



Washington State Department of Agriculture News Release

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Contact: Mike Louisell (360) 902-1813

WASHINGTON STATE DEPARTMENT OF AGRICULTURE
P.O. Box 42560, Olympia, Washington 98504-2560
Visit our Web site at: agr.wa.gov

Agriculture Department issues fines for pesticide violations *Cases completed in 1st quarter of 2009*

OLYMPIA – The Washington State Department of Agriculture (WSDA) issued fines totaling \$9,300 and imposed license suspensions for violations of state pesticide laws and rules during the first quarter of 2009. Fines ranged from \$350 to \$5,200 for incidents that involved applying pesticides through irrigation systems without properly safeguarding water sources from potential contamination, failing to notify persons who are sensitive to pesticides of pending pesticide applications and failing to wear proper personal protective equipment while spraying pesticides.

WSDA completed investigations across the state, including incidents involving Adams, Douglas, Franklin, Grant, King, Snohomish, Spokane, Whitman and Yakima counties. The agency issued fines or license suspensions in the following cases:

Timothy Bjarnason, an employee of CHS Inc. in Mead, was fined \$450 and his license was suspended for seven days. In May 2008, Bjarnason applied a herbicide to a wheat field near Mead. The spray tank had not been properly cleaned from a previous application of a different herbicide. Residues damaged part of the wheat field he was treating.

Cameron Calaway, CK Agri LLC, Mattawa, was fined \$850 and his license was suspended for six days. In March 2008, Calaway fumigated a field near Warden without posting all of the required information about the fumigation. Calaway also failed to provide WSDA with pesticide application records that were requested during the investigation.

Chris Corigliano, C&C Yard Care, Inc., Spokane, had his license suspended for three days. In June 2008, an employee of C&C Yard Care, Inc. applied pesticides in Spokane to a property that was next door to an individual that was sensitive to pesticides. The company failed to notify the pesticide-sensitive person before making the application. State law allows pesticide-sensitive individuals to be on a WSDA registry that is used by industry to alert such persons prior to a pesticide job about to be conducted adjacent to their principal place of residence.

Larry Einig, Total Landscape Corp., Woodinville. WSDA alleged that in October 2008 an employee of Total Landscape made a pesticide application to the landscape of an apartment complex in Snohomish where a person on WSDA's pesticide sensitive registry resides. Total Landscape failed to notify the person before making the application. And, the employee who made the application was not licensed with WSDA as required. Additionally, WSDA found apparent violations in the way pesticides were stored and handled at Total Landscape Corp.'s facility. The matter was resolved when Einig agreed to pay \$600 and accept a nine-day license suspension.

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Randy Ferguson, Ferguson Flying Service, Inc., Quincy, was fined \$450 and his license was suspended for seven days. In May 2008, Ferguson made an herbicide aerial application to a wheat field in Grant County. The application drifted onto a nearby pea field damaging the crop.

Jack Jackson, Triple J Fruit Co., Rock Island. WSDA alleged that in May 2008 an employee of Jackson was using an airblast sprayer to apply a pesticide mix to Jackson's cherry orchard when the pesticide mix drifted onto a neighboring residence. The matter was resolved when Jackson agreed to pay \$350 and accept a seven-day license suspension.

Richard Jaeger and Simplot Grower Solutions, Othello. WSDA alleged that in October 2007 two employees of Simplot applied a soil fumigant through irrigation systems to three fields near Pasco. High winds were occurring at times during the application. In one field the irrigation water carrying the soil fumigant drifted onto a vehicle driving on a nearby road. A business was also affected with pesticide drift due to an application to one of the other fields. Additionally, none of the irrigation systems had adequate backflow protection to prevent source water contamination. The matter was resolved when Jaeger and Simplot Grower Solutions agreed to pay \$5,200 and accept a two-day license suspension. The two employees, Victor Murillo and Elais Tovar, had their licenses suspended for 22 days each.

NuChem, Pullman. WSDA alleged that in April 2008, the NuChem store in Lind was storing a large quantity of pesticides outside of the store that were unsecured and left unattended. The store also sold restricted-use pesticides to persons who were not licensed, and offered for sale a pesticide that was not registered with WSDA. The matter was resolved when NuChem agreed to pay \$1,400.

Charles Resendez, Yakima, an employee of Senske Lawn and Tree Care, had his license suspended for two days. In September 2008, Resendez supervised an unlicensed employee of Senske who made a pesticide application in Union Gap without wearing required protective protection equipment.

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.

For further information, please contact WSDA Pesticide Compliance at compliance@agr.wa.gov, (360) 902-2073 or toll-free at 1-877-301-4555. To find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.