



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

ARC Termite and Pest Control
PO Box 121
Joppa, MD 21085

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 in July 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$5600.00.

STIPULATED FACTS

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1. ARC Termite and Pest Control (“Respondent”) is a commercial pesticide applicator business with an office located at P.O. Box 171, Joppa MD 21085. Respondent holds a valid license (License No. 1096) that was issued by the Delaware Department of Agriculture (“the Department”).
2. Robert Rudolf (“Rudolf”) is the owner/operator of ARC Termite and Pest Control. Mr. Rudolf is certified by the Department as a commercial pesticide applicator (Cert. # 03-604), in Category 7.7.1.1, General Pest Control (7A), Category 7.7.1.2, Wood Destroying Pest Control (7B).
3. Pablo Guervara Reye and Donay Rivera are employed by the Respondent. Both employees were not listed as service employees at the time of the inspection. Both employees are still not listed as a registered service employee in the Departments Salesforce database at the time of this documents creation on 6/9/2023.
4. 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.
5. On April 5th, 2023, while on patrol in Kent County Borntreger observed two of the Respondents employees sitting in a Royal Farms parking lot located at 108 Silicato Parkway, Milford, DE 19963.

Borntreger did not see a Delaware Department of Agriculture license number on the side of the truck so he approached the truck to identify himself. The occupants of the truck did not see him coming over and drove off. At this time Dustin located the contact information for the company using the Departments Salesforce database. Borntreger called the office and spoke to the office manager, and asked who was in the service truck, because the license only had one listed employee, Robert Rudolf. The officer manager identified the two employees as Pablo and Donay and she stated they were in Delaware to perform termite treatments.

6. Later that morning Rudolf called Borntreger back. Borntreger explained the Delaware Pesticide Law to Mr. Rudolf and explained that a certified applicator had to be on site for termite treatments to take place. Borntreger also explained the requirement of registered service employees. A verbal cease and desist was issued at this time and Borntreger asked for the location of the work crew so he could issue an in person hard copy cease and desist to the workers. During this call Borntreger also asked for the last two years of application records for Delaware.
7. On April 5th, 2023, at approximately 1:00PM the crew arrived at Lot 54 Acadia Landing in Lewes DE. Borntreger met the crew at the site and presented his state credentials. Borntreger interviewed Pablo and Donay and asked them how many termite treatments they had completed that day. The men replied that they had treated two properties. they presented their paperwork and show Borntreger that they had treated the Clubhouse at 34212 Skyflower Loop, Lewes D 19958 and Lot 34 (Kindleton) 35140 Kindleton Lane, Lewes, DE 19958. The product used at those two locations was Dominion 2L (EPA Reg. No. 53883-229).
8. Borntreger reviewed the Dominion 2L label during this inspection. The label required chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyvinylchloride (PVC) or viton. Borntreger asked the workers what kind of gloves they had been using. The workers showed Borntreger cloth gloves that were partially dipped in rubber.
9. Borntreger also verified the hire date of these two workers. Donay stated that he was hired in February of 2023. Pablo stated he had been employed by respondent 4 year 6 months.
10. Over the next several weeks Borntreger received copies of the application records. The last record was received on May 16th, 2023. Included in these treatment records were the two applications done on April 5th, 2023. These applications were completed after the respondent had received the verbal cease and desist from Borntreger and Wade.
11. Borntreger verified the hiring date of ten (10) employees listed on applications records. These hiring dates range from 1/12/2016 to 12/1/2021.
12. On April 5th when inspecting the service vehicle the pesticide container on board was Dominion 2L, when reviewing the applications records for April 5th 2023, the brand name Centerfire 75 WSP (EPA Reg. No. 432-1332) was recorded as the pesticide used.
13. Borntreger reviewed the application records received and documented three hundred and seventy-two (372) termiticide applications completed by the respondent without a certified applicator present at the site of application.
14. 601 Delaware Pesticide Rules and Regulations, Section 5.5 states in part: All pest control business license numbers shall appear on all service vehicles used by persons holding a commercial pesticide

applicators license with the exception of categories: 7.1.1 Agriculture Plant Pest Control; 7.1.2 Agricultural Animals Pest Control; 7.2 Forest Pest Control; 7.4 Seed Treatment; 7.5 Aquatic Pest Control; 7.8 Public Health Pest Control; 7.9 Regulatory Pest Control; 7.10 Demonstration and Research Pest Control. The license number shall be in bold readable numbers not less than 2 inches or more than 6 inches high. The full name of the business licensee shall be displayed on the vehicle.

15. 601 Delaware Pesticide Rules and Regulations, Section 22.3.2.4 states: Specific information of sufficient detail to distinguish where treatment actually occurred, including a diagram of the structure identifying treated areas, known well heads, and site of visible termite activity.
16. 601 Delaware Pesticide Rules and Regulations, Section 22.4 Restrictions on the use of Pesticides for the control of Subterranean Termites states in part: 22.4 Any application of termiticides, pursuant to this section, must be conducted with a commercial applicator at the site of application. This commercial applicator must be certified in category 7.7.2 Wood Destroying Pest Control.
17. 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.

In the past 5 years, Respondent has no pesticide compliance violations with the Department.