



Washington State Department of Agriculture News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE
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Agriculture Department issues fines for pesticide and fertilizer violations

OLYMPIA – During the first quarter of 2007, the Washington State Department of Agriculture (WSDA) issued fines totaling \$13,575 and imposed license suspensions for violations of state pesticide and fertilizer laws and rules. Fines ranged from \$200 to \$7,500 for violations that included illegal baiting of coyotes that also resulted in domestic animal and wildlife deaths, and environmental contamination by improperly discharging water used to clean tanks at a large bulk fertilizer distribution complex.

Compliance actions involved investigations in Benton, Franklin, Grant, King, Lewis, and Yakima counties. Fines or license suspensions were issued to:

David Bender, Heli-flight Ag Services, Zillah. WSDA alleged that in July 2006, Bender allowed a pesticide to drift onto a residence causing the occupant to become ill. The matter was resolved when Bender agreed to pay \$750 and have his commercial pesticide operator license suspended for two days.

Darrell Bolyard, Darry-Air, Inc., Ephrata. WSDA alleged that Bolyard failed to maintain adequate pesticide application records for several months in 2006. The matter was resolved when Bolyard agreed to pay \$325.

Harry Davis, Redi-National Pest Eliminators, Seattle, was fined \$200 for failing to maintain adequate pesticide application records for at least two months last year.

Tracy Ekstedt, Bishop Spray Service, Inc., Moses Lake. WSDA alleged that during a pesticide application in June 2006, Ekstedt allowed herbicides to drift onto a neighboring residence, damaging the plants in her yard. The matter was resolved when Ekstedt agreed to pay \$150 and invest an additional \$450 in wind meters.

Fred Meise, Moses Lake Air Service, Inc. WSDA alleged that in July 2006, Meise allowed a pesticide to drift onto a residence, damaging trees and shrubs in the yard. The matter was resolved when Meise agreed to pay \$800 and have his commercial pesticide operator license suspended for two days.

Mt. St. Helens Reforestation Inc., Chehalis, was fined \$900 and the corporation's commercial pesticide applicator license was suspended for nine days. During several months last year, Mt. St. Helens Reforestation did not employ anyone who was licensed as a commercial pesticide applicator. In addition, none of the employees who applied pesticides had a pesticide applicator license. The firm also failed to train employees about pesticide safety, and failed to maintain adequate pesticide application records.

UAP Distribution, Inc., Pasco. WSDA alleged that in June 2006, UAP Distribution, Inc. allowed thousands of gallons of water used to clean out fertilizer storage tanks to overflow and spill onto the ground. The water spilled over a concrete containment structure that was designed to hold potentially hazardous liquids. Investigators found that the containment wall was purposely breached and the soil was extensively

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contaminated. To settle the issue with WSDA, UAP agreed to pay a \$7,500 civil penalty, the maximum fine that WSDA can impose.

Kevin Walters, Jesse's Lawn Maintenance, Kennewick. WSDA alleged that in April 2006, Walters applied an insecticide spray that was contaminated with herbicide and damaged a customer's ornamental landscape. The matter was resolved when Walters agreed to pay \$350 and have his commercial pesticide operator license suspended for seven days.

Thomas Walters, Moses Lake, was fined \$1,800 for lacing hamburger with a highly toxic insecticide to use as bait to kill coyotes. The illegal baiting killed domestic pets and wildlife in addition to coyotes. Gerry Goude, an employee of Walters who assisted in the baiting operation, was fined \$350.

Penalty matrix used by WSDA to levy fines and suspensions

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as wood rot, carpenter ants, or termites. About 200 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

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