

SOLVING CROP INJURY SITUATIONS AND PREPARING FOR LITIGATION. Bernard H. Zandstra, Professor, Department of Horticulture, Michigan State University, East Lansing, MI 48824.

Weed scientists are often called upon to help solve crop injury situations. Crop injury can result from drift, carryover, incorrect rate, incorrect timing, use of unregistered or inappropriate products, adverse weather, improper application, or unexplained causes. It is the responsibility of a technical expert to evaluate the situation and help determine the cause of the problem and extent of the crop injury. Weed scientist testimony may be required to set a value on the loss or, in case of litigation, may be the critical factor in reaching a settlement.

Extension Specialists and researchers are considered to be objective experts. Their input, knowledge, and experience is critical in reaching a satisfactory and fair conclusion. When acting in their capacity as public employees, they should maintain strict neutrality in injury cases to avoid an impression of bias.

Complete documentation of the situation is critical to support your position. Photographs of the injury, spray records, weather records, crop yield and price data, and interviews with persons involved will help support your conclusions. Extensive knowledge of the crop and herbicides involved will add credibility and help solve the situation.

A final report should include information that is supportable through observation and experience. Be prepared to defend anything you write or say in a court of law.