



# Washington State Department of Agriculture News Release

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## **Agriculture Department issues fines for pesticide violation cases resolved in 4<sup>th</sup> quarter**

**OLYMPIA** – During the fourth quarter of 2007, the Washington State Department of Agriculture (WSDA) issued fines totaling \$7,400 and imposed license suspensions for violations of state pesticide laws and rules. Fines ranged from \$200 to \$2,000 for incidents that involved failing to comply with pesticide worker protection standards, conducting an inadequate wood destroying organism inspection on a home, and applying pesticides that damaged property and made people ill.

WSDA completed investigations in nine counties, including Franklin, Grant, Klickitat, Lincoln, Okanogan, Pierce, Skagit, Whatcom and Yakima counties. The agency issued fines or license suspensions in the following cases:

Roger Alan Craddock, Alan Inspection Services, Bellingham. WSDA alleged that in May 2007, Craddock conducted an inadequate wood destroying organism inspection on a house in Bellingham. The matter was resolved when Craddock agreed to a two-day license suspension and to pay \$450.

Custom Orchards, Inc., Brewster. WSDA alleged that employees allowed pesticides to drift onto neighboring residences two times last year, endangering the occupants and causing one person to become ill. The incidents occurred at their orchard near Brewster in June and at their orchard near Mattawa in August. The matter was resolved when Custom Orchards agreed to pay \$1,400.

David Dexter, D & M Spray Service, Selah, was fined \$450 for damaging a number of mature pine trees surrounding the National Guard field maintenance facility at Fort Wright in Spokane. Dexter had applied herbicides to gravel parking and yard areas at the facility in 2005 and 2006. Several trees outside of the facility were damaged when roots that extended underground into the yard area absorbed herbicide.

Gunkel Orchards, Inc., Goldendale. WSDA alleged that the farm was not in compliance with rules covering worker protection standards during an inspection in May 2007. Pesticide handlers had not been fit-tested for wearing their respirators and were not provided with emergency eye-flush water. Personal protective equipment was not properly cleaned and stored and some workers were not adequately trained about pesticide safety. The matter was resolved when Gunkel Orchards agreed to pay \$1,600.

Helena Chemical Co., Collierville, Tennessee, was fined \$200 for failing to keep an accurate pesticide distribution record at their plant in Pasco. The distribution of the pesticide occurred in January 2007.

Michael Hibma, Total Maintenance Lawn Care, Sedro Wooley, was fined \$300 and his license was suspended for three days. In July 2007, Hibma failed to submit a pesticide application record that WSDA had requested.

Gerald Husband, P.E.S.T., Quincy. WSDA alleged that pesticide applications made by Husband in May and June of 2006 damaged landscape plants at two residences in Moses Lake. WSDA also alleged that

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Husband was not keeping accurate pesticide application records. The matter was resolved when Husband agreed to pay \$1,000 and have his license suspended for 20 days.

Rex Smith, Smith Air Inc., Odessa. WSDA alleged that in June 2007 a pesticide application made by Smith to a wheat field in Lincoln County drifted onto several construction workers who were working on a road adjacent to the field. Several of the workers became ill from the exposure. The matter was settled when Smith agreed to pay \$2,000 and have his license suspended for 49 days.

Ray Williams, ASAP Home Services and Ascension Pest Control, Sumner. WSDA investigated several complaints against Williams from 2004 through 2006 while he was operating without the proper licenses. Most of the complaints involved Williams' failure to complete work that he was paid for. WSDA denied for five years Williams' July 2007 request for a commercial pesticide applicator license. WSDA also directed Williams to cease advertising pest control and structural pest inspection services.

#### **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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