

Delaware Department of Agriculture
Pesticides Section, Enforcement
2320 South DuPont Highway
Dover, Delaware 19901
Enforcement Action/Violation

Respondent:

Moon Site Management
152 Monroe Avenue, Suite 1
Penndel, Pennsylvania 19047

Violations:

§1224(c)(2) Refusing or neglecting to keep and maintain records required by the LAW, or to make reports when and as required.

Penalty:

Respondent signed a consent agreement July 8th 2016. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$700.00.

STIPULATED FACTS

1. Moon Site Management (“Respondent”) is a commercial pesticide applicator business with an office located at 152 Monroe Ave. Suite 1, Penndel PA 19047. Respondent has a pesticide business license (Lic. No. 715) that was issued by the Delaware Department of Agriculture (“the Department”).
2. Dawn Rudloff is the manager of Moon Site Management Inc. and is a certified commercial applicator 13-919 in category 7.3.1 (Ornamental and Turf Pest Control) and 7.5.3 (Mosquito Control). Certification is currently expired. Javier Sanchez is an employee of Moon Site Management Inc.
3. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist I with the Department. Stephen McReynolds, (“McReynolds”) is employed as an Environmental Scientist II with the Department.
4. On April 25th, 2016, Borntreger observed Respondent’s employee Javier Sanchez and a work crew in the Spring Meadows development. A member of the crew was applying Ranger Pro (EPA Reg. No. 524-517) with a backpack sprayer. The work trailer also contained Snapshot 2.5 TG (EPA Reg. No. 62719-175) and Roundup Quik Pro (EPA Reg. No. 524-535). Photographs of the pesticides in the trailer were included in the case file. Photographs of the applicator using the backpack sprayer

were also included in case file. Respondent's pesticide business license was expired at the time of the inspection.

5. The worker using the backpack sprayer was not wearing the Personal Protective Equipment required by the label. The Ranger Pro label states in part: "**Personal Protective Equipment (PPE) Applicators and other handlers must wear:** long-sleeved shirt and long pants, shoes plus socks."
6. None of the employees on the work crew had registered service employee cards. As of May 5th 2016 only two employees are listed on the Respondents employee list, Dawn Rudloff and Victor Sandoval.
 - a. 601 Delaware Pesticide Rules and Regulations 4.2.1 states in part: "Licensees shall register with the Department all employees who handle pesticides. Registration shall be made when making an application for a license or within 45 days after employment."
 - b. 601 Delaware Pesticide Rules and Regulations 4.2.2 states in part: "Licensees shall be responsible for insuring that all employees handling pesticides (other than a certified applicator) have successfully completed a training program approved by the Department. This training shall be completed within 45 days of employment and before the employees"
7. On April 26th, 2016, Respondent renewed their pesticide business license.
8. In the past 5 years, Respondent has no pesticide compliance violations with the Department.
9. **Ranger Pro**, EPA Registration Number 524-517, is a pesticide registered for sale and use in the State of Delaware by the Department.
10. **Snapshot 2.5TG**, EPA Registration Number 62719-175, is a pesticide registered for sale and use in the State of Delaware by the Department.
11. **Roundup Quik Pro**, EPA Registration Number 524-535, is a pesticide registered for sale and use in the State of Delaware by the Department.
12. On June 6th 2016, Stephen McReynolds conducted a follow up inspection with the respondent. During this visit McReynolds confirmed that the employee seen making the pesticide application on April 25, 2016 was hired March 1st 2016. This exceeds the 45 day grace period described in 601 Delaware Pesticide Rules and Regulations 4.2.2. During this visit McReynolds also noted that pesticide application records had not been kept during applications made by these crews. 601 Delaware Pesticide Rules and Regulations 14.1 states in part: Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include:"