



Washington State Department of Agriculture News Release

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Agriculture Department fines for pesticide violations include worker safety issues *Cases completed in 4th quarter of 2008*

OLYMPIA – The Washington State Department of Agriculture (WSDA) issued fines totaling \$16,000 and imposed license suspensions for violations of state pesticide laws and rules during the fourth quarter (October, November, December) of 2008. Fines ranged from \$200 to \$11,300 for violations of Worker Protection Standards for pesticide use and incidents that involved pesticide drift.

WSDA completed investigations in Chelan, Grant and Yakima counties. The agency issued fines or license suspensions in the following cases:

Entiat River Valley, LLC and Antonio Mora were fined \$900 and \$450, respectively, for a pesticide drift incident that occurred in March 2008. Mora was supervising a pesticide application to an Entiat River Valley pear orchard in Chelan County when the pesticide from airblast sprayers drifted onto a nearby road and contacted a woman in her car as she drove by. The woman became ill as a result of the exposure to the insecticide. In addition to paying the fine, Mora's private applicator license was suspended for seven days.

Global Fruit, Inc., Chelan, was fined \$11,300 as a result of worker protection violations discovered during inspections in June 2008 at orchards in Mattawa and Zillah. WSDA's compliance inspector found that Global Fruit had several instances of failing to provide adequate safety for workers when pesticides were used at its orchards. The inspector found there was inadequate worker training in the use of pesticides and failure to display specific information about pesticides that were applied to crops. Pesticide safety posters were either missing at central notification board sites or did not have emergency medical information that is required under state law. Application records also lacked necessary information and "Do Not Enter" pesticide danger signs were not removed in a timely manner. In setting the fine, WSDA staff noted that Global Fruit has violated similar pesticide worker safety standards in the past three years.

Severiano Hernandez, Wenatchee. WSDA alleged that Hernandez failed to provide adequate protection against pesticides used by his employees. During a June 2008 inspection, WSDA's investigator noted that Hernandez's orchard near Rock Island lacked adequate pesticide application information and he had failed to provide a pesticide safety poster that is approved by the Environmental Protection Agency. The matter was settled when Hernandez agreed to pay a \$200 fine.

James Keller, Tieton, was fined \$600 and his private applicator license was suspended for six days. On two separate occasions in July and August 2008, Keller failed to submit pesticide application records for work done at his orchards as requested by WSDA pesticide compliance staff.

Humberto Mora, Monitor. WSDA alleged that in April 2008 Mora cheated on an exam to obtain a private applicator pesticide license. The incident occurred while Mora was taking the exam at the Chelan

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County Extension office prior to applying for a license through WSDA. The matter was resolved when Mora agreed to a 2-year license denial by the department.

Darel Olson, Grant County Noxious Weed Control Board, was fined \$450 and his public operator license was suspended for seven days. At various times in the spring of 2006, Olson applied herbicides to the Grant County waste transfer station near Mattawa, which is surrounded by orchards and vineyards. The herbicides applied by Olson drifted and damaged surrounding crops.

Rowe Farms and Miguel Suarez, Sunnyside. WSDA alleged that in June 2008, Suarez directed a juvenile employee to apply fumigant tablets for orchard rodent control in a very dangerous manner. The fumigant tablets are classified as federal restricted-use pesticides due to the extreme toxicity of the phosphine gas released on contact with moisture. The matter was resolved when Rowe Farms and Miguel Suarez agreed to pay the department \$1,500 and \$600, respectively. Suarez's private applicator license was also suspended for 10 days.

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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