



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

Bay Country Landscape Co.
PO Box 671
Elkton, MD 21922

Violations:

§1224(a)(10) – Neglecting or after notice, refusing to comply with the LAW, the Rules adopted under the LAW, or any lawful order of the Department.

Penalty:

Respondent signed a consent agreement on May 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1400.00.

STIPULATED FACTS

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1. Bay Country Landscape Co. Inc. (“Respondent”) is a commercial pesticide applicator business with an office located at P.O. Box 671, Elkton, Maryland 21922. Respondent holds a valid license (License No. 1026) that was issued by the Delaware Department of Agriculture (“the Department”). This license was expired at the time of the inspection.
2. William Bathon (“Bathon”) is the owner of Bay Country Landscape Co. Inc.
3. Lyneshia Stanford is employed by the Respondent as a field worker. Ms. Stanford is not listed as a registered service employee in the Departments Salesforce database.
4. Victor Anderson is employed by the Respondent as a field worker. Mr. Anderson is listed as a certified applicator in the Departments Salesforce database. Mr. Anderson’s certification was expired at the time of the inspection.

5. The Pesticide Section of the Department (“Complainant,”) is bringing this enforcement action against Respondent. Dustin Borntreger (“Borntreger”) is employed as an Environmental Scientist III with the Department.
6. On March 22nd, 2023, while on patrol in Kent County Borntreger observed two of the Respondents employees making pesticide applications on Red Maple Road, Smyrna DE. These workers were using ride on application equipment to apply Dimension 0.15% FG (EPA Reg. No. 62719-504-961).
7. Dimension 0.15% FG (EPA Reg. No. 62719-504-961) is a registered pesticide in the state of Delaware. This product can be sold and used within Delaware.
8. Borntreger identified himself and issued a notice of inspection to Victor Anderson. During the inspection Borntreger asked to see their service employee cards. Mr. Anderson presented his expired Delaware certified applicator card and Ms. Stanford stated that she did not have a registered service employee card. Borntreger asked Ms. Stanford when she started employment with Respondent, Ms. Stanford replied that she was hired June 26, 2022.
9. 601 Delaware Pesticide Rules and Regulations, Section 4.2 Employee Registration states in part: 4.2 Employee Registration

4.2.1 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. The fee for registering an employee shall be \$25.00. However, the employee registration fee shall be waived if the employee is certified under the LAW.

4.2.2 Licensees shall be responsible for ensuring 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 are registered with the Department.

4.2.2.1 The Department will not approve any training program that does not include the following subjects:

4.2.2.1.1 Pesticide Law and Regulations;

4.2.2.1.2 Label comprehension;

4.2.2.1.3 Safety and emergency procedures;

4.2.2.1.4 Proper pesticide handling, storage and disposal;

4.2.2.1.5 Pest identification and control procedures;

4.2.2.1.6 Pesticide application techniques;

4.2.2.1.7 Environmental and health concerns; and

4.2.2.1.8 Integrated pest management principles

4.2.2.2 Upon request by the Department, each licensee shall provide written verification that an employee has completed an approved training program.

4.2.3 The name and address of employees who have been trained according to this Section shall be provided to the Department by the licensee. The Department shall issue a registration card bearing the employee's name and the licensee's name, address and license number. The employee registration shall become null and void upon termination of employment with the licensee. This card is to be carried by the employee during working hours and is to be displayed upon request.

10. 3 DEL C §1206 – Licensing – Required; classification (a) No person shall engage in the business of applying pesticides to the lands or personal property of another unless such person has been duly licensed by the Department. Further no license shall be issued to any person, nor shall it remain valid, unless such person is certified or has a certified applicator in his employ at all times.