff documented direct evidence of offsite herbicide movement during the July 2, 2025 sampling event. In a July 3, 2025 email, DPR Research Scientist Atac Tuli confirmed visible herbicide injury on vegetation on my property, stating: “*We observed that plant species clearly affected (burned to brown color some part of the plants’ foliage) by neighboring field applications.*” The vegetation he observed is located on my land, surrounding the spring that supplies my drinking water. This is explicit confirmation of drift-related environmental harm in the immediate area of my water source. Under DPR’s Pesticide Episode Investigation Manual, documented environmental damage alone requires Priority-2 classification. When combined with known human exposure to contaminated drinking water, the incident qualifies as Priority-1 handling.

Not only did Brian Orlando and DPR ignore these mandatory classifications, but also omitted marking the “Health Hazard” box, despite knowing:

- I was consuming the water daily
- Hexazinone was confirmed in the stream and pond sediment before DPR sampling
- The contamination pathway was hydrologically active
- The stream flows across multiple privately-owned downstream parcels

Under DPR policy and public-health standards, none of these facts permit a Priority-3 classification.

The consequences of DPR’s misclassification were severe and entirely foreseeable:

- Laboratory turnaround was delayed for months
- I would have continued drinking the contaminated water had I not ceased consumption immediately after receiving my own June laboratory results showing hexazinone in my stream and pond sediment
- Downstream landowners received no notice of potential risk
- No timely site inspection of the source area was conducted by DPR Enforcement or the CAC

- Enforcement timelines were delayed, undermining the investigation
- Evidence on the application site was left undocumented during the critical early window

This is not an administrative error. This is a systemic failure of enforcement, a failure of public-health protection, and a failure of DPR to exercise its supervisory authority over county investigations.

Compounding this, Enforcement Officer Brian Orlando was the only DPR enforcement representative assigned to the sampling event. However, he was **not present during the actual sampling** because he was physically unable to walk more than a few hundred feet up the road toward the sampling locations. On July 2, 2025, at the bottom of the road near the DPR van — before any sampling had begun — he personally informed me that laboratory results would take “two to three months.” This statement was made *before* he made any attempt to reach the sampling locations and directly corresponds to the processing timeline for Priority-3 samples under DPR protocol. Only after walking a few hundred feet up the road did he stop, turn around, and return to the van, never reaching the spring, stream, or any part of the application area. This sequence establishes that the Priority-3 designation had effectively been predetermined prior to evidence collection and that the misclassification was not based on on-site observations or investigative findings.

If he was responsible for completing or approving the chain-of-custody form, then the decision to apply Priority 3 originated with DPR Enforcement itself — and must be fully explained. Moreover, Mr. Orlando’s statement that results could take two to three months is itself confirmation that he knew the samples had been downgraded, because Priority-1 and Priority-2 samples cannot lawfully be subjected to such delays under DPR laboratory protocols. His admission therefore serves as direct evidence that the misclassification was intentional, known to DPR staff at the time, and inconsistent with DPR’s mandatory handling requirements for contamination and exposure episodes.

Accordingly, I request written answers to the following:

1. Who made the decision to classify my samples as Priority 3? Based on the handwriting analysis, ink color, penmanship, and the fact that Enforcement Officer Brian Orlando was the only DPR enforcement representative present on July 2, 2025 — and personally transported the samples to the laboratory — it appears that he made or executed this classification. If this is not correct, please identify by name the individual who did so.
2. What written DPR policies support assigning a confirmed drinking-water contamination case to the lowest priority level?
3. Does DPR acknowledge that drinking-water contamination and potential human exposure fall under Priority 1 or Priority 2 under DPR protocols?
4. How does DPR justify delaying laboratory analysis for months while knowing that I was actively consuming water from the contaminated stream?
5. Why were no downstream landowners notified, despite the confirmed movement of pesticide residues into a flowing waterway, and why has no action been taken to date?

6. What corrective action will DPR take to ensure this type of misclassification does not occur in future exposure or contamination cases?

## **MISSION FAILURE AND PUBLIC HEALTH IMPACT**

DPR's mission includes the protection of human health and California's environment. The handling of my case — specifically the downgrading of drinking-water exposure samples to the lowest priority — reflects a serious departure from that mission and raises the possibility that this was not an error, but a deliberate effort to deprioritize an enforcement episode.

I request a full and transparent written response to each question above.

## **SPECIFIC VIOLATIONS AND ACCOUNTABILITY OF DPR ENFORCEMENT OFFICER BRIAN ORLANDO**

In addition to DPR's institutional failures, the conduct of Enforcement Officer Brian Orlando requires separate and specific review. However, accountability cannot end with Mr. Orlando. Whoever supervised, approved, or permitted his actions — whether this was Enforcement Branch management, including Ms. Bastura, Mr. Perez, or another supervising official — is equally responsible for allowing these violations to occur. DPR's supervisory personnel had a mandatory duty to ensure that enforcement staff followed DPR protocols, properly classified drinking-water contamination events, conducted (or required) full label-compliance inspections, and protected public health. Their failure to intervene, correct, or even identify these violations represents a broader systemic breakdown and requires full investigation and accountability. Based on the documented facts, his actions — and the actions or omissions of those supervising him — constitute violations of multiple statutory and regulatory duties, including but not limited to:

- **Food & Agricultural Code § 11501**, which establishes the State's duty to protect human health, property, and the environment from the harmful effects of pesticides
- **Food & Agricultural Code § 2281**, which requires DPR to supervise County Agricultural Commissioners and ensure pesticide enforcement programs are properly executed
- **CCR Title 3 §§ 6128–6130**, which mandate correct episode classification, proper investigation of drift and contamination incidents, and immediate prioritization of human-exposure and drinking-water cases
- **DPR's Pesticide Episode Investigation Manual**, which requires Priority-1 or Priority-2 handling for drinking-water contamination, environmental injury, drift episodes, and cases involving active human exposure
- **DPR Enforcement Program Standards**, which mandate timely investigation, proper evidence handling, correct chain-of-custody procedures, and accurate priority classification

- **Health & Safety Code hazardous-release notification duties**, which require notification of individuals potentially exposed to contaminated water — a duty that both Mr. Orlando and his supervisors failed to meet

- **Government Code § 1222**, which makes it a misdemeanor for a public officer to willfully fail to perform a mandatory duty.

Given these violations and the resulting harm, I am requesting a formal review of Mr. Orlando's conduct **and** an internal supervisory review of the Enforcement Branch personnel responsible for overseeing his work. This includes determining who approved, authorized, or ignored the improper Priority-3 classification and who failed to require a label-compliance inspection or downstream-landowner notifications.

I expect a complete written response, including identification of the responsible supervisors and an explanation of what corrective, disciplinary, or administrative actions DPR intends to take in response to these violations.

## **CONCLUSION AND NOTICE OF RECORDS REQUEST**

Given the seriousness of the misclassification, the chain-of-custody irregularities, the failure to notify downstream landowners, and the failure of both Enforcement and supervisory staff to perform mandatory duties, I am formally placing DPR on notice that I will be obtaining **all documents related to this investigation** through the California Public Records Act. This includes, but is not limited to, internal emails, handwritten notes, classification decisions, supervisory communications, chain-of-custody records, episode-handling documentation, draft reports, and any communications referencing me, my property, or the July 2 sampling event.

This matter is now being documented in coordination with legal observers, environmental researchers, and public-interest monitors tracking pesticide and CEQA compliance across California.

I expect DPR to preserve all related records pending disclosure.

Sincerely,

George Jacobsen