



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

MICHAEL T. SCUSE  
SECRETARY

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

**Respondent:**  
**Chorman Spraying LLC.**  
**30475 E. Mill Run**  
**Milton, DE 19968**

**Violations:**  
§1224(c)(1) – Operating in a faulty, careless or negligent manner.

**Penalty:**

Respondent signed a consent agreement in December 2022. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$800.00

**STIPULATED FACTS**

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1. Chorman Spraying LLC. (“Respondent”) is a commercial pesticide application business located at 30475 E. Mill Run, Milton. Jeff Chorman holds a valid commercial applicators certification issued (Certification No. 02-454) by the Delaware Department of Agriculture (“the Department”).
2. Mr. Adam R. Doyle is employed by the respondent as an aerial applicator. Mr. Doyle holds a valid commercial applicators certification issued (Certification No. 20-142) by the Delaware Department of Agriculture (“the Department”).
3. Mr. James Joachimowski is employed by the State of Delaware and works for the Department of Natural Resources Phragmites control.
4. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Emmanuel Sempeles, (“Mr. Sempeles”) is employed as an Environmental Scientist II with the Department. Christopher Wade, (“Mr. Wade”) is employed as an Environmental Program Administrator with the Department.
5. On September 16<sup>th</sup>, 2022, the Department received a phone call from a concerned citizen. The caller was inquiring as to what chemical was being applied to marshland located near the Delaware City Mobile Home Park. The phone message was given to Mr. Wade, at approximately 2:00 PM Mr. Wade called the concerned citizen back to



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gather information and attempt to assist with information. Upon answering the phone, the caller stated they were calling from the hospital, and they had been exposed to some type of chemical spray being done near their residence on September 15<sup>th</sup>, 2022. Mr. Wade informed the caller he would follow up with the New Castle County inspector Mr. Sempeles, and that they would be contacting them back to gather more details for the case. This information was given to Mr. Sempeles so an investigation could begin.

6. On September 16<sup>th</sup>, 2022, at approximately 2:30 PM, Mr. Sempeles contacted the resident who had allegedly been exposed to spray drift. During this call, the resident explained that they had ridden their bike on the public trail near their residence, parked the bike and sat on a bench located on the side of the trail. This bench was labeled "bench 1". The resident then stated that while they were sitting on the bench, they noticed a helicopter flying over the marsh applying some type of liquid. It was at this point she felt the liquid contact her skin, she also stated that the bench and her bike were sprayed.
7. While enroute to the mobile home park, Mr. Sempeles contacted James Joachimowski. During this conversation Mr. Sempeles asked whether or not DNREC had closed the walking trail during the application. Mr. Joachimowski was unsure if the trail had been closed and stated that he thought they had but he had to check with another division to see if the trail had been closed. During a later call Mr. Joachimowski informed Mr. Sempeles that the trail had not been shut down during the application.
8. On September 16<sup>th</sup>, 2022, at approximately 3:00PM Mr. Sempeles arrived at the complainant's residence. Upon arrival to the complainant's residence Mr. Sempeles located the bike that was ridden on the trail the day of the incident. Photographs of the bike were taken at this time. Mr. Sempeles then took a swab sample off the bike, sample number SN231005. Mr. Sempeles then walked to the location of "bench 1." Mr. Sempeles took a swab sample from the surface of the bench, sample number SN231006. Photographs of the area were also taken during the sampling process. These samples were mailed out to the Montana State University Lab of September 20<sup>th</sup>, 2022.
9. On September 20<sup>th</sup>, 2022, Sempeles received the record of application from the respondent. The record showed that Adam Doyle was the applicator, and that Aqua Master/Roundup Custom Aquatic herbicide (EPA Reg. No. 524-343) was applied to 128 acres on September 15<sup>th</sup> 2022 at 2:30 PM. Along with the record of application Sempeles also received the spray maps from the application. This map shows to the location of when the spray is activated from the aircraft.
10. Roundup Custom For Aquatic & Terrestrial Use, EPA Reg. No. 524-343 is a registered



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pesticide for sale and use within the state of Delaware.

11. On September 22<sup>nd</sup>, 2022, Mr. Sempeles met with the complainant at their residence to collect a statement and also to take more pictures of the alleged drift area. During this visit, the respondent also showed Mr. Sempeles a copy of their discharge paperwork from the emergency center. A photograph of the comment area of this paperwork was taken. The summary statement stated: “Headache, Sore Throat, Pesticide Exposure.”
12. On October 25<sup>th</sup>, 2022, the Department received the swab sample results from the Montana State University Laboratory. Sample number SN231005 came back positive for Glyphosate, the active ingredient used during the application, with a result of 1.7ppb. Sample number SN231006 came back positive, with a result of 3.0 ppb.
13. The Roundup Custom For Aquatic & Terrestrial Use label states in part: “Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.”
14. In the past 5 years, Respondent has no pesticide compliance violations with the Department.