



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE
SECRETARY
KENNETH M. BOUNDS
DEPUTY SECRETARY

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

Respondent:

Terminix International
284 Quigley Blvd.
New Castle, DE 19720

Violations:

§1224(b)(1) – The first offense of 1224(a)(1). Making a pesticide recommendation or use or application inconsistent with the labeling.

Penalty:

Respondent signed a consent agreement on December 2020. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$840.00

STIPULATED FACTS

STIPULATED FACTS

1. Terminix International (“Respondent Terminix”) is a commercial pesticide applicator business with an office located at 284 Quigley Blvd, New Castle DE 19720. Robert Simpkins is the service supervisor for the respondent. Respondent Terminix is licensed (License No. 180) by the Delaware Department of Agriculture (“the Department”).
2. Mr. Donald Robinson (“Mr. Robinson”) is a Registered Service Employee for the Respondent.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Dustin Borntreger, (“Mr. Borntreger”) is employed as an Environmental Scientist II with the Department.
4. On October 12th 2020, the Department the Department received a complaint that Terminix was applying pesticides in the rain at 103 Bluebell Drive Magnolia DE, 19962. The Department received an email with pictures of the Respondent’s vehicle and technician. There are rain droplets visible on the windshield of the person providing the pictures and you can see application equipment on the back

of the technician.

5. On October 13th 2020, Borntreger contacted Robert Simpkins of Terminix International to inform him of the complaint and to request application records for the address in question. Borntreger confirmed that the service vehicle in the pictures was associated with the branch (License 180). Mr. Simpkins agreed to send the applications records to Borntreger. Borntreger faxed a notice of inspection to Mr. Simpkins.
6. The records received stated that the following products were used on the exterior of houses for the full day in questions; DeltaGard G Granules (EPA Reg. No. 432-836), DeltaDust (EPA Reg. No. 432-772) and Taurus SC (EPA Reg. No. 53883-2790). All three products are registered pesticides in the State of Delaware.
7. Eleven application records were received. Nine of the eleven records recorded rain or drizzle under the weather conditions section. All eleven records indicated that Taurus SC, DeltaDust and DeltaGard G Granules were used. The records were also missing the application rate.
8. Delaware Pesticide Rules and Regulations, Revised June 1, 2004, Section 14.0
Records states: 14.0 Records

14.1 Commercial Applicators

Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include:

14.1.1 The brand name of the pesticide used. In the case of a Restricted Use Pesticide or a pesticide which is used under the provisions of **40 Code of Federal Regulations**, Part 170, Worker Protection Standards, the EPA Registration Number shall also be recorded at or before the time of application.

14.1.2 When applicable, the dilution rate of the pesticide and the amount of diluted material applied per unit (i.e. gallons/acre, lbs./acre, etc.)

14.1.3 The date and specific area treated.

14.1.4 The pest against which the pesticide was used.

14.1.5 The applicator's name, and when applicable, the name of the certified applicator responsible for his supervision.

14.1.6 When label directions advise precaution in regard to drift, on-site weather conditions to include:

14.1.6.1 Wind velocity and direction

14.1.6.2 Temperature

14.1.6.3 Relative humidity

14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.

14.1.8 Unless good cause is shown, records required by paragraph 14.1 shall be logged immediately or within 24 hours of completion of the pesticide application.

14.2 Restricted Use Pesticides Dealers

14.2.1 Restricted use pesticide dealers shall keep and maintain for a period of two years, records on the sale or other disposition of restricted use pesticides to include the following:

14.2.1.1 The name and address of the residence or principal place of business of the certified applicator to whom the pesticide is made available for use.

14.2.1.2 The certification identification number of the purchaser or receiver of the pesticide on the document. If the receiver of the restricted use pesticide is other than a certified applicator, a form of photographic identification of the receiver must be presented at the time of delivery.

14.2.1.3 The product name and E.P.A. registration number on the label of the pesticide.

14.2.1.4 The quantity of the pesticide made available for use in the transaction.

14.2.1.5 Date of the sale or transaction.

9. The DeltaGard G Insecticide label states in part: "Do not make applications during rain."
10. The DeltaDust Insecticide label states in part: "Do not make applications during rain."
11. The Taurus SC Termiticide/Insecticide label states in part: "Do not make treatments during times of precipitation."
12. In the past 5 years, Respondent has no pesticide compliance violations with the Department.