



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:**

**TruGreen**  
**24 Clark Street**  
**Harrington, DE 19952**

**Violations:**

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

**Penalty:**

Respondent signed a consent agreement on April 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$560.00.

**STIPULATED FACTS**

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1. TruGreen (“Respondent”) is a commercial pesticide applicator business with an office located at 24 Clark Street, Harrington Delaware 19952. Respondent is licensed (License No. 1878) by the Delaware Department of Agriculture (“the Department”). Glenn Creamer is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 15-181), in Category 7.3, Ornamental and Turf Pest Control (03), Category 7.6, Right-of-Way (06), Category Mosquito Control (5C) and General Pest Control (7A).
2. Respondent employs Kelby Peace Bullock (“Bullock”) as a lawn care technician. Bullock 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, (“Borntreger”), is employed as an Environmental Scientist III with the Department.

4. On March 7<sup>th</sup>, 2023, the Delaware Department of Agriculture received a phone call from a concerned citizen stating that there was a significant amount of granular fertilizer left on the roadway in front of Caesar Rodney Highschool located in Camden Delaware.
5. On March 7<sup>th</sup> 2023 at approximately 9:53AM, Borntreger arrived at 220 Old North Road, Camden, DE 19934. Upon arrival Borntreger noticed a large spill of yellow granular material in the roadway. Borntreger made contact with the homeowner and issued a notice of inspection. Borntreger also noticed granular material of other impervious surfaces such as the concrete driveway, red brick walkway and the roadway. Borntreger photographed all of the areas where the granular material was found. Borntreger then samples the granular material in the roadway. The sample was given sample number SN233013. Borntreger used his state issued blower to blow the granular material off all the impervious surfaces after collection of the sample.
6. Borntreger then contacted Glenn Creamer (Manager) to explain the complaint and request a copy of the application records. Borntreger also texted a picture of the roadway granules to Creamer during this conversation.
7. On March 8<sup>th</sup>, 2023, Borntreger received the records of application via text message from Creamer. Borntreger then forwarded the text message to his state email so he could print. The records of application listed TCS Growstar Fertilizer with 0.29% Barricade Herbicide (EPA Reg. No. 100-1456-82757).
8. On March 8<sup>th</sup> at approximately 2:00PM Borntreger arrived at the respondent's office to collect a hardcopy of the product label.
9. On March 8<sup>th</sup> 2023, Sample SN233013 was analyzed by the Delaware Department of Agriculture Pesticide Laboratory and the active ingredient prodiamine was detected in the sample. This analysis verified that the product found in the roadway matches the active ingredient found in TCS Growstar Fertilizer with 0.29% Barricade Herbicide (EPA Reg. No. 100-1456-82757).
10. TCS Growstar Fertilizer with 0.29% Barricade Herbicide (EPA Reg. No. 100-1456-82757) is a registered pesticide with the Department.
11. The TCS Growstar 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."
12. The TCS Growstar label states in part: "Environmental Hazards Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent sites."
13. In the past 5 years, Respondent has no prior violations with the Department.