



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

Pesticide exposures, faulty home inspections prompt WSDA fines, license suspensions

OLYMPIA – The Washington State Department of Agriculture (WSDA) issued fines totaling \$4,250 and imposed license suspensions during the second quarter of 2009 for violations of state pesticide laws and rules. Fines ranged from \$200 to \$2,000. Several cases involved pesticide drift or exposure. In another incident, a home owner avoided expensive pest treatments after becoming suspicious of a pest company representative's claims.

WSDA completed investigations that occurred in Adams, Clark, Douglas, Pierce and Thurston counties. The department issued fines or license suspensions in the following cases:

Terminix International Co., Wilsonville, Oregon. WSDA alleged that in August 2008 an unlicensed employee of Terminix conducted a wood-destroying organism inspection on a house in La Center in Clark County. In an attempt to sell an expensive whole-house fumigation plan to the home owner, the pest inspector fraudulently reported pests that were not actually present. The employee reported carpenter bees had seriously damaged the home. Carpenter bees are not indigenous to Washington and are not known to infest structures here. He also reported relatively harmless pests that were present as being destructive pests that needed treatment. An Internet check on the WSDA Web site also revealed that the Terminix employee was not licensed in Washington to perform inspections for wood-destroying organisms. The matter was resolved when Terminix agreed to pay \$2,000.

Alex Heinz, LandAmerica Property Inspection Services, Gig Harbor. WSDA alleged that Heinz failed to issue a satisfactory report on a house he inspected in Tenino in September 2008. In several instances, the report did not follow rules required for reporting on structural pest inspections. The matter was resolved when Heinz agreed to pay \$200 and accept a two-day license suspension.

Craig Smith, Air Ag LLC, Warden. WSDA alleged that Smith made an aerial pesticide application—which included an organophosphate insecticide—in August 2008 to a mint field in Adams County that drifted onto an employee of an agricultural chemical company. The Simplot Grower Solutions employee had just finished checking a nearby field and was driving on a road next to the mint field when Smith's plane passed close by. The passenger-side window of the Simplot employee's pickup was open and he was exposed to pesticide spray and soon after became ill. The employee was assisted by other Simplot employees and taken by ambulance for immediate medical attention. Smith disputes that his application drifted or exposed the Simplot employee to pesticide. The matter was resolved when Smith agreed to pay \$1,700 and accept a two-day suspension of his commercial pesticide applicator license.

Brandon Lewis, East Wenatchee. WSDA alleged that pesticide applications to Lewis's apple orchard in May and August 2008 drifted onto a nearby residence. The matter was resolved when Lewis agreed to pay

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\$750. Francisco Vega, an employee of Lewis who made the May application, was fined \$450 and his private applicator license was suspended for seven days. Moises Joya, another employee of Lewis, wasn't wearing all of the required personal protective equipment when he made the August application. Joya agreed to pay \$450 and accept a seven-day license suspension.

Harry Tuttle, Tacoma. WSDA alleged that a herbicide application made in August 2008 by Tuttle, who owns a small parcel of land near Tacoma, drifted onto a neighbor's property exposing the resident and causing him to become ill. The matter was resolved when Tuttle agreed to pay \$500.

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 more information on pesticide compliance and licensing, go to the WSDA Web site at agr.wa.gov/Portals/PF/

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