



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

Greenix Pest Control
699 Industrial Dr.
Middletown, DE 19709

Violations:

§1224(a)(1) – Making a pesticide recommendation or use or application inconsistent with the labeling, the EPA or state registration for the pesticide, or in violation of the EPA or state restrictions of the use of that pesticide.

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

Penalty:

Respondent signed a consent agreement on February 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1960.00

STIPULATED FACTS

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1. Greenix Pest Control (“Respondent”) is a commercial pesticide applicator business with an office located at 699 Industrial Drive, Middletown, DE 19709. Respondent is licensed (License No. 1833) by the Delaware Department of Agriculture (“the Department”). Otis Perry is the Manager of the Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 21-255), in Category 7.7.1.1 General Pest Control (7A), Category 7.7.1.2 Wood Destroying Pest control and 7.5.3 Mosquito Control (5C).
2. Respondent employed Daniel Caprice, they were employed as a registered service employee at the time of the application.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement

action against the Respondent. Emmanuel Sempeles, (“Sempeles”), is employed as an Environmental Scientist II with the Department.

4. On December 20th, 2022, the Department received a complaint call from a resident stating that the Respondent had not followed label directions during a treatment at their residence. The homeowner stated that they had complained to the office staff and had not received a satisfactory resolution to his complaint. The caller stated that the Respondent’s employee had over applied a granular pesticide product around their house and left the product on various surfaces around the home.
5. On December 20th at 3:00PM Sempeles arrived at 346 Ellenwood Drive in Middletown DE. Upon arrival the resident explained that the product granular product Niban was over applied around the exterior of the home. The product had also been applied to the porch, sidewalk and was also found on the hose reel box. During this visit Sempeles did photograph areas of the porch and sidewalk where granular product was still visible. Sempeles measured the area of treatment, in some areas the product had been laid down up to 14 feet wide, or the entirety of the mulched area. Sempeles also documented areas of mulch with very thick application of the product. Pictures supplied by the homeowner showed the very thick residue left in areas after the treatment was completed.
6. Niban Granular Bait (EPA Reg. No. 64405-2) is a pesticide product that is registered for sale and use in Delaware.
7. The Niban Granular Bait label states in part: “Exterior Applications: Apply bait evenly at the rate of 2 to 4 pounds per 1,000 square feet. Treat exterior perimeter areas of structure in band 2 to 4 feet wide. Also apply in a 2-to-4-foot band around all trees, stumps, and firewood piles. If any nests are located, apply ½ to 1 ounce of product directly to the area.
8. The Niban Granular Bait label states in part: “Avoid over-application around ornamental plants and fishponds.
9. In the past 5 years, Respondent had one pesticide compliance violation with the Department. Respondent violated 3 DEL. C 1224(b)(1) First of offense of 1224(a)(1) Making a pesticide recommendation or use or application inconsistent with the labeling