

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

Respondent:

Sanders Management
755 Walker Road Suite A
Dover, Delaware 19901

Violations:

§1224(a)(1) Use or Application inconsistent with labeling.

Penalty:

Respondent signed a consent agreement August 7th, 2015. In the agreement, Respondent agreed to the imposition of disciplinary sanctions which included a civil penalty of \$1,050.00 (one thousand fifty dollars) for violating §1224(a)(1).

STIPULATED FACTS

1. Sanders Management (“Respondent”) is a fast food restaurant company with a mailing address of 755 Walker Road Suite A, Dover, Delaware 19901. The physical address is 263 Walmart Drive, Camden, Delaware 19934, the complaint and physical property address.
2. Mindy Jones is the manager of the McDonalds Restaurant located at 263 Walmart Drive, Camden, Delaware 19934. Amy Dalton is the Director of Operations, and oversees the management for the physical location of the McDonald’s in question.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Jimmy Hughes, (“Hughes”) is employed as an Environmental Program Manager I with the Department. Dustin Borntreger (“Borntreger”) is employed as an Environmental Scientist I with the Department.
4. On June 8th, 2015, the Department received a phone call from Barry Wyatt. Mr. Wyatt was calling to report the possible misuse of pesticide inside of the McDonalds Restaurant located at 263 Walmart Dr. Camden, Delaware 19934. Mr. Wyatt stated that the application was made to control flies in the restaurant. Mr. Wyatt also contacted the Department June 18, 2014 with the same complaint.
5. On June 8th, 2015, Hughes arrived at the McDonalds location, and issued a notice of inspection

to Mrs. Mindy Jones. Mrs. Jones explained to Hughes that the night crew makes the application of SSI-50 (EPA REG. No. 47000-73-1677) to control flies inside of the establishment every night. Mrs. Jones also stated that the restaurant is never closed or temporarily out of service.

6. During the June 8, 2015 visit, Hughes took three swab samples from surfaces in the dining area. Sample number SN152034 was taken from the left rear tabletop at the booth closest to the kitchen service door. Sample number SN152035 was taken from right rear bench seat. Sample number SN152036 was taken on the back wall of the restaurant along the chair molding and above the table top.
7. On June 23rd, 2015 the Pesticide laboratory returned the sample results. All three samples showed detections for two of the active ingredients in the SSI-50. The active ingredients found were Piperonyl Butoxide and Pyrethrins. The third active ingredient N-Octyl Bicycloheptene Dicarboximide was not included in search because the lab did not have a standard available.
8. **SSI-50 Insecticide**, EPA Registration No. 47000-73-1677, is registered for sale and use in the State of Delaware by the Department. The label of SSI-50 Insecticide states, in part:
 - a. "At home and in food processing establishments, cover or remove food prior to treatment. Cover food contact surfaces, benches, utensils, equipment, etc. during treatment or thoroughly clean prior to use with an effective cleaning compound followed by a potable water rinse."
 - b. "Do not remain in treated areas and ventilate after treatment is completed."
 - c. **"HOME AND FOOD PROCESING AREA USE: For flies, mosquitoes, small flying moths (millers), and gnats:** Close all doors and windows. Point nozzles upward and direct the spray mist to all parts of the room, especially windows and other light sources which attract these insects. Fill the room with mist and then leave the treated area. Keep the room closed for at least 15 minutes. Thoroughly ventilate the room when treatment is completed."
9. On July 29th, 2014, a Notice of Warning was signed for by "M. Mench." The Notice of Warning was sent via certified mail to 263 Walmart Drive, Camden Delaware 19934.

The Notice of Warning addressed the same product, SSI-50 Insecticide, being misused at the restaurant. Under the section "To bring your facility into compliance, you need to:" it states: **"1) Ensure that all future pesticide applications made at the McDonalds restaurant at the Camden Walmart location be in full accordance with all product label language, including all precautionary statements and directions for use on the label."**