



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

**Envirotech Environmental Consulting Inc.
17605 Nassau Commons Blvd. Unit D
Lewes, DE 19958**

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 August 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. Envirotech Environmental Consulting Inc. (“Respondent”) is a commercial pesticide applicator business with an office located at 17605 Nassau Commons Blvd Unit D, Lewes, DE 19958. Respondent holds a valid license (License No. 1169) that was issued by the Delaware Department of Agriculture (“the Department”).
2. Todd Fritchman (Fritchman) is the owner of Envirotech Environmental Consulting Inc.
3. Dane Church is employed by the Respondent as a field worker. Mr. Church was not listed as a registered service employee in the Departments Salesforce database at the time of the inspection.
4. Felicia Larimore is employed by the Respondent as a field worker. Mrs. Larimore was listed as a registered service employee in the Departments Salesforce database 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 June 15th 2023, while on patrol in Kent County Borntreger observed Mr. Church and Mrs. Larimore making a pesticide application near a pond using an ATV based power sprayer. The

product being applied was Renovate 3 (EPA Reg. No. 62719-37-67690). Borntreger conducted a label review and under the PPE requirements the label stated that the applicator must wear long sleeved shirt, long pants shoes, socks, protective eyewear and chemical resistant gloves such as butyl rubber, natural rubber, neoprene or nitrile rubber. PPE worn during the inspection, short sleeve shirt, long pants, shoes, and socks. Borntreger asked the workers if there were rubber gloves on site for them to wear since the label called for their use. Mrs. Larimore replied that there were no gloves on their service vehicle. Borntreger gave them a pair of rubber gloves so they could finish their workday.

7. Renovate 3 (EPA Reg. No. 62719-37-67690) is a registered pesticide in the state of Delaware. This product can be sold and used within Delaware.
8. During the inspection Borntreger asked to see their registered service employee cards. Mrs. Larimore was able to present her card. Mr. Church did not have a registered service employee card and he is not listed on the employee Salesforce list for the Respondent. Borntreger asked Mr. Church what his start date was, he replied that he started on 5/1/2023.
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. On July 1st, 2021, the Department issued an Advisory letter to the respondent addressing PPE requirements and label statements. This letter explained that by not wearing the PPE prescribed on the label it is considered a violation of the label requirements which constitute a violation of 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 product.

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