



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

MICHAEL T. SCUSE
SECRETARY

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Respondent:

Safe Pest Solutions LLC
999 Long Point Road
Dover, DE 19901

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.

Penalty:

Respondent signed a consent agreement in October 2023. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1600.00.

STIPULATED FACTS

1. Safe Pest Solutions LLC (“Respondent”) is a commercial pesticide applicator business with an office located at 999 Long Point Road, Dover DE 19901. Respondent is licensed (License No. 1640) by the Delaware Department of Agriculture (“the Department”). Matthew Rotuno is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 14-998), in Category 8.3.5.3 Mosquito Control.
2. Respondent employs Ryan MacFarlane as a service employee. Mr. MacFarlane was the applicator during the application in question.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist III with the Department.
4. On August 3rd, 2023, Borntreger received a complaint phone call from 157 Albacore Drive, Frederica, DE 19946. The homeowner reported possible drift onto his property including his tomato plants. Borntreger told the homeowner he could come out and review the application and take samples to document drift.
5. On August 3rd, 2023, at approximately 2:56PM, Borntreger arrived at the property. Borntreger spoke to the homeowner who explained that he saw two applicators with backpack blowers applying to his

neighbor's property and that he could see the pesticide drifting onto his property including his tomato plants. To document that drift had occurred Borntreger took three swab samples from 157 Albacore Drive. One from the green yard waste can, one from the grill cover and one from the tomato plant pot. Vegetative samples of the tomato plants were not taken because it required a pound of vegetation. Also, the homeowner immediately washed off the tomato plants after viewing the mist.

6. After collecting the samples Borntreger contacted Matthew Rotuno. Borntreger requested a copy of the application records. The application record presented to Borntreger show that Bifen I/T (EPA Reg. No. 53883-118) and Sumari (EPA Reg. No. 1021-2827) were applied to the 169 Albacore Drive, Frederica DE 19946.
7. Bifen I/T (EPA Reg. No. 53883-118) is a registered pesticide for sale and use in Delaware. The Bifen I/T label states in part: "Do not apply to pests, crops or sources of electricity." Do not allow contact with treated surfaces by people or pets before spray has dried."
8. Sumari (EPA Reg.NO. 1021-2827 is a registered pesticide for sale and use in Delaware. The Sumari label states in part: Keep all people and pets out of areas (indoors and outdoors) being treated and restrict access to these areas until all surfaces are dry.
9. The sample results showed the presence of bifenthrin and clothianidin on the green yard waste bin, Sample Number SN243008.
10. In the past 5 years, Respondent has one violation involving **3 DEL.C.**, Chapter 12, and/or the Delaware Pesticide Rules and Regulations, 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