



Washington State Department of Agriculture News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE
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Agriculture Department issues penalties for pesticide cases finalized in 4th quarter

OLYMPIA – During the fourth quarter of 2006, the Washington State Department of Agriculture (WSDA) issued fines totaling \$16,650 and imposed license suspensions against individuals and businesses that violated state pesticide laws and rules.

Fines ranged from \$300 to \$9,600 for violations that included drifting pesticides onto residential properties, selling unregistered pesticides, supplying restricted-use pesticides to unlicensed persons, and applying pesticides to crops not on the pesticide label.

WSDA issued the highest penalty of \$9,600 to Amar Grewal, RepelleX Lawn and Garden Products, Port Coquitlam, British Columbia, for distributing unregistered pesticides. When setting the fine, enforcement staff considered the firm's multiple violations in 2005 and 2006.

Several of WSDA's enforcement actions took place in Franklin County.

Adrian Haro, Greenway Landscaping Co., Pasco, was fined \$900 for misapplying an herbicide in June 2006, that damaged the lawn of a commercial business in Richland.

Galen Hieb, Hieb Spraying, Inc., Pasco, had his commercial pesticide applicator license suspended for three days. In March, 2006, an employee of Hieb Spraying applied a pesticide to a crop that was not on the pesticide label.

Keith Middleton, Pasco, was fined \$1,800 for two applications he made to his timothy hay in April 2006. Middleton applied an herbicide that was not registered for use on timothy hay. The herbicide also caused damage to a neighboring orchard when it drifted. Middleton was cited for violating timing and location restrictions for applications of restricted-use herbicides, and for applying restricted-use pesticides without a license.

Shelby Ross, Moses Lake, had his commercial pesticide operator license suspended for six days. In the spring of 2006, while working for Cenex Harvest States Cooperatives, Inc., Pasco, Ross advised Middleton on using an herbicide on his timothy hay, even though it was inconsistent with the labeling.

WSDA alleged that Western Farm Service, Inc., Pasco, supplied an unlicensed employee with a restricted-use pesticide, which the employee used at his residence. The matter was resolved when Western Farm Service agreed to pay \$300.

WSDA also completed cases in Benton, Columbia, Grant, and King counties.

WSDA alleged that Boyd Simmons, Eastern Washington Spraying Service, Richland, applied pesticides in July 2005 that drifted onto a neighbor's residence. The spray drift could have endangered the occupants. Simmons denied any guilt or wrongdoing. The matter was resolved when Simmons agreed to pay \$300 and have his commercial pesticide applicator license suspended for two days.

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WSDA alleged Paul Kevin Winger, Wing-Air, Dayton, allowed pesticide to drift onto a residence in July 2006, causing one of the occupants to become ill. The matter was resolved when Winger agreed to pay \$600 and have his commercial pesticide applicator license suspended for two days.

The department also alleged that Arland Hansen, East High Flying Service, Warden, made an aerial application of an herbicide to a potato field in September 2005 that drifted to a neighboring orchard. Damage was reported. The matter was resolved when Hansen agreed to pay \$1,500 and have his commercial pesticide applicator license suspended for two days.

WSDA alleged that L&L Nursery Supply Inc., Fife, distributed pesticides in 2005 and 2006 that were not registered by WSDA. The matter was resolved when L&L agreed to pay \$450.

DF Marks Co., Woodinville, was fined \$600 for distributing pesticides in 2005 that were not registered by WSDA.

One case involved an Oregon firm. Gard'N-Wise Co., Clackamas, Oregon, was fined \$600 for distributing pesticides in 2005 that were not registered by WSDA.

Penalty matrix used by WSDA to levy fines and suspensions

WSDA uses a penalty matrix 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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