

Respondent:

Green Pest Management LLC
19 Davidson Lane 6B
New Castle, DE 19720

Violation:

§1224(c)(1); Operating in a faulty, careless, or negligent manner.

Penalty:

Respondent signed a consent agreement on February 4th 2016. In the agreement, Respondent agreed to the imposition of disciplinary sanctions which included a civil penalty of \$675.00 for violating §1224(c)(1).

STIPULATED FACTS:

1. Green Pest Management LLC (“Respondent”) is a commercial pesticide applicator business with an office located at 19 Davidson Lane, 6B, New Castle, DE 19720. Respondent has a license (License Number 1643) issued by the Delaware Department of Agriculture (“the Department”).
2. Bruce Blackwell is a registered service employee with Green Pest Management.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. James Hughes, (“Hughes”), is employed as an Environmental Program Manager I with the Department.
4. On September 9th 2015, the Department received a phone call from Vickie Carter. Mrs. Carter explained that the pest control company that was hired to make treatments to her property had applied a pesticide to the Honey bee box. Mrs. Carter manages several Honey bee boxes and produces honey for sale.
5. On September 9th 2015, Hughes arrived at 9 Green Meadow Court, Newark, DE 19711. Upon arrival a notice of inspection was issued and Hughes presented his state credentials. Mrs. Carter explained what had occurred. Mrs. Carter stated that while she and her husband were out of town Green Pest Management made an outdoor treatment to her property on August 13th 2015. Mrs. Carter said she never authorized this treatment because they were away on vacation. The service ticket states that the technician treated for Honey bees in the backyard by patio.
6. The Green Pest Management Service invoice provided clearly states that the honey bees were treated. The service invoice shows that DeltaDust (EPA Reg. No. 432-772) had been applied to the hive near the back patio.

7. During the September 9th visit Hughes documented where the managed hives were located. Hughes also photographed the signage around each hive. The hives were clearly marked as honey producing hive boxes. In particular the hive in question had a large yellow sign reading “CAUTION HONEY BEES AT WORK.”
8. Hughes took four samples in and around the Honey bee hive that had been allegedly treated with the DeltaDust. Sample number SN162011 consisted of dead bees from the hive. The bees were collected from the ground in front of hive. Sample number SN162012 is one frame of pollen. Sample number SN162013 is one frame of honey. Sample number SN162014 was residue scrapings from bottom board.
9. The Department lab analyzed SN162014 (bottom board sample) for the active in DeltaDust, Deltamethrin. The lab confirmed the presence of Deltamethrin in this sample. The lab was unable to analyze the samples from the two hive frames. The methods used to analyze these types of matrixes exceeded our lab capabilities.
10. In the past 5 years, Respondent has not received notices involving violations of **3 DEL.C.**, Chapter 12, nor the Delaware Pesticide Rules and Regulations.