



Washington  
State Department of  
Agriculture

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# **2013 Annual Report to the Legislature**

*As Required by RCW 15.58.420 and RCW 17.21.350*

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**Washington State Department of Agriculture**

**Pesticide Management Division**

*Bud Hover, Director*

**February 2014**



Washington  
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Agriculture

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## List of Acronyms

ALJ	Administrative Law Judge
C&T	Certification & Training
DOH	Washington State Department of Health
Ecology	Washington State Department of Ecology
EPA	Environmental Protection Agency
FEP	Farmworker Education Program
L&I	Washington State Department of Labor and Industries
NAI	No Action Indicated
NOC	Notice of Correction
NOI	Notice of Intent
PCO	Pest Control Operator
PMD	Pesticide Management Division
PPE	Personal Protective Equipment
RCW	Revised Code of Washington
SPI	Structural Pest Inspector
WAC	Washington Administrative Code
WDO	Wood Destroying Organism
WPS	Worker Protection Standard
WSDA	Washington State Department of Agriculture



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## Executive Summary

The Washington State Department of Agriculture's (WSDA) Pesticide Management Division (PMD) has submitted annual reports to the Washington Legislature each February since 1989 as part of a legislative mandate contained in the state's pesticide law.

This current report is new in two key ways. Instead of reporting on cases from the previous calendar year, the report now covers a full fiscal year. Secondly, the report has been expanded to include more information on the activities of the pesticide compliance program and other activities that help ensure the safe and legal use of pesticides.

WSDA's Pesticide Management Division investigates allegations of pesticide misuse, inspects pesticide users, dealers and distributors, registers pesticide products, tests, licenses and provides continuing education for those involved with pesticide use and offers programs to dispose of waste pesticides.

Regarding investigations, the division's role is to determine if there is a preponderance of evidence that a violation has occurred. The most common complaint is of pesticide drift.

A person or company found to have committed a violation can face:

- A verbal warning
- A Notice of Correction (NOC), which does not include any financial penalty
- A civil penalty, which includes Notice of Intent (NOI) explaining the violation and WSDA's intent to issue a civil penalty, including fines
- A license suspension

### Complaints and Investigations

In FY13, the Pesticide Management Division investigated 157 complaints, responding to 98% of them within one working day.

- Complaints were evenly distributed between Eastern and Western Washington
- 72 were complaints of pesticide drift, the majority involving ground applications of herbicides
- 35 complaints involved possible human exposure
  - ◆ In 26 cases, there was some evidence of exposure with 21 of them involving an agricultural application
- 4 cases involved children
  - ◆ Two of these investigations resulted in issuing an NOI, in the other two cases there was no evidence of exposure documented

At the completion of case investigations, the WSDA assigns a severity rating ranging from 0 to 6 with 6 being the most severe and involving a human death.

- Approximately 80% of cases were given a severity rating of 0 to 2 indicating no health symptoms or environmental damage
- 16% were classified with a 3 severity rating indicating minor short-term health effects or minor environmental damage
- Less than 7% had a severity rating of 4 or 5 indicating more serious health or environmental effects
- No cases carried a severity rating of 6

Of the 157 cases investigated, almost 62% resulted in some type of action, with 26 NOI's issued involving civil penalties.

## **Inspections**

During FY13, WSDA conducted over 200 inspections to ensure that applicators, dealers, manufacturers and employers complied with state and federal pesticide law. A significant effort is placed on ensuring compliance with the Worker Protection Standard (WPS), the purpose of which is to protect agricultural employees from exposure to pesticides. The PMD takes violation of worker protection standards very seriously, moving quickly to civil penalties even for first-time offenders when they place their employees in danger of bodily harm.

## **Worker safety**

The PMD conducted 40 Worker Protection Standard inspections at farms that had used a pesticide in the previous 30 days. During these inspections, 127 distinct violations were found. This resulted in the issuance of 26 NOCs and two farms received an NOI due to placing their employees in danger of bodily harm.

## **Training and certification**

The PMD's Certification & Training Program helps ensure safe and legal pesticide use through strong certification and farmworker education programs. Many individuals who work with and around pesticides, as well as those performing structural pest inspections, must obtain a WSDA license through the passage of content-relevant exams and participate in continuing education in order to maintain them. C&T works closely with WSU Extension and industry representatives to provide training and testing opportunities throughout the state.

## **Spanish outreach**

C&T's Farmworker Education Program (FEP) conducts a variety of innovative training programs in Spanish, many in partnership with the agricultural industry, to bring pesticide safety information to thousands of farmworkers each year. Many of these programs use hands-on, interactive techniques that are especially effective for adults with limited literacy skills. The popularity and quality of the programs provided by four highly effective bilingual trainers has resulted in a demand for training beyond the capacity of the program, supported 50% by WSDA funds and 25% each from funding provided by the Washington State Department of Labor & Industries (L&I) and the U.S. Environmental Protection Agency (EPA).



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## Legislative Mandate to Submit Annual Report

RCW 15.58.420 and RCW 17.21.350 require the Washington State Department of Agriculture (WSDA) to report annually to the appropriate committees of the House of Representatives and the Senate on the activities of WSDA under Chapters 15.58 RCW, the Washington Pesticide Control Act, and 17.21 RCW, the Washington Pesticide Application Act. These two laws, along with the Rules Related to General Pesticide Use, WAC 16-228, are administered by WSDA's Pesticide Management Division (PMD).

WSDA has submitted annual reports to the legislature since 1989. Whereas previous reports summarized activities that occurred during the calendar year, a change has been made in the reporting period. Starting with this 2013 report, WSDA will now report activities that occurred during the previous fiscal year, July 1 - June 30. This will allow WSDA to provide a more complete review of the work conducted by WSDA in a 12-month period. Reporting by calendar year had resulted in an inability to report final information on cases initiated later in the year.

The report includes a review of PMD's pesticide incident investigation and enforcement activities, including the number of cases investigated and the number and amount of civil penalties assessed. It also details the types of inspections conducted with a focus on those to determine compliance with the Worker Protection Standard (WPS). In addition, the FY13 report is supplemented with new information that will provide additional detail about compliance program activities including:

- Specific details about each investigation
- Complaints by category (human exposure, crop damage, etc) and urban vs. agriculture
- Enforcement actions on human exposure cases with specifics on those involving children
- Investigations and violations by activity, method of application and license type
- Active ingredients most commonly associated with complaints

The greater detail being incorporated into this annual report will allow WSDA to provide an analysis of enforcement trends in future reports.

Lastly, the 2013 report will, for the first time, provide information on the activities of the Certification & Training Program including the accomplishments of its Farmworker Education Program.

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## Pesticide Investigations and Enforcement

Under authorities granted by Chapters 15.58 and 17.21 RCW, PMD protects human health and the environment by ensuring the safe and legal distribution, use and disposal of pesticides in Washington. PMD investigates complaints concerning possible pesticide misuse, storage, sales, distribution, applicator licensing and building structure inspections for wood destroying organisms (WDO) such as termites. The agency also inspects marketplaces, importers, manufacturers, and pesticide application sites for compliance with state and federal requirements. Other activities of the PMD include registering over 13,000 pesticide products and issuing over 24,000 applicator, consultant, dealer and structural pest inspector licenses. PMD also has very active programs for farmworker education and the disposal of unusable pesticides. PMD works closely with other state and federal agencies and actively responds to stakeholder and citizen concerns.

In addition to registering over 13,000 pesticide products, the PMD is very active in the process of finding solutions for growers with particular pest problems for which there is not a registered pesticide available. PMD issues an average of 14 new Section 24c Special Local Need (SLN) registrations each year when there is an existing or imminent pest problem and there is no efficacious product sufficiently available. To qualify for a SLN registration on food crops, the pesticide must have an established tolerance on the crop. There are currently 183 SLNs available for use. SLNs are generally issued with a 5-year time frame to permit a periodic review of the use before reissuing the registration. When there is no tolerance established, PMD can submit a request to EPA for a Section 18 Emergency Exemption from registration. The applicant must demonstrate that the situation is urgent and will result in significant economic loss before EPA will issue a Section 18 and the registrant must be working towards federal registration of the particular use. PMD requests and receives approximately six Section 18s annually. Section 18s and SLNs have been estimated to save the grower community well over \$100 million annually in crop losses. WSDA also reviews an average of 26 Experimental Use Permits yearly, which supports research and development of new pesticides and uses.

The PMD's Waste Pesticide Identification and Disposal Program collects unusable agricultural and commercial grade pesticides from residents, farmers, small businesses and public agencies free of charge. Events are held at locations across Washington State where customers can bring their unusable pesticides for proper disposal. In addition, the disposal program provides direct on-site technical assistance when requested, especially when the customer is unfamiliar with the pesticides or they are physically unable to prepare the chemicals for disposal. The goal of this program is to properly dispose of unused or unusable pesticides to prevent human and animal exposure, prevent use of cancelled pesticides on crops and to help eliminate the potential source of contamination to the environment.

Demand for the disposal program remains high. Since the program began in 1988, it has safely collected and disposed of over 2.8 million pounds of unusable pesticides from over 7,500 customers. During the last three biennia new on-farm food safety requirements and notable pesticide phase-outs have increased demand for program services that exceeds resources, which are appropriated entirely from the state's Model Toxics Control Account.

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## Investigation and Enforcement Process

### *How does PMD's enforcement process work?*

PMD has a consistent enforcement process as described below. However, within statutory requirements and limitations, a unique case may warrant handling in a slightly different manner.

PMD has a well established process for determining appropriate actions when violations occur. First though, the investigator must obtain sufficient evidence to prove a violation. The “burden of proof” for PMD (and other administrative agencies) is a “preponderance of evidence.” A simple definition of preponderance is “more likely than not.” If an investigator obtains evidence that it is more likely than not that a violation occurred, PMD will proceed with some type of action.

On the surface, “preponderance” seems like a simple way of proving violations of pesticide law but, in reality, it is sometimes very complex. This is especially true in drift complaints where more than one potential source is identified and the various sources use the same pesticides.

Consider a drift complaint against an orchardist. If the orchard is the only potential source and the complainant's property tests positive for the same pesticide that the orchardist used, there is likely a preponderance of evidence that a violation occurred. But what if there are other orchards in the area and they use the same pesticides as the first orchardist? Maybe some of them are closer in proximity to the orchard from where the drift was alleged. Could the positive sample analysis be the result of an earlier drift from one of the other orchards? PMD must consider all of the other evidence such as eye-witness testimony, weather records and more in order to make a determination. The reason PMD does not take action in particular cases is the same - the burden of proof was not met.

Each complaint that involves potential violations of pesticide law is treated as unique to the circumstances of the incident. No determinations are made as to whether a violation has occurred until the investigation is completed.

Pesticide drift is the most common complaint investigated by PMD. Violations most commonly cited for drift incidents include the following:

- RCW 15.58.150(2)(c) which prohibits the use of pesticides “contrary to label directions”, and WAC 16-228-1500(1)(b) which prohibits the use of pesticides “inconsistent with the labeling...”
- RCW 17.21.150(4) and WAC 16-228-1500(1)(e) which prohibit operation in “a faulty, careless, or negligent manner”
- WAC 16-228-1200(1) which prohibits the use of pesticides “in such a manner as to endanger humans and their environment...”
- WAC 16-228-1220(2) which prohibits application of pesticides in a manner that causes injury to humans

PMD has an established review process for every case investigation. Upon completion of the case, the investigator forwards the entire case file via the Compliance Program's database to their Area Manager. The Area Manager then determines, according to program procedures, whether the case should be closed with no action, a Notice of Correction (NOC) or other informal action, or whether the case should be forwarded for formal action review. Decisions by the Area Manager are guided by

the requirements in law (RCW 43.05.110) and program policy. While the occasional minor violation may warrant only a verbal warning or advisory letter, almost all violations result in either an NOC or formal action in the form of a civil penalty (monetary fine) and/or license suspension.

RCW 43.05.110 requires PMD to issue an NOC on all first-time violations unless the violation meets one of the following criteria. The violation:

- has a probability of placing a person in danger of death or bodily harm,
- has a probability of causing more than minor environmental harm,
- has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars, or
- was committed by a business that employs 50 or more employees on at least one day in each of the preceding 12 months.

PMD is required to treat all violations according to the requirements in RCW 43.05.110. Bound by law, PMD has been somewhat conservative in the past on human exposure violations. If a complainant claimed to be exposed to a pesticide, but reported no symptoms or ill effects, PMD usually issued an NOC.

With new insight on applying the “probability of placing a person in danger” criteria, PMD’s position on such cases has been evolving over the last few years. When people are exposed to a pesticide, they are placed in danger of bodily harm even if they do not become ill from the exposure. Further, persons may be placed in danger of bodily harm even when they are not exposed directly from drift. For example, a highly toxic pesticide drifts onto a residence, but not directly onto any person. Shortly after the drift, the homeowner comes into contact with the residues. In this case, the drift has placed someone in danger of bodily harm. For first-time violations<sup>1</sup>, PMD will evaluate all of the evidence and circumstances and determine whether a civil penalty and/or license suspension is appropriate.

### ***What is the process for formal action?***

PMD’s process for formal action applies to both inspections (discussed later in this report) and complaint investigations. PMD uses enforcement discretion such as verbal warnings or advisory letters for very minor or de minimus types of violations. All other types of violations are addressed either with an NOC (referred to as informal action) or by formal action in the form of monetary fines and/or license suspensions.

According to RCW 43.05.110, NOCs are a form of technical assistance since they give the infractor a chance to correct violations without receiving a fine or suspension. The NOC describes the violation, the necessary actions to correct it and the date by which it must be corrected.

Since it is not a penalty, infractors have no legal right to appeal an NOC. However, PMD has on rare occasions rescinded NOCs when an infractor proved that the NOC was issued in error.

One reason an infractor might be interested in getting an NOC rescinded is because the next step is

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1 The decision on whether a violation should be addressed with an NOC or move forward for formal action review only applies to a first-time violation. If an infractor has previously received an NOC for the same or similar type of violation, WSDA forwards the case for formal action review.

formal action. Though an NOC is technical assistance and meant to provide an opportunity to come into compliance without receiving a fine or suspension, the NOC also becomes the legal foundation for proceeding to formal action if there is a repeat violation of the same or similar law or rule.

Assuming that an NOC was previously issued, or the violation meets one of the criteria in RCW 43.05.110, PMD will proceed with formal action. Any time PMD intends to issue a fine or license suspension, the alleged infractor has certain “due process” appeal rights provided for by law<sup>2</sup>.

The alleged infractor must first receive notice that PMD intends to assess a fine or suspend their license. PMD provides such notice in a legal document called a Notice of Intent (NOI). The NOI describes the evidence obtained by PMD during the investigation, the particular laws and rules that were violated, and the amount of fine or license suspension that PMD intends to impose. With the NOI, PMD also sends the alleged infractor their appeal rights and a Request for Hearing form, which must be filled out and submitted within 25 days. If the alleged infractor fails to submit the hearing form within the 25-day timeframe, the WSDA Director will issue a default order imposing the penalties in the NOI.

The Request for Hearing form allows the alleged infractor to respond in one of three ways. They can admit to the violations and waive their right to a hearing, in which case the Director imposes the penalties in the NOI. They can appeal the allegations by requesting a hearing, or they can request to settle the matter while still reserving their rights to a hearing if settlement negotiations are unsuccessful.

PMD attempts to settle almost all cases without a hearing. Often times the penalty in the settlement is somewhat reduced from the penalty in the NOI. While it may seem that penalties should not be reduced in settlement agreements, the reality is that administrative hearings are very resource and cost intensive. A reduction in the penalty is sometimes the only incentive for an alleged infractor to settle. Settlement agreements are the normal way of doing business for most administrative agencies.<sup>3</sup>

If a settlement cannot be reached, the case is heard in front of an administrative law judge (ALJ) that is assigned by the Office of Administrative Hearings. After the hearing is concluded, the ALJ issues an Initial Order with his or her conclusions. The ALJ’s Initial Order is reviewed by the Director who will then issue a Final Order.

The Administrative Procedures Act (RCW 34.05) provides that the parties have the opportunity to ask for review of any of the findings or conclusions made by the ALJ in the Initial Order and the Director may issue a Final Order that is the same as, modifies or disagrees with the Initial Order.

RCW 17.21.340 of the Washington Pesticide Application Act provides that any of the parties or a person aggrieved by a decision of the Director can ask for reconsideration. The Final Order (or order issued after the reconsideration process if that occurs) may be appealed to an appropriate Superior Court. The process, called “judicial review,” may result in approval or disapproval of the Director’s Final Order or possibly a remand back for further proceedings before the Director. Further appeals are possible to the state Courts of Appeal or the Washington State Supreme Court. It is very rare for a case to be appealed, but it has happened more than once.

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2 WSDA must follow the Administrative Procedures Act, RCW 34.05, and its own administrative procedures policy.

3 The Administrative Procedures Act strongly encourages agencies to settle matters informally rather than through administrative proceedings; RCW 34.05.060.

## How does WSDA determine the amount of penalty?

As set by statute, the maximum civil penalty that PMD can assess for any single violation is \$7,500. To ensure that penalties are “fair and uniform” PMD uses a penalty matrix in rule, WAC 16-228-1130.

The typical penalty for a non-serious, first-time violation is \$200 to \$500 and a license suspension of two to six days. The typical penalty for a first-time human exposure violation is \$350 to \$550 and a license suspension of five to nine days; however, PMD typically goes beyond the matrix penalty levels (as allowed by rule), when there are multiple people that are affected by a drift or when there are multiple growers that sustain damage from a single drift event. PMD may also refer appropriate cases to the U.S. Environmental Protection Agency (EPA) for criminal prosecution or civil action. For further explanation of the PMD’s penalty process and the rules that apply to penalties, see Appendix A.

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## Complaints

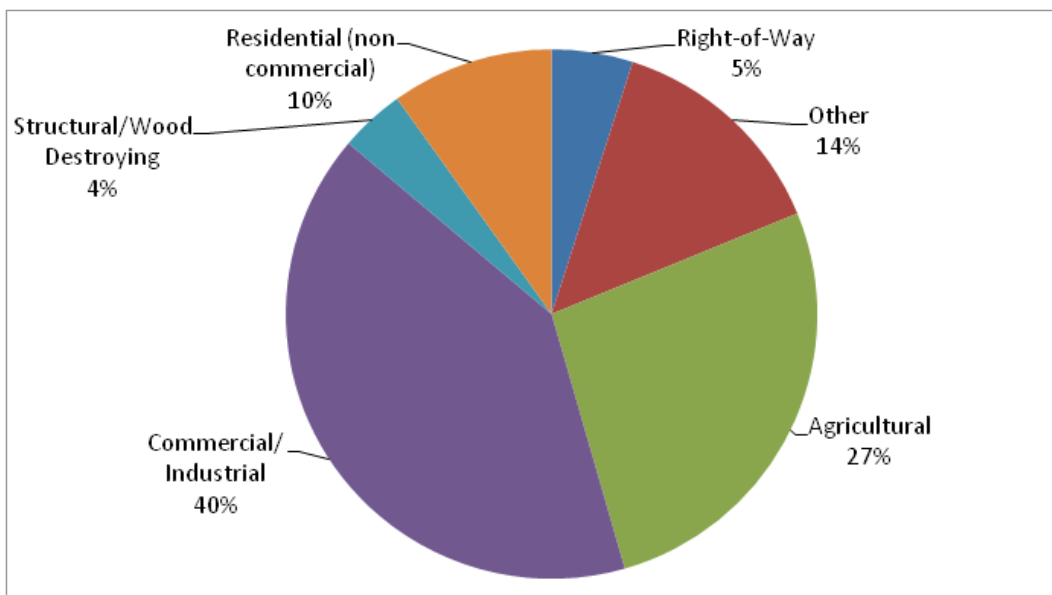
During FY13 (July 1, 2012 - June 30, 2013), PMD investigated 157 complaints. Nearly 83% of those complaints (130) involved pesticide applications with the remaining 27% unrelated to actual applications (e.g., structural pest inspections or licensing complaints).

PMD has a statutory requirement to respond to all human exposure complaints immediately and to all other complaints within 48 hours. PMD responded within one working day to 98% of all complaints.

Complaints are classified by PMD according to the following activities:

- Agricultural incidents that occur in farming, forestry or greenhouses
- Commercial/Industrial incidents by licensed operators in offices, restaurants, homes or landscapes
- Applications or inspections for wood destroying organisms
- Residential pesticide applications by a homeowner, resident or neighbor
- Right-of-Way applications made to locations including public and private roadways, electric lines, irrigation canal banks, etc.
- Other including licensing, storage, registration and records

**Figure 1.** FY13 complaints received by PMD by type of activity.



## ***Agricultural Complaints***

Most complaints with violations that involved drift occurred when pesticides were applied to orchards. This is not unexpected as orchards tend to be located in more populous areas on the east side of the state and may be on smaller acreages intermixed with other crops, housing and heavily traveled roads. Complaint distribution has been consistent over the years and points to the need for greater education of applicators, particularly in regard to drift reduction techniques.

## ***Non-Agricultural Complaints***

Similar to the agricultural complaints, drift complaints rank number one for cases within the non-agricultural sector. Other frequent cases include the failure to obtain the proper license type for the application, inadequate record keeping and the intentional spraying of another person's property.

## ***Location and Frequency of Complaints***

There are significant differences in population dynamics, types of pest problems and the nature of complaints between Eastern and Western Washington. Most complaints from Western Washington involved structural pest inspections, residential pesticide applications by a homeowner, resident or neighbor, intentional misuse and unlicensed applicators. Most complaints from Eastern Washington involved agricultural applications, license issues and drift.

The complaints received by counties are an almost 50/50 split between Eastern and Western Washington (Table 1).

**Table 1.** Number of FY13 complaints received by county.

<b>Eastern WA Counties</b>	<b>No. of Complaints</b>	<b>Western WA Counties</b>	<b>No. of Complaints</b>
Adams	2	Clallam	1
Asotin	1	Clark	4
Benton	3	Cowlitz	2
Chelan	10	Grays Harbor	1
Columbia	1	Island	2
Douglas	4	Jefferson	1
Ferry	1	King	25
Franklin	7	Kitsap	8
Garfield	0	Lewis	0
Grant	6	Mason	2
Kittitas	2	Pacific	0
Klickitat	0	Pierce	8
Lincoln	3	San Juan	0
Okanogan	2	Skagit	4
Pend Oreille	2	Skamania	0
Spokane	13	Snohomish	8
Stevens	2	Thurston	3
Walla Walla	5	Wahkiakum	0
Whitman	5	Whatcom	8
Yakima	11	<b>W. WA Total</b>	<b>77</b>
<b>E. WA Total</b>	<b>80</b>	<b>Combined WA Total</b>	<b>157</b>

## ***Type of Pesticide Involved***

In general, there are five basic types of pesticides in use:

- Herbicides: To control weeds and other plant pests
- Insecticides: To control harmful insects and pests
- Rodenticides: To control mice, rats and other rodents
- Fungicides: To control specific fungus that give rise to diseases
- Fumigants: To control most all pest in soils, stored commodities, or structures

As indicated in Table 2, the vast majority of complaints received by PMD in FY13 involved herbicides and insecticides. These two pesticide types are used most frequently and there are more obvious detrimental effects from herbicide and insecticide misuse. Herbicides and insecticides are also generally applied at a higher frequency with power equipment over larger areas.

**Table 2.** *FY13 complaints by pesticide type.*

<b>Pesticide Type</b>	<b>No. of Complaints</b>
Herbicides	86
Insecticides	31
Rodenticides	4
Fungicides	3
Fumigants	2

Herbicide drift constituted the greatest number of complaints accounting for more than double all other pesticide types combined. Two herbicides, glyphosate and 2,4-D, were the most frequently reported active ingredients for complaint investigations (Table 3).

**Table 3.** *Herbicide active ingredients most commonly involved in FY13 complaints.*

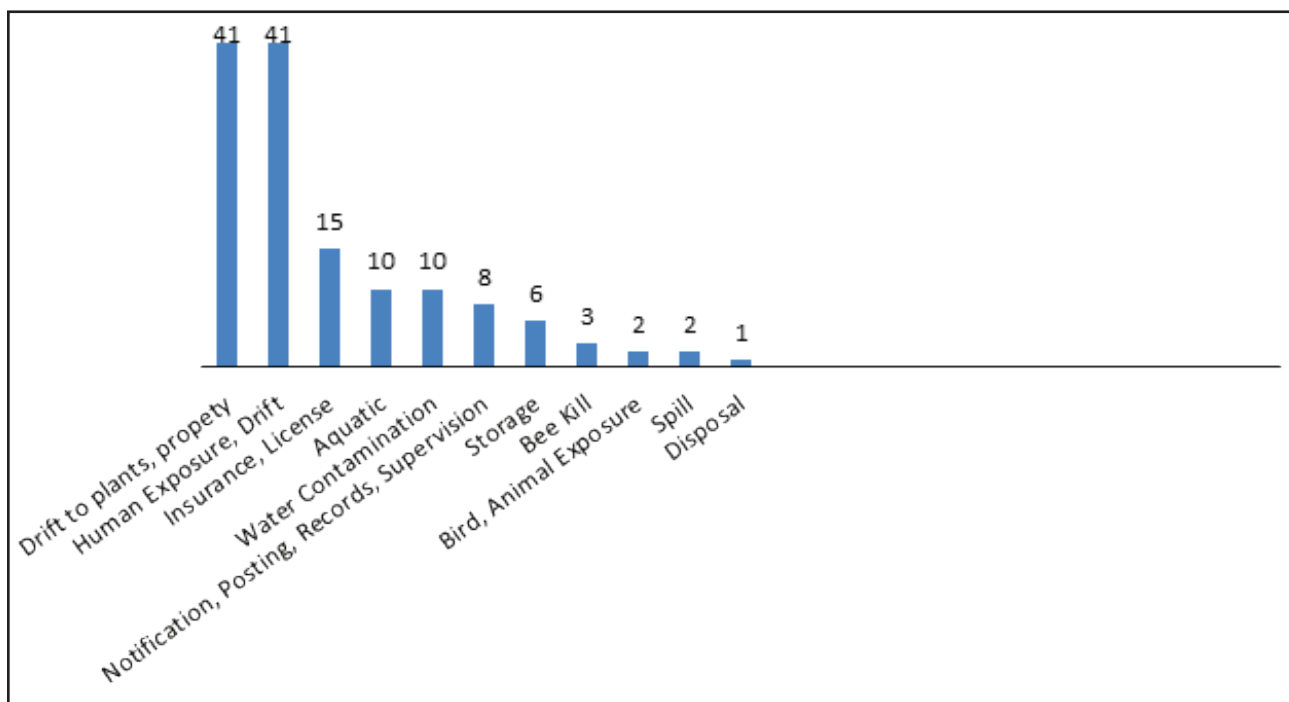
<b>Active Ingredient</b>	<b>No. of Complaints</b>
Glyphosate	38
2,4-D	36
Dicamba	18
Triclopyr	11
Permethrin	15
Bifenthrin	8

## ***Nature of Complaints***

Drift continues to be the most frequent type of complaint involving pesticide applications. However, complaints about potential misuse – the wrong product used to control pests or complaints about a neighbor’s use – remain frequent. Licensing, records, notification and pest inspections were the most frequent non-application complaints. Complaints are categorized by the nature of the initial complaint as shown in Figure 1.



**Figure 2.** Initial complaints received by WSDA in FY13 by category.



An investigation may reveal that the complaint is not valid, substantiate the initial complaint, or find more violations than originally suspected. For example, PMD may investigate an initial complaint about drift but then determine that drift did not occur. However, the investigator may find that the applicator applied at the wrong rate or did not keep proper records. Although the applicator would not be cited for drift, he or she could be cited for being faulty, careless and negligent, using the pesticide in a manner that is inconsistent with label requirements or for recordkeeping violations.

In this report, when complaints involve multiple categories, the most serious complaint is used to categorize the case. For example, a complaint involving human exposure caused by drift from an application by an unlicensed applicator would be categorized as human exposure even if the final outcome of the case was no action needed or a Notice of Correction for recordkeeping. Usually the initial complaint is a fairly reliable indicator of the final outcome of the case and reflects the concerns of the complainant.

### ***Drift and Direct Human Exposure***

Of the 157 total complaints received by PMD in FY13, 72 involved drift. By far, most were the result of ground applications (61). Forty-one of the complaints involved possible human exposures while 31 involved plant or property damage (Table 4).

**Table 4.** FY13 PMD drift data.

Category	Human Health	Plant/Property Damage	Total	Total with Action
Aerial Drift Cases	4	7	11	5
Ground Drift Cases	31	24	56	46
<b>Total</b>	35	31	66	51

Of the 35 human exposure drift complaints, some evidence of exposure was found in 26 cases. Twenty one of these were from agricultural applications while the remaining five were the result of commercial or homeowner applications to landscapes. In nine of the cases, there was insufficient or conflicting evidence to support an infraction.

### ***Cases involving Children***

During this reporting period, there were four cases involving children as detailed in Table 5.

**Table 5.** PMD FY13 investigations cases involving children.

<b>Case No.</b>	<b>Summary</b>	<b>Active Ingredient</b>	<b>Action</b>	<b>Penalty</b>
DLZ-0006-13	School employee treated play-ground equipment for wasp control. Children were not allowed to use playground until pesticide had dried. Seven children were exposed to dry pesticide residues.	Cyfluthrin	NOI	Settlement of \$900 and a nine day license suspension with Mr. DeGon who was the Public Operator making the application
DLZ-0020-12	Commercial applicator treated a small area of the school structure and fence for insects. Alleged contact with dried pesticide residues. DOH concluded child's symptoms were not consistent with the pesticide that was applied.	Fipronil	NOC	N/A
JGA-0004-12	Aerial application to potatoes drifted onto adjacent property exposing eight persons including six children.	Oxamyl Pyraclostrobin Metriam	NOI	Settlement of \$1,600 with Mr. Hanshew as the Commercial Applicator responsible for the Commercial Operator's actions
RDS-0021-12	The school failed to properly notify students of an application of pesticides in a greenhouse creating the possible exposure situation. No reported exposures.	Triflualin Isoxaben Glyphosate	NOC	N/A

## Severity of Reported Complaints

PMD rates the severity of a case from 0 to 6, with 6 being the most severe, after the complaint investigation is complete (Table 6).

**Table 6.** Number and percentage of FY13 PMD-investigated complaints by severity rating.

Rating	No. of complaints (% of total)	Criteria
0	30 (19.1%)	Problem not due to pesticides and/or no cause determined; Structural Pest Inspection with no violations.
1	29 (18.5%)	Pesticides involved, no residue, no symptoms occurred; possible pesticide problem, not substantiated; issues involving records, registration, posting, notification (multiple chemical sensitivity) or licensing; Health classified “unlikely” or “insufficient information”.
2	63 (40.1%)	Residue found, no health symptoms (human, animal); health symptoms not verified; multiple minor violations; off label use; worker protection violations; PPE violations with no health symptoms; plants with temporary or superficial damage only; Structural Pest Inspection faulty inspections; Health classified “possible”.
3	25 (15.9%)	Minor short-term health symptoms (rash, eye irritation, shortness of breath, dizzy, nausea, vomiting); bee kills of less than 25 hives; minor fish kills; economic plant damage under \$1000; evidence of deliberate economic fraud; Health classified “probable”.
4	5 (3.2%)	Short-term veterinary or hospital care; bee kills of greater than 25 hives; significant fish kills; significant economic plant damage (over \$1000); environmental damage; illness involving children; Health classified “probable”.
5	5 (3.2%)	Veterinary or hospital care overnight or longer; physician diagnosed children’s illness as caused by pesticides; animal death due to pesticides; significant environmental damage; Health classified “definite”.
6	0	Human death due to pesticides.
<b>Total</b>	<b>157</b>	

## Cooperation with Other Agencies

PMD cooperated with other federal, state and local agencies as well as other divisions within the state Department of Agriculture in about a quarter of the 157 investigations to collect evidence and testimony. Some investigations involved several other agencies. Cooperating agencies may independently investigate and report their involvement in these cases. The agencies most frequently consulted were: the state departments of Health (44) and Ecology (7), as well as the EPA (2) and WSDA’s Food Safety & Consumer Services Division (2).

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## Violations

Complaint investigations may conclude that state or federal laws or rules were violated. Of the 157 complaints investigated, 98 of them resulted in formal and/or informal actions. This equates to approximately 62% of the complaints received resulting in an enforcement action. (Refer to Appendix B for a review of all PMD cases and Appendix C for a detail of those with formal enforcement action.)

More than half of PMD's complaint investigations resulted in some type of action (Table 7).

*Table 7. FY13 PMD complaints and actions by type of activity.*

Activity	No. of Complaints	No. With Actions	Percent with Actions
Agricultural	42	28	67%
Commercial/Industrial	64	41	64%
Structural/Wood Destroying	6	6	100%
Residential (non commercial)	16	12	75%
Right of Way	7	2	29%
Other	22	9	41%
<b>Total</b>	<b>157</b>	<b>98</b>	<b>62%</b>

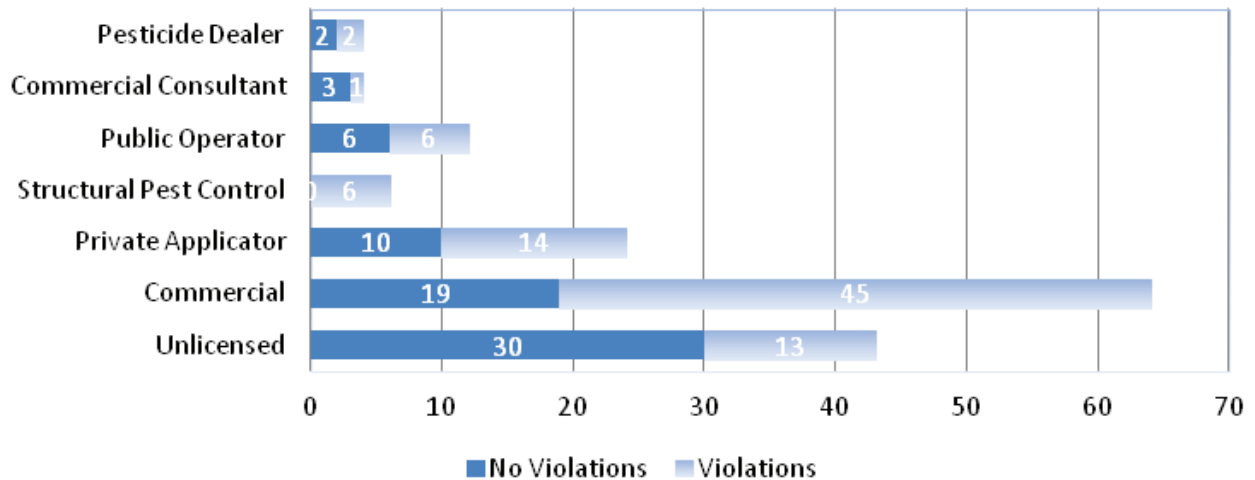
### *Type of License in Complaints with Violations*

PMD licensed about 5,200 Commercial Applicators and Operators and 11,500 Private Applicators in FY13. (Commercial Applicators are in charge of companies that commercially apply pesticides and Commercial Operators are their pesticide-applying employees. Private Applicator licenses are held by farmers and their employees.) PMD also issued about 7,300 other license types for a total of about 24,000 licenses.

While almost half of the licenses are held by Private Applicators, the commercial licenses constitute the majority of the violations. Factors for this include the much higher number of applications per licensee, the variety of locations to which commercial licensees apply and the increased visibility of their applications.

Commercial applicators had 64 complaints with 45 violations (Figure 3). Private Applicators had 24 complaints with 14 violations. Unlicensed applicators had 43 complaints with 13 violations.

**Figure 3.** Type of licensee involved in cases with and without violations, FY13.



## Enforcement Actions

In FY13, 98 corrective actions were taken or are pending (Table 8). Sometimes, more than one corrective action is taken on a case. In this report, only one corrective action per category is identified. For example, if more than one NOC was issued for a case, it is only counted once. However, if more than one type of corrective action was taken, such as an NOC and an NOI (which could happen if several applicators were involved in the same investigation), both types are listed.

**Table 8.** Corrective actions taken by PMD in FY13.

Action Type	Actions Taken
Advisory Letter	5
Notice of Correction	65
Notice of Intent	28
<b>Total</b>	<b>98</b>

PMD posts all Notice of Intent information at [www.agr.wa.gov/PestFert/enforcementactions.aspx](http://www.agr.wa.gov/PestFert/enforcementactions.aspx). This webpage lists the parties involved as well as the penalty (amount of civil penalty and/or license suspension). PMD does not post information related to NOCs. Appendix C includes a similar listing of the 24 FY13 cases that have received a Notice of Intent. At the publication of this report, 12 were pending final action.

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# Inspection Overview

PMD Compliance staff based in five statewide locations conducts more than 200 inspections annually. While some inspections are conducted by appointment, most are unannounced and under contract with the EPA.

Inspectors use a standard checklist to measure the level of compliance. The inspections are intended to detect minor problems and correct them before they become unmanageable and potentially dangerous. In addition, they provide a mechanism to educate the regulated community about their legal requirements in order to prevent future violations of pesticide law. While some inspections may take less than 30 minutes to conduct, others may take several hours.

Following is a description of the types of inspections conducted by PMD.

- 1. Agricultural Use Inspections** – These inspections are conducted at farms and commercial operations that conduct pesticide applications in an agricultural setting. They are often the result of inspectors finding applications underway while they are in the field. All aspects of the application, including label compliance, equipment condition, licensing and proper use of personal protective equipment (PPE) are reviewed in order to determine if the applicator is operating in a safe and legal manner.
- 2. Non-Agricultural Use Inspections** – These inspections are similar to agricultural use inspections except they are conducted in non-agricultural settings and involve mostly commercial and public entities. Examples of non-agricultural settings where inspections are conducted include landscapes, structures, athletic fields, parks, schools and rights-of-ways.
- 3. Applicator Licensing/Records Inspections** – These inspections are targeted primarily at businesses that commercially apply pesticides. The focus of the inspections is to determine if the business, employees and equipment are properly licensed with PMD, ensure that they are maintaining the required pesticide application records and that their use and storage practices are in compliance with pesticide law.
- 4. Dealer Records Inspection** – These inspections are conducted at pesticide sales outlets that distribute non-home and garden pesticides. Inspectors determine if the outlet is properly licensed as a Pesticide Dealer and ensure that an individual licensed as a Dealer Manager is on site whenever pesticides are distributed. They also ensure that the dealer is maintaining the proper sales records, distributing restricted pesticides to only those with a proper license and maintaining their pesticide inventory in a safe, clean and legal manner.
- 5. Marketplace Inspections** – These inspections are conducted at facilities that distribute any type of pesticide including those labeled for home and garden use. Examples include grocery, hardware, general merchandise and drug stores. The focus of these inspections is to search for canceled, suspended and unregistered products, check for required child resistant packaging and detect products in leaking or otherwise damaged containers. These inspections provide a means to remove those products that have problems from the marketplace before they can cause harm to consumers.

6. **Producer Establishment Inspections** – These inspections are conducted at facilities that produce or repackage pesticides. The purpose of these inspections is to detect violations of federal law related to the labeling, distribution, storage and disposal of the establishment’s pesticides before the pesticides are distributed.
7. **Worker Protection Standard (WPS) Inspections** – These inspections are conducted at agricultural establishments with employees that work directly with pesticides or who enter fields that have been recently treated. The purpose of the inspections, which are very detailed in nature, is to determine if the employer is in compliance with the state and federal WPS, which requires an array of protections including training, notification of pesticide applications, field posting and proper use of PPE.

*Table 9. The number of FY13 inspections conducted and the total enforcement actions taken.*

Inspection type	Number inspected	Enforcement actions
Agricultural Use	83	24/NOC
Non-Agricultural Use	31	25/NOC and 1 NOI
Applicator Licensing/Records	15	26/NOC
Dealer Records	13	12/NOC and 2 NOI’s
Market Place	14	5/NOC
Producer Establishment	5	Referred to EPA for potential action.
Worker Protection Standards	40	26/NOC and 2 NOI’s

## Worker Protection Standard Inspections

A significant portion of PMD’s compliance and outreach efforts are focused on ensuring compliance with the Worker Protection Standard (WPS). Since the inception of the WPS, PMD staff has conducted numerous outreach, training and inspection efforts across the state to explain the rule’s requirements and to assist with compliance. While all types of agricultural establishments must comply with WPS, the majority of outreach and compliance work is directed at orchards as indicated in Table 10.

*Table 10. FY13 WPS inspection sites.*

Inspection Site	No. of Inspections
Nursery/Greenhouse	3
Forestry	4
Row Crops	6
Orchards	27
<b>Total</b>	<b>40</b>

WSDA’s outreach, training and inspections efforts are performed with the primary goal of gaining compliance without having to issue an enforcement action. However, repeat violations and those that pose imminent danger to employees are taken very seriously and dealt with to the fullest extent even for first-time violations. In 2008, PMD implemented a policy that elevates certain first-time violations of the WPS for formal action review. Within the parameters of RCW 43.05.110, this policy recognizes that pesticide handlers (those who work directly with pesticides) are indeed placed in danger of bodily

harm when they are not provided with personal protective equipment (PPE) or decontamination supplies. The probability of placing a person in danger also exists when handlers are not informed of label safety requirements, not properly trained to apply Category I (highly toxic pesticides) and when they are not monitored at least every two hours while applying Category I pesticides.

Determining when a worker (those who work around areas where pesticides have been applied but who do not directly handle pesticides) is placed in danger of bodily harm is more difficult since workers are not directly exposed to pesticide concentrates or to pesticides during applications.

After a pesticide is applied, the danger that it will cause harm decreases as time passes. In order to account for this lesser exposure, PMD developed a matrix to determine when a worker has been placed in danger of bodily harm. The matrix takes into account the toxicity of the pesticide, how much time has elapsed since the application, whether PPE and decontamination supplies were readily available and whether notification of the application was provided. A point scale is associated with each of these elements. The decision for formal action review is based upon the accumulation of a specific number of points from all the elements. (See Appendix D for PMD’s WPS Civil Penalty Policy.)

During FY13, 40 unannounced Tier 1 WPS inspections<sup>4</sup> were conducted by PMD’s compliance staff. Twelve of the 40 inspections were follow-up inspections at farms that were inspected the previous year and received some type of action. All of these were found to be in full compliance with WPS. Of the remaining 28 inspections, a total of 26 NOC’s were issued for the first time violators. The inspections at three farms were found to have significant violations and are slated to receive an NOI.

## Elements of Inspections

WPS inspections entail a number of major elements as detailed in Table 12. The 26 NOCs issued during the 40 FY13 inspections included 127 distinct violations. Note: The elements listed are those which are included on the WPS Compliance Checklists, versions of which are available online at [www.agr.wa.gov/PestFert/Pesticides/WorkerProtection.aspx#Resources](http://www.agr.wa.gov/PestFert/Pesticides/WorkerProtection.aspx#Resources).

**Table 11.** Number of violations<sup>5</sup> by element for FY13 inspections.

Inspection Elements	Violations
Pesticide Safety training	14
Central posting	16
Notice of Application	5
Entry restrictions.	24
Personal Protective Equipment	15
Mix/Loading, Applications and Equipment	0
Decontamination	52
Emergency Assistance	0
Information Exchange	1
Retaliation	0
<b>Total</b>	<b>127</b>

4 Tier 1 WPS inspections are those inspections that are conducted at the time an application is occurring or within 30 days of the last pesticide application.

5 The inspection data is often used as an aid in the development of the hands on training curriculum.



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## Certification & Training

PMD's Certification & Training (C&T) program is responsible for licensing pesticide applicators, consultants, dealers and Structural Pest Inspectors (SPI) and administering a continuing education program for them know as recertification. C&T also conducts a variety of pesticide licensing, recertification and safety courses through its Farmworker Education Program.

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### Licensing

Pesticide Licensing works to ensure that those involved with pesticide use and structural pest inspections are competent and provided opportunities to continually develop their knowledge, skills and abilities. All licenses administered by PMD require applicants to pass one or more closed book exams that address pesticide law, safety and category specific information. SPIs are required to accurately identify structurally destructive pests and their damage. Five of the most commonly taken exams are available in Spanish. This is critical for Washington agriculture since the majority of the workforce speak Spanish as their primary language . PMD's and Washington State University's Pesticide Education Program work closely together and with subject matter experts from industry to develop and maintain relevant exams and study material in both English and Spanish.

PMD strives to provide a variety of testing options for its customers. License testing occurs at all PMD offices on a weekly or monthly basis, at the conclusion of large WSU prelicense training programs in English and Spanish, prelicense training courses administered by PMD, at many county extension offices and by request to groups of 15 or more. Table 12 details testing data for calendar year 2012.

*Table 12. 2012 totals for PMD pesticide and SPI exams.*

<b>Testing Totals</b>		
<b>Location</b>	<b>Testers</b>	<b>No. of Tests</b>
<b>Everett</b>	523	898
<b>Olympia</b>	1366	2,418
<b>Yakima</b>	1061	1,696
<b>Spokane</b>	502	801
<b>Moses Lake</b>	189	302
<b>E Wenatchee</b>	224	302
<b>Spanish</b>	366	367
<b>WSU Prelicense</b>	723	1,604
<b>Other</b>	160	267
<b>Total All Sites</b>	<b>5114</b>	<b>8,655</b>

In FY13, PMD issued over 24,000 licenses to approximately 22,000 individuals. A number of exams were developed or revised. These included a new Potato Storage manual and exam, which addresses the specific pest control issues faced by those managing potato storage facilities. This exam-manual combination is the first of its kind in the country.

In addition, PMD worked with its WSU and industry partners to develop a new Soil Fumigation exam that addresses extensive label changes dictated by EPA through its re-registration process. The exam provides a certification option to label-mandated training.

PMD was also involved in a number of training programs to help farm owners and employees understand these new fumigant label changes. This included training in Spanish for Spanish-speaking pesticide handlers at the annual Washington-Oregon Potato Conference. Lastly, PMD completed revision and translation of its three Spanish weed exams – Ornamental, Rights-of-Way and Agricultural.

Since the inception of a new database in 2007, PMD has worked diligently to provide licensees with the information they need to manage their license accounts. Records, including completed recertification credit reports, are displayed online and licenses can be renewed electronically. In addition, licensees can search for open recertification courses by location, language and topic.

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## Recertification

License holders are required to meet recertification credit requirements every five years or retest. Private Applicators (farmers and their licensed employees) are required to earn 20 credits over the five year period while all other license types must earn 40. Over 90% of licensees choose to meet the credit requirement rather than retest.

With the exception of its Farmworker Education Program (FEP), PMD does not sponsor recertification courses but accredits those conducted by a variety of sponsors. For calendar year 2012, PMD accredited approximately 1,500 recertification sessions included within over 600 courses. A growing number of these sessions are provided in Spanish to better serve the Spanish-speaking licensed community. PMD's FEP staff sponsor or are invited as speakers at a large number of these Spanish-language courses.

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## Farmworker Education

Each year, PMD's Farmworker Education Program (FEP) provides pesticide safety training directly to thousands of farmworkers and indirectly to many more through its Worker Protection Standard (WPS) Train-the-Trainer program and partnerships with employers and groups. PMD has four farmworker education trainers on staff. All are native Spanish speakers with extensive experience in production agriculture. These four positions are funded approximately 50% by EPA grant dollars and the state Department of Labor & Industries' accident account and 50% by agriculture local funds.

Note: Because of the very high demand for the services offered by the FEP and its limited resources, the program has been forced to turn away requests for training in recent years.

PMD's training focuses primarily on farmworkers who handle and apply pesticides, but the FEP also provides some training to fieldworkers who work in fields and orchards where pesticides have been applied. Most training is conducted in partnership with agricultural organizations, growers and non-profit organizations. These partnerships are a key to PMD maximizing its limited resources. In FY13, our partners included the Washington State Migrant Council, the Washington Farm Bureau, Washington Growers Clearing House, the Washington Association of Wine Grape Growers, G.S. Long Co., Wilbur-Ellis, Ste. Michelle Farms and individual growers/employers. The program also partners with L&I, DOH, the state Employment Security Department, WSU, the University of Washington, and community colleges.

Specifically, the FEP conducts the following types of training programs:

- **Worker Protection Standard (WPS) training:** Agricultural employers are required to provide specific protections and training to their employees who work with pesticides or in recently treated fields, nurseries and greenhouses. PMD provides a variety of training programs on WPS.
  - ◆ WPS Worker & Handler Training – 2-4 hour pesticide safety training for farmworkers and pesticide handlers covered by WPS. In 2013, PMD trainers conducted seven WPS trainings for 434 attendees and participated in safety and health fairs aimed at farmworkers.
  - ◆ WPS Hands-on Handler Training – Full-day workshop for up to 50 pesticide handlers in safe pesticide handling techniques. The workshops provide practical, hands-on training in small groups that rotate through modules on mixing and loading, selection, removal and decontamination of personal protective equipment, proper application techniques and clean-up and disposal. In FY13, 669 handlers from 132 agricultural establishments received training at 16 workshops and through the assistance of 13 industry partners.
  - ◆ WPS Hybrid Hands-on Handler Training – In FY12, the FEP was approached by GS Long, a large agrochemical dealer in eastern Washington, with the idea of conducting a hybrid version of the very successful and interactive Hands-on Handler Training for up to 250 participants. While our training team was initially reluctant to attempt to replicate this interactive training on such a large scale, they agreed to conduct a pilot workshop. G.S. Long committed to putting forth all logistical resources necessary for success and PPE suppliers agreed to donate the additional supplies and equipment necessary to train such a large group. While there were challenges that had to be overcome, the training was a big success. In FY13, with lessons learned from the pilot incorporated into both logistical support and the curriculum, three of the hybrid workshops were conducted for 514 pesticide handlers from 117 agricultural establishments.
  - ◆ WPS Train-the-Trainer Training – This one-day workshop prepares trainers from farms and orchards to effectively deliver WPS-mandated pesticide safety training to their employees. Participants learn what topics need to be covered, effective training methods, how to handle cultural differences and how to create a good learning environment. During FY13, the FEP conducted three Train-the-Trainer workshops for 71 trainers, supervisors and safety officers from 19 separate agricultural establishments. WSDA inspectors find that farms that employ an individual who has completed this training have greater compliance with WPS.
- **Pesticide Licensing training:** Some farmworkers need to have a pesticide applicator license from PMD to perform their work duties. PMD’s Farmworker Education program provides the following Spanish-language training to help farmworkers obtain and maintain needed pesticide licenses.
  - ◆ Pre-license training – Six-day/two-hour-per-day intensive course that covers pesticide law, safety, and application techniques. Prepares participants for the Private Applicator pesticide exam. In FY13, PMD sponsored seven pre-license courses that had 418 participants.
  - ◆ Recertification – PMD trainers are involved in planning, organizing, coordinating and/or presenting Spanish-language continuing education programs on a range of topics including pesticide safety, pest control, and integrated pest management. Many of these recertification courses are conducted in cooperation with agricultural industry groups, providing information particularly relevant to the target audience. Because of the time invested in this effort, the number and quality of Spanish-language recertification courses has improved dramatically

over the past decade. PMD staff has been instrumental in assisting WSU’s Pesticide Education Program in developing and implementing six one-hour recertification topics in Spanish on their pesticide education website.

In addition to these workshops and training sessions, PMD Farmworker Education specialists provide trainings requested by growers on such topics as properly using personal protective equipment, calibrating air blast sprayers, combating heat stress, and how to perform respirator fit tests. The training is conducted on site, is as interactive and hands-on as possible, and is specifically targeted to the needs of the farm. This training is often conducted following an inspection by PMD and assists growers to come into compliance with pesticide law.

PMD trainers also regularly participate in radio programs providing pesticide safety information to the farmworker community, translate materials into Spanish, and work with other agencies, farmworker advocacy groups, and the agricultural community to address farm worker safety issues.

**Table 13.** FEP training totals for non-recertification courses, FYs 10-13.

Training	FY 10	FY 11	FY 12	FY 13
Hands-on Handler (Traditional & Hybrid)	462	600	1,057	1,183
Train-the-Trainer	161	59	75	71
Pre-license	302	323	331	418
Other Worker & Handler	142	589	983	434
<b>Total Non-Recertification</b>	<b>1,067</b>	<b>1,571</b>	<b>2,446</b>	<b>2,106</b>

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# Appendix A

## WSDA Penalty Process and Rules

### *How does WSDA determine the amount of penalty?*

As set by statute, the maximum penalty that WSDA can assess for any single violation is \$7,500. To ensure that penalties are “fair and uniform” WSDA uses a penalty matrix in rule (WAC 16-228-1130). The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

If the violation involves human exposure, property damage, or environmental harm, it is assessed on the “adverse effects probable” side of the matrix. All other violations are assessed on the “adverse effects not probable” side. As required by rule, WSDA assesses the median penalty unless there are mitigating or aggravating factors involved for which they would assess the minimum or maximum penalty, respectively.

WSDA cannot assess a penalty higher than \$7,500 for a single violation, but the penalty rules (WAC 16-228-1100 through 16-228-1130; below) do allow WSDA to assess penalties beyond the levels in the matrix when there are aggravating factors present. For example, WSDA finds that a pesticide applicator drifted onto several farmworkers causing them all to become ill. If it is a first-time violation, the matrix indicates a penalty of \$450 and/or a 7-day license suspension. Even considering the aggravating factors in this case, the matrix only allows a \$550 fine and/or 9-day license suspension for the maximum penalty. The rules specifically allow WSDA to go beyond this maximum penalty for particularly egregious violations. WSDA uses this authority with discretion, typically when there is willful negligence, when multiple people are affected by a drift, or when multiple growers sustain damage from a single drift event.

According to WAC 16-228-1100(1), “regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation...”. Typically PMD assesses both the civil penalty and the license suspension as provided in the penalty matrix. PMD considers the two components essentially equal in weight. When PMD determines that a license suspension would not be an effective deterrent, WAC 16-228-1120(2) allows PMD to “proportionately increase the civil penalty and proportionately decrease the licensing action...” In such cases, PMD doubles the civil penalty while eliminating the license suspension. This occurs most frequently when an infractor does not have a license to suspend although there can be other circumstances that merit a proportional increase.

Specific requirements for determining the “level of violation” are found in WAC 16-228-1110(2). When a past action has placed an infractor at a specific level of violation, and the infractor commits another violation, PMD must take into account at what point the past action was fully adjudicated. (An action is fully adjudicated on the date that a Final Order is issued by the Director.) If the past action has been fully adjudicated, the current violation will normally be assessed at the next level of violation. However, if the current violation is committed prior to the last action being fully adjudicat-

ed, the level of violation stays at the same level as the past action. This can happen when there is a series of violations that occur over a short time frame.

The penalty rules, including the penalty matrix, are as follows:

**16-228-1100** *What is the basis for penalties?*

For the purpose of fair, uniform determination of penalty as set forth in WAC [16-228-1110](#) through [16-228-1150](#), the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter [17.21](#) RCW, chapter [15.58](#) RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

**16-228-1110** *What are the definitions specific to penalties?*

In addition to the definitions set forth in RCW [17.21.020](#), [15.58.030](#), and WAC [16-228-1010](#), the following shall apply to WAC [16-228-1100](#) through [16-228-1150](#):

(1) “Adverse effect(s)” means that the alleged activity actually causes, or creates the possibility of damage, injury or public health threat, to humans, animals, plants, property or the environment. In those situations involving a wood destroying organism inspection, adverse effects exist when the inspection has been performed in a faulty, careless or negligent manner.

(2) “Level of violation” means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior incidents will be measured from the date that a final order or stipulated order resolved the prior violation(s), and not from the date that the incident(s) occurred.

(3) “Not probable” means that the alleged violator’s conduct more likely than not would not have an adverse effect.

(4) “Probable” means that the alleged violator’s conduct more likely than not would have an adverse effect.

(5) “Violation” means commission of an act or acts prohibited by chapter [17.21](#) RCW, chapter [15.58](#) RCW, and/or rules adopted thereunder.

(6) “Civil penalty” means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(7) “Notice of Correction” means a document issued by the department that describes a condition or conduct that is not in compliance with chapter [15.58](#) or [17.21](#) RCW, or the rules adopted under the authority of chapter [15.58](#) or [17.21](#) RCW and is not subject to civil penalties as provided for in RCW [43.05.110](#). A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) “Notice of intent” means a document issued by the department that alleges specific violations of chapter [15.58](#) or [17.21](#) RCW, or any rules adopted under the authority of those chapters. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to suspend, deny or revoke the alleged violator’s pesticide license.

**16-228-1115** *When can the department issue a civil penalty without first issuing a notice of correction?*

(1) Pursuant to RCW [43.05.100](#) a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC [16-228-1110\(2\)](#), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC [16-228-1120\(2\)](#).

(2) Prior to issuing a civil penalty for a violation of chapter [15.58](#) or [17.21](#) RCW, and the rules adopted under the authority of chapter [15.58](#) or [17.21](#) RCW the department shall comply with the requirements of RCW [43.05.110](#). RCW [43.05.110](#) provides that the department of agriculture may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months.

**16-228-1120** *How are penalties calculated?*

(1) Median penalty selection. In the disposition of administrative cases, the department shall use the penalty assignment schedule listed in WAC [16-228-1130](#) to determine appropriate penalties. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless a proportionate adjustment is warranted and/or there are aggravating or mitigating factors present. The median penalty as listed in WAC [16-228-1130](#) may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under the penalty assignment schedule may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty.

(a) The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action(s) as a deterrent are ineffective and include, but are not limited to:

(i) Violations by persons who are not licensed; and

(ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.

(b) The department also reserves the right to proportionately decrease the civil penalty and increase the licensing action in circumstances that demonstrate the ineffectiveness of a civil penalty as a deterrent. Nothing shall prevent the department from proportionally adjusting a licensing action to a level greater than the maximum licensing action listed in the penalty assignment schedule.

(3) Aggravating factors. The department may consider circumstances enhancing the penalty based on the seriousness of the violation. Aggravating factors include, but are not limited to, the following:

(a) The number of separate alleged violations contained within a single notice of intent.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s).

(c) The similarity of the current alleged violation to previous violations committed within the last three years.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(4) When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty as listed within the level of violation or may, in its discretion, increase the penalty to a level greater than the maximum penalty, including but not limited to revocation of the license.

(5) Mitigating factors. The department may consider circumstances reducing the penalty based upon the seriousness of the violation. Mitigating factors include but are not limited to, the following:

(a) Voluntary disclosure of a violation.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(6) When the department determines that one or more mitigating factors are present, the department may assess the minimum penalty for the violation from the penalty schedule.

(7) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties are added together.

(8) Violation(s) committed during the period when an individual's license is suspended or revoked shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or revocation of the license for a period of up to five years. Violation(s) committed by unlicensed



individuals are subject to the provisions of this chapter, including the penalty provision.

**16-228-1125** *When can the department revoke or deny a license?*

(1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for revocation; and/or
- (b) One or more aggravating factors are present; and/or
- (c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters [15.58](#) and [17.21](#) RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW [43.05.110](#). The appropriate period of suspension shall be determined from the penalty schedule.

**16-228-1130** *What is the penalty assignment schedule?*

This assignment schedule shall be used for violations of chapter [17.21](#) or [15.58](#) RCW or chapter [16-228](#) WAC. (See WAC [16-228-1150](#) for other dispositions of alleged violations, including Notice of Corrections.)

LEVEL OF VIOLATION	ADVERSE EFFECTS NOT PROBABLE			ADVERSE EFFECTS PROBABLE		
	MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
<b>First</b>	\$200 and or 2 days license suspension	\$300 and or 3 days license suspension	\$500 and or 6 days license suspension	\$350 and or 5 days license suspension	\$450 and or 7 days license suspension	\$550 and or 9 days license suspension
<b>Second</b>	\$350 and or 3 days license suspension	\$500 and or 6 days license suspension	\$1000 and or 9 days license suspension	\$600 and 10 days license suspension denial or revocation	\$1300 and 20 days license suspension denial or revocation	\$2000 and 30 days license suspension denial or revocation
<b>Third</b>	\$700 and or 4 days license suspension	\$1000 and or 9 days license suspension	\$2000 and or 12 days license suspension	\$800 and 30 days license suspension denial or revocation	\$2400 and 40 days license suspension denial or revocation	\$4000 and 50 days license suspension denial or revocation
<b>Fourth or more</b>	\$900 and or 5 days license suspension denial or revocation	\$2000 and or 12 days license suspension denial or revocation	\$3000 and or 15 days license suspension denial or revocation	\$1000 and 50 days license suspension denial or revocation	\$4250 and 70 days license suspension denial or revocation	\$7500 and 90 days license suspension denial or revocation

**16-228-1150** *What are the other dispositions of alleged violations that the department may choose?*

Nothing herein shall prevent the department from:

(1) Choosing not to pursue a civil penalty, license suspension or license revocation.

(2) Issuing a notice of correction in lieu of pursuing a civil penalty, license suspension or license revocation.

(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(4) Referring violations or alleged violations, to any federal, state or county authority with jurisdiction over the activities in question, including but not limited to the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA).

# Appendix B

## FY13 Case Data

<b>Case ACB-0016-12</b>	<b>Stevens County applied herbicide to roadside right-of-way. Alleged over-spray into water. No evidence to support allegations.</b>
County:	Stevens
Pesticide Type (active ingredient):	Herbicide (not determined)
License Type:	Public
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Right-of-way/ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case ACB-0021-12</b>	<b>Complainant believes she was not properly notified. Next-door neighbor applied insecticide and is not required to notify.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicide, Insecticide (not determined)
License Type:	Unlicensed
Human Exposure (people/description):	1 adult
Severity:	1
Application Site and Equipment:	Yard/House
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NAI

<b>Case ACB-0025-12</b>	<b>Applicator did not notify, but was not required to. Complainant also concerned about potable and irrigation water. No evidence of either.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (2,4-D and triclopyr)
License Type:	Commercial
Human Exposure (people/description):	No
Severity:	0
Application Site and Equipment:	Non-Ag; application to lake
Other Agencies Involved:	DOE
WSDA Response Time:	Same Day
Final Action:	NAI

<b>Case ACB-0028-12</b>	<b>Adjacent neighbor applied a blue substance (rodenticide) on or near complainant's property. Complainant had a headache. Type/location of rodenticide undetermined.</b>
County:	Spokane
Pesticide Type (active ingredient):	Rodenticide (undetermined)
License Type:	Unlicensed
Human Exposure (people/description):	1 adult
Severity:	1
Application Site and Equipment:	Outdoor/buildings/property line – equipment not applicable
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	Advisory letter

<b>Case BAO-0017-12</b>	<b>Applicator failed to prevent drift from a hand held pressurized sprayer. Drifted onto individual and property.</b>
County:	Douglas
Pesticide Type (active ingredient):	Herbicides (2,4-D, Oryzalin, Isoxaben)
License Type:	Commercial
Human Exposure (people/description):	1 adult
Severity:	3
Application Site and Equipment:	Hand held apparatus onto vacant lot
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case: BAO-0018-12</b>	<b>Applicator carelessly applied several rodenticides in open areas inconsistent with label.</b>
County:	Chelan
Pesticide Type (active ingredient):	Rodenticide (Brodifacoum, Bromethalin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Rodents around building/hand baiting
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case CJS-0003-12</b>	<b>Applicator failed to prevent drift from air blast orchard application. Drifted onto an individual placing a yard sale sign while on public property.</b>
County:	Yakima
Pesticide Type (active ingredient):	Insecticide (Azinphosmethyl)
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	3
Application Site and Equipment:	Orchard air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS 0011-12</b>	<b>Individuals in mobile trailer complained of exposure. No evidence to support any violations occurred.</b>
County:	Yakima
Pesticide Type (active ingredient):	Insecticide (Piperonyl butoxide/Premethrin)
License Type:	Public
Human Exposure (people/description):	Two adults
Severity:	3
Application Site and Equipment:	Ground boom (mosquito application)
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case CJS-0012-12</b>	<b>Applicator failed to prevent drift outside the treated parking lot area. Pesticide drifted or moved via soil contamination onto wheat.</b>
County:	Yakima
Pesticide Type (active ingredient):	Herbicides (Chlorsulfuron, Sulfmethron methyl, Flumioxazin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Parking area/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	Advisory letter

<b>Case CJS-0013-12</b>	<b>Applicator failed to prevent drift outside the treated alfalfa. Adjacent garden plants were drifted onto.</b>
County:	Kittitas
Pesticide Type (active ingredient):	Herbicides (2,4-D, Dicamba, Metsulfuron-methyl)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Alfalfa/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0015-12</b>	<b>Applicator failed to prevent drift outside of orchard. Only one farm-worker testified he was drifted upon. Conflicting sample results as phosmet was found on farmworkers clothing but no phosmet was applied.</b>
County:	Yakima
Pesticide Type (active ingredient):	Insecticides (Azinphos-methyl, Phosmet, Naphaleneacetic acid)
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	3
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0016-12</b>	<b>Home and garden pesticides being stored in a well house.</b>
County:	Yakima
Pesticide Type (active ingredient):	Not determined
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	Verbal warning to move pesticides to proper storage

<b>Case DAS-0002-12</b>	<b>Advertising as a SPI without proper license. Applicator had received an NOC for similar violations in 2011.</b>
County:	King
Pesticide Type (active ingredient):	None
License Type:	SPI
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC

<b>Case DAS-0005-12</b>	<b>Advertising as a SPI without proper license. Applicator had received an NOC for similar violations in 2011.</b>
County:	King
Pesticide Type (active ingredient):	None involved
License Type:	SPI
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0006-12</b>	<b>Advertising as a SPI without proper license.</b>
County:	King
Pesticide Type (active ingredient):	None involved
License Type:	SPI
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0007-12</b>	<b>Advertising as a SPI without proper license.</b>
County:	King
Pesticide Type (active ingredient):	None involved
License Type:	SPI
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0008-12</b>	<b>Advertising as a SPI without proper license.</b>
County:	King
Pesticide Type (active ingredient):	None
License Type:	SPI
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0011-12</b>	<b>Applicator failed to properly secure bait in rodenticide bait box. Loose bait in vicinity of box.</b>
County:	King
Pesticide Type (active ingredient):	Rodenticide
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Around buildings/Rodent bait in bait box
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DLZ-0020-12</b>	<b>Applicator used product inconsistent with label. Allegations of human exposure but lacked evidence to correlate symptoms to type of pesticide applied.</b>
County:	Thurston
Pesticide Type (active ingredient):	Insecticide (Fipronil)
License Type:	Commercial
Human Exposure (people/description):	One child
Severity:	2
Application Site and Equipment:	Around building/Hand held spot treatment
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DTB-0011-12</b>	<b>Aerial applicator experience engine failure which resulted in an emergency pesticide dump and exposing two adults.</b>
County:	Whitman
Pesticide Type (active ingredient):	Insecticide (Dimethoate, Propiconazole)
License Type:	Commercial
Human Exposure (people/description):	2 adults
Severity:	3
Application Site and Equipment:	Emergency dump
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case GRB-0005-12</b>	<b>WSDA received information that an applicator deliberately locked a nozzle open on a spray apparatus. This resulted in a significant amount of pesticide being disposed of improperly and inconsistent with the label.</b>
County:	Franklin
Pesticide Type (active ingredient):	Herbicides (2,4-D, Dicamba, Triclopyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Bare ground/Ground boom/HandHeld
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case JGA-0004-12</b>	<b>Aerial application drifted onto adjacent property including humans and children.</b>
County:	Grant
Pesticide Type (active ingredient):	Insecticides (Oxamyl, Metriam, Pyraclostrobin)
License Type:	Commercial
Human Exposure (people/description):	Six children 2 adults
Severity:	5
Application Site and Equipment:	Potato/Aerial
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case JKZ-0012-12</b>	<b>Allegation of contaminated ash from treated mint slug drifted and damaged onions. WSDA has no authority in this situation.</b>
County:	Adams
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI



<b>Case JKZ-0013-12</b>	<b>Alleged drift onto willow trees from a roadside ROW application. No evidence to support drift.</b>
County:	Lincoln
Pesticide Type (active ingredient):	Herbicides (2,4-D, MCP, Triclopyr)
License Type:	Public
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Roadside ROW/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case JKZ-0014-12</b>	<b>Alleged drift form a roadside ROW application onto ornamentals. Evidence could not conclude the ROW application was responsible for damage to ornamentals.</b>
County:	Lincoln
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Public
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Roadside ROW/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case JKZ-0015-12</b>	<b>Allegation of potato damage from carryover of clopyralid applied by the previous land owner. No violations could be documented.</b>
County:	Adams
Pesticide Type (active ingredient):	Herbicide (Clopyralid)
License Type:	Private
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Previous year to wheat/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case JKZ-0016-12</b>	<b>Alleged damage to ornamentals from an adjacent application. No evidence to support a pesticide was involved.</b>
County:	Asotin
Pesticide Type (active ingredient):	None documented
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case LDB-0011-12</b>	<b>Alleged damage to ornamentals from an unknown source. Evidence supports the likely plant damage is related to high temperatures.</b>
County:	Franklin
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case LDB-0016-12</b>	<b>Original complaint was damage to an orchard from an adjacent potato field. Complainant never returned call to proceed with investigation.</b>
County:	Franklin
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case LDB-0012-12</b>	<b>Ground boom application onto potatoes drifted onto numerous ornamentals.</b>
County:	Benton
Pesticide Type (active ingredient):	Herbicides (Paraquat, Diquat, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Potatoes/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case MJW-0013-12</b>	<b>Fumigant application to potatoes resulting in drift exposing approximately 20 individuals.</b>
County:	Grant
Pesticide Type (active ingredient):	Fumigant (1,3-Dichloropropene and Chloropicrin)
License Type:	Commercial
Human Exposure (people/description):	19 adults and one child
Severity:	5
Application Site and Equipment:	Fallow ground/Ground boom
Other Agencies Involved:	DOH, DOE
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case PFF-0002-12</b>	<b>Allegation of dogs becoming sick. No evidence to support a violation.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Ornamentals/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0003-12</b>	<b>Alleged drift into city water retention pond. No evidence to support a violation.</b>
County:	Whatcom
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Ornamentals/Hand held
Other Agencies Involved:	DOE
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0004-12</b>	<b>Alleged death of dogs from illegal use of mole bait. No evidence to support a violation.</b>
County:	King
Pesticide Type (active ingredient):	Rodenticide (Bromethalin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Around buildings/Hand baiting
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0007-12</b>	<b>Sale of unregistered pesticides and sale without proper license type.</b>
County:	King
Pesticide Type (active ingredient):	Insecticides and Herbicides
License Type:	Dealer/ Dealer manager
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0009-12</b>	<b>Sale of unregistered pesticides.</b>
County:	King
Pesticide Type (active ingredient):	Insecticide (Pica green)
License Type:	Dealer/ Dealer Manager
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0011-12</b>	<b>Application to lands of another without a valid license.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bedding plants/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0012-12</b>	<b>Alleged drift from aerial application to forest onto adjacent property. No evidence to support violation.</b>
County:	Thurston
Pesticide Type (active ingredient):	Herbicides (Glyphosate, Imazapyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Reforestation/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0013-12</b>	<b>Alleged drift from an aerial application onto adjacent property and humans. No evidence to support a violation.</b>
County:	Clark
Pesticide Type (active ingredient):	Insecticide (Zeta-cypermethrin)
License Type:	Commercial
Human Exposure (people/description):	One Adult
Severity:	2
Application Site and Equipment:	Blueberries/Aerial
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0014-12</b>	<b>Drift from a railroad ROW application onto a wetland mitigation area.</b>
County:	King
Pesticide Type (active ingredient):	Herbicides (Triclopyr, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Railroad ROW Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0019-12</b>	<b>Application directly applied onto complainant's property without their permission.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Diquat)
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Fenceline/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0020-12</b>	<b>Applied pesticides to land of another without a valid license.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bedding plants/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0010-12</b>	<b>Allegations that a work crew was not wearing proper PPE during a pesticide application. No evidence to support violation.</b>
County:	Mason
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Parking lot/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0011-12</b>	<b>Dead and dying cypress via a pesticide application made by a neighbor. No evidence to support a violation.</b>
County:	Pierce
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	AL

<b>Case RDS-0012-12</b>	<b>Applications to lands of another without a valid license.</b>
County:	Clallam
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bedding plants/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0013-12</b>	<b>Drift onto trees as a result of neighbor's application.</b>
County:	Cowlitz
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Fenceline/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0014-12</b>	<b>Direct spray or drift onto ornamentals from a neighbor's application.</b>
County:	Pierce
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Blackberries/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0015-12</b>	<b>Alleged drift onto turf from an adjacent neighbor's application.</b>
County:	Mason
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Blackberries/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0016-12</b>	<b>Drift or direct spray onto bamboo via a neighbor's application.</b>
County:	King
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate, Sulfentrazone)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Fenceline/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0017-12</b>	<b>Alleged drift onto ornamentals from a railroad ROW application. No evidence to support violation.</b>
County:	King
Pesticide Type (active ingredient):	Herbicides (Imazapyr, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Railroad ROW/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0018-12</b>	<b>Applications to lands of another without a valid license and failure to properly post.</b>
County:	Thurston
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bedding plants/Hand Held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0019-12</b>	<b>Drift from an adjacent property causing a human exposure.</b>
County:	Pierce
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate, Clopyralid)
License Type:	Commercial
Human Exposure (people/description):	One adult
Severity:	3
Application Site and Equipment:	Landscaping/Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case RDS-0021-12</b>	<b>Alleged drift onto trees via an application performed by an adjacent neighbor. No evidence to support a violation.</b>
County:	Pierce
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0022-12</b>	<b>Intentional application by neighbor to control wasp on neighbor's property causing a human exposure.</b>
County:	Pierce
Pesticide Type (active ingredient):	Insecticide (Deltamethrin)
License Type:	None
Human Exposure (people/description):	One adult
Severity:	2
Application Site and Equipment:	Wasp nest/Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0023-12</b>	<b>Drift from a Christmas tree farm onto adjacent property causing the death of cows. No evidence to support violations.</b>
County:	King
Pesticide Type (active ingredient):	Insecticide (Endosulfan)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Christmas trees/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC



<b>Case RKS-0007-12</b>	<b>Three individual entered an apartment they were planning to rent without permission. The apartment had been recently treated and they became ill.</b>
County:	King
Pesticide Type (active ingredient):	Insecticides (Piperonyl butoxide, Pyrethrins)
License Type:	Commercial
Human Exposure (people/description):	Two adults, one child
Severity:	2
Application Site and Equipment:	Crack and Crevice/Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RSN-0008-12</b>	<b>Drift from aerial application onto wheat resulting in a human exposure to a bicyclist.</b>
County:	Spokane
Pesticide Type (active ingredient):	Fungicide (Propiconazole)
License Type:	Commercial
Human Exposure (people/description):	One adult
Severity:	4
Application Site and Equipment:	Wheat/Aerial
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case RSN-0009-12</b>	<b>Ornamental damage from and adjacent aquatic application. No evidence to support a violation.</b>
County:	Pend Oreille
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Aquatic boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RSN-0010-12</b>	<b>Alleged human exposure from an area that had been previously treated. No evidence to support a violation.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	One adult
Severity:	2
Application Site and Equipment:	Ornamental bedding/Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RSN-0011-12</b>	<b>Drift from a neighbor's application onto complainant's property causing a human exposure. No evidence to support a violation.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	None
Human Exposure (people/description):	One adult
Severity:	0
Application Site and Equipment:	Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RSN-0013-12</b>	<b>Three inmates experienced eye problems when they walked through an area treated with pesticides. No evidence to support a violation.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (Dicamba, MCPA, Triclopyr)
License Type:	Public
Human Exposure (people/description):	Three adults
Severity:	4
Application Site and Equipment:	Turt/Ground boom
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	AL

<b>Case VJD-0001-12</b>	<b>Plant damage from herbicide contaminated Llama manure used in garden. No residue detected.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case VJD-0002-12</b>	<b>Plant damage from contaminated manure used in compost. Residue detected.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case VJD-0003-12</b>	<b>Plant damage from contaminated manure used in compost. Residue detected.</b>
County:	Clark
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case VJD-0004-12</b>	<b>Drift from aerial application onto sweet corn.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0005-12</b>	<b>Drift from aerial application onto garden plants.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0006-12</b>	<b>Drift from aerial application onto sweet corn.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0007-12</b>	<b>Drift from aerial application onto orchards.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0008-12</b>	<b>Drift from aerial application onto organic beans.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0009-12</b>	<b>Drift from aerial application onto blueberries.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Fallow ground/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case VJD-0011-12</b>	<b>Drift onto garden plants from a nearby application to pasture land.</b>
County:	Clark
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	Private
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Pasture/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case VJD-0016-12</b>	<b>Drift from an application to a hay field onto nearby ornamental plants. No evidence to support violation.</b>
County:	Clark
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Private
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Hay/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case ACB-0002-13</b>	<b>Alleged use of Diuron/Linuron on lentils. Neither herbicide is registered for use on lentils.</b>
County:	Spokane
Pesticide Type (active ingredients):	Herbicides (diuron and linuron)
License Type:	Private Applicator
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Lentils/ ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case ACB-0004-13</b>	<b>Applicator allowed pesticides to drift from seed alfalfa onto passing car and driver.</b>
County:	Walla Walla
Pesticide Type (active ingredient):	Herbicides (paraquat, pendimethalin, hexazinone)
License Type:	Private Applicator
Human Exposure (people/description):	1 adult
Severity:	3
Application Site and Equipment:	Seed alfalfa/ ground boom
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case ACB-0006-13</b>	<b>Applicator failed to provide notification of application. Applicator failed to renew license.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (copper hydroxide, petroleum oils)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape /ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case ACB-0015-13</b>	<b>Homeowner applied bleach to creek to control mosquitoes. Bleach ran into another person's pond.</b>
County:	Spokane
Pesticide Type (active ingredient):	bleach
License Type:	Unlicensed
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Poured bleach into creek
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NAI

<b>Case ACB-0019-13</b>	<b>Alleged drift/over-spray onto property by city employees and others. No evidence to substantiate the allegations.</b>
County:	Walla Walla
Pesticide Type (active ingredient):	Herbicides (phenoxys and glyphosate)
License Type:	Public
Human Exposure (people/description):	1 adult
Severity:	1
Application Site and Equipment:	Right-of-way/ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case BAO-0001-13</b>	<b>Applicator allowed the pesticide to drift from air-blast sprayer onto passing car and driver.</b>
County:	Chelan
Pesticide Type (active ingredient):	Insecticides (endosulfan, lambda-cyhalothrin, piperonyl butoxide)
License Type:	Private Applicator
Human Exposure (people/description):	1 adult, no farmworkers
Severity:	3
Application Site and Equipment:	Orchard/airblast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case BAO-0002-13</b>	<b>Applicator applied glyphosate by injection well over the label rate. Subsequent cutting of knotweed apparently released glyphosate killing a portion of a lawn.</b>
County:	Chelan
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Public
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Injection into knotweed stems
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0003-13</b>	<b>Licensed applicator applied pesticide to cherry orchard. Insufficient evidence to determine drift. Application records were in violation.</b>
County:	Chelan
Pesticide Type (active ingredient):	Insecticide (guthion and copper hydroxide)
License Type:	Private
Human Exposure (people/description):	1 adult
Severity:	1
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0004-13</b>	<b>Applicator was unaware that the truck mounted boom was on. This happened at several locations along the right of way being treated.</b>
County:	Chelan
Pesticide Type (active ingredient):	Herbicides (Glyphosate, Indaziflam, Pendimethalin)
License Type:	Public
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Roadside ROW/Ground truck boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC

<b>Case BAO-0005-13</b>	<b>Applicator failed to prevent drift from orchard airblast application onto neighbor's property. Conflicting testimony.</b>
County:	Okanogan
Pesticide Type (active ingredient):	Insecticide (Sulfur)
License Type:	Private
Human Exposure (people/description):	Two adults
Severity:	3
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0006-13</b>	<b>Complainant wished to remain anonymous. Concerns with odor. WSDA visited applicator to discuss issues with odor and possible drift. Record keeping violation.</b>
County:	Kittitas
Pesticide Type (active ingredient):	Insecticide (Chlopyrifos, Dormant Oil)
License Type:	Private
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Orchard/airblast
Other Agencies Involved:	DOE
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0009-13</b>	<b>Applications being made in high winds and possible drift onto neighbor's property.</b>
County:	Okanogan
Pesticide Type (active ingredient):	Herbicides (Glyphosate, 2,4-D)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0011-13</b>	<b>Applicator made application to landscape at wrong address and failed to notify property owner of mistake. No damage observed on treated property.</b>
County:	Chelan
Pesticide Type (active ingredient):	Herbicides (MCPA, Dicamba, Prodiamine)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case BAO-0014-13</b>	<b>Applicator failed to prevent drift from an airblast sprayer. Drifted onto neighbor's plants and residence.</b>
County:	Douglas
Pesticide Type (active ingredient):	Insecticide (Azinphos methyl)
License Type:	Private
Human Exposure (people/description):	Eight farmworkers and two children
Severity:	5
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case BAO-0016-13</b>	<b>Applicator failed to prevent drift from air blast application to orchard. Drifted onto neighboring plants and residence.</b>
County:	Chelan
Pesticide Type (active ingredient):	Insecticides (Petroleum oil, Chlorantraniliprole)
License Type:	Private
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC



<b>Case BAO-0019-13</b>	<b>Applicator failed to prevent drift from his hand held application to his landscape property. Drifted onto approximately 15 rows of grapes.</b>
County:	Chelan
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Unlicensed
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0003-13</b>	<b>Applicator failed to properly supervise an unlicensed individual. Individual responsible for application admitted to making the application.</b>
County:	Kittitas
Pesticide Type (active ingredient):	Herbicides (Trifluralin, Isoxaben)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/Hand spreader
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0004-13</b>	<b>Applicator failed to prevent drift outside the orchard. Some drift did occur. Conflicting testimony (date of exposure) residue on clothing different that what was applied to orchard.</b>
County:	Yakima
Pesticide Type (active ingredient):	Insecticide (Chlorpyrifos)
License Type:	Private
Human Exposure (people/description):	3 adults
Severity:	3
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0005-13</b>	<b>Applicator failed to timely renew license. Numerous applications occurred without a valid license.</b>
County:	Yakima
Pesticide Type (active ingredient):	Numerous Insecticides and Herbicides
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Landscape/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case CJS-0007-13</b>	<b>Ivy inside of building was intended to killed as oppose to drift. No violations found.</b>
County:	Yakima
Pesticide Type (active ingredient):	Herbicides (2,4-D, Glyphosate)
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Ivy/Ready to use hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case CJS-0009-13</b>	<b>Neighbor intentionally applied herbicides to neighbor's yard to control noxious weeds and prevent spreading.</b>
County:	Yakima
Pesticide Type (active ingredient):	Not determined
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/Ready to use hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0015-13</b>	<b>Applicator failed to prevent drift/soil contamination from application to driveway. Adjacent lawn was damaged.</b>
County:	Yakima
Pesticide Type (active ingredient):	Herbicides (Pendimethalin, Imazapyr, Flumioxazin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Driveway/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case CJS-0017-13</b>	<b>An individual checking his irrigation box believed he was drifted upon from an adjacent air blast application.</b>
County:	Yakima
Pesticide Type (active ingredient):	Not determined due to age of application
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	2
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0001-13</b>	<b>Advertising as a licensed SPI without a valid license and had received a previous NOC for the same violations.</b>
County:	King
Pesticide Type (active ingredient):	None
License Type:	SPI Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None Involved
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DAS-0004-13</b>	<b>Applicator and company made false and fraudulent pesticide recommendations as well as providing an improper WDO report.</b>
County:	King
Pesticide Type (active ingredient):	Fumigant (methy bromide)
License Type:	SPI/Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Home/Tent fumigation
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DLZ-0001-13</b>	<b>Applicator allowed drift from a roadside ROW application onto numerous shrubs and trees. Over 10K of reported damage.</b>
County:	Franklin
Pesticide Type (active ingredient):	Herbicides (Glyphosate, Diuron, Imidacloprid)
License Type:	Public
Human Exposure (people/description):	None
Severity:	4
Application Site and Equipment:	Roadside ROW/Ground truck boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case DLZ-0002-13</b>	<b>Numerous advertising and sale via internet into Washington without the proper license.</b>
County:	Wenatchee
Pesticide Type (active ingredient):	Numerous
License Type:	Dealer Manager
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DLZ-0003-13</b>	<b>Applicator failed to prevent drift/run-off from parking lot application damaging several large trees and plants. Damage in excess of \$1000.</b>
County:	Benton
Pesticide Type (active ingredient):	Herbicides (Imazapyr, Bromacil, Glyphosate)
License Type:	Public
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Roadside ROW/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOI
<b>Case DLZ-0004-13</b>	<b>Homeowner purchased a composting material. Sensitive plants exhibited herbicide symptoms. Unable to determine what herbicide was involved.</b>
County:	Chelan
Pesticide Type (active ingredient):	Undetermined
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Contaminated compost
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI
<b>Case DLZ-0006-13</b>	<b>Applicator treated playground equipment with rates above those allowed by the label. Seven children developed symptoms similar to those produced by the pesticide that was applied.</b>
County:	Spokane
Pesticide Type (active ingredient):	Insecticide (Cyfluthrin)
License Type:	Public
Human Exposure (people/description):	Seven children
Severity:	5
Application Site and Equipment:	Playground equipment/Hand held sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI
<b>Case DLZ-0008-13</b>	<b>Commercial applicator and homeowner both applied glyphosate. Plant damage was evident but evidence could not determine who was at fault.</b>
County:	Grant
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial and unlicensed
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscaping/Ground Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case DLZ-0010-13</b>	<b>Allegations of pesticides being applied by unlicensed individuals and drifting onto ornamentals.</b>
County:	Chelan
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscaping/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DLZ-0011-13</b>	<b>Applicator making spot treatment at school without proper posting and notification.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Public
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Side walks/Hand held spot spray
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DTB-0002-13</b>	<b>Applicator allowed drift to occur from orchard. Driver of vehicle did not express any health concerns but positive residues were found on vehicle.</b>
County:	Grant
Pesticide Type (active ingredient):	Insecticide (Diazinon)
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	2
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case DTB-0003-13</b>	<b>Allegations of drift from a railroad ROW application.</b>
County:	Lincoln
Pesticide Type (active ingredient):	Herbicides (Sulfometuron methyl, Bromacil, Flumioxazin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Railroad ROW/ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case DTB-0004-13</b>	<b>Applicator failed to prevent drift from an air blast application to orchard. Sixteen adjacent farmworkers were drifted onto.</b>
County:	Grant
Pesticide Type (active ingredient):	Insecticides (Sulfur, Chlorpyrifos)
License Type:	Private
Human Exposure (people/description):	16 adults
Severity:	5
Application Site and Equipment:	Orchard/air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case DTB-0010-13</b>	<b>Applicator applied a herbicide tank mix to a gravel driveway causing damage to adjacent willow trees.</b>
County:	Grant
Pesticide Type (active ingredient):	Herbicides (Dithiopyr, Isoxaben, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Driveway/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	Advisory letter

<b>Case DTB-0011-13</b>	<b>Original complaint was that an aerial application caused drift onto trees and shrubs. No evidence of an aerial application but was significant disease problems.</b>
County:	Grant
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None documented
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case GRB-0001-13</b>	<b>A company sold an Insecticide to a Washington residence with a proper dealer/dealer manager's license.</b>
County:	Douglas
Pesticide Type (active ingredient):	Insecticide (Chlorfenapyr)
License Type:	Dealer/ Dealer Manager
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case GRB-0002-13</b>	<b>Individual was advertising as providing weed control without a valid commercial applicators license.</b>
County:	Benton
Pesticide Type (active ingredient):	Herbicide
License Type:	Dealer/ Dealer Manager
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case GRB-0006-13</b>	<b>Anonymous report that an orchard air blast sprayer was drifting onto adjacent property. No evidence to support call.</b>
County:	Kittitas
Pesticide Type (active ingredient):	Insecticide
License Type:	Private
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Orchard air blast
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case GRB-0009-13</b>	<b>WSDA received a tip that numerous pesticide containers were being improperly stored and leaking.</b>
County:	Franklin
Pesticide Type (active ingredient):	Herbicides (Trifluralin, Isoxaben, Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case GRB -0011-13</b>	<b>Allegations of drift from a power line ROW onto neighbor's trees. No pesticide applied. Severe disease problems.</b>
County:	Walla Walla
Pesticide Type (active ingredient):	None
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case GRB-0012-13</b>	<b>Complainant testified that he was drifted upon by an air blast application. He further indicated the air blast was coming from an alfalfa field. No air blast spraying was performed on the alfalfa field.</b>
County:	Walla Walla
Pesticide Type (active ingredient):	Insecticides (Chlorpyrifos, Bifenthrin, Phosmet)
License Type:	Private
Human Exposure (people/description):	1 adult
Severity:	2
Application Site and Equipment:	Alfalfa/ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI
<b>Case GRB-0013-13</b>	<b>Complainant alleged exposure from an air blast application to an adjacent orchard. The complainant was advised to seek medical attention by the Poison Center.</b>
County:	Franklin
Pesticide Type (active ingredient):	Avicide (Methyl Anthranilate)
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	4
Application Site and Equipment:	Orchard air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI
<b>Case GRB-0017-13</b>	<b>Complainant alleged that she became ill as a result of a pesticide applicators truck being stopped across from her property but not spraying.</b>
County:	Walla Walla
Pesticide Type (active ingredient):	None
License Type:	Commercial
Human Exposure (people/description):	One adult
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI
<b>Case GRB-0018-13</b>	<b>Complainant indicated that she and her child were drifted upon from an air blast application to an adjacent orchard. Evidence that only water was being applied to test a recent repair to the sprayer.</b>
County:	Franklin
Pesticide Type (active ingredient):	None
License Type:	Private
Human Exposure (people/description):	One adult and one child
Severity:	0
Application Site and Equipment:	Orchard air blast
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI



<b>Case JEK-0001-13</b>	<b>WSDA received a tip about dead bumble bees under ornamental linden trees. Evidence indicates that no pesticides were involved, but possible toxicity from the linden trees.</b>
County:	King
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case JGA-0001-13</b>	<b>Air blast application drifted onto adjacent property and humans.</b>
County:	Franklin
Pesticide Type (active ingredient):	Insecticides (Spinetoram, Sulfur, Boscalid)
License Type:	Private
Human Exposure (people/description):	One adult
Severity:	4
Application Site and Equipment:	Orchard air blast
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NOI

<b>Case JKZ-0004-13</b>	<b>Alleged drift from ground boom application onto wheat. No evidence to support drift.</b>
County:	Whitman
Pesticide Type (active ingredient):	Herbicide (Paraquat)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Vacant lot/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case JKZ-0006-13</b>	<b>Alleged drift onto ornamentals from an adjacent ground boom application to wheat. Multiple sources of drift were possible.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (2,4-D, Clopyralid, MCPP)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Wheat/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case JKZ-0009-13</b>	<b>Alleged drift onto alfalfa from a ground application onto wheat.</b>
County:	Whitman
Pesticide Type (active ingredient):	Herbicide (2,4-D, Clopyralid, MCP)
License Type:	Private applicator
Human Exposure (people/description):	No
Severity:	3
Application Site and Equipment:	Wheat/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	None
Final Action:	pending

<b>Case PFF-0001-13</b>	<b>Alleged illegal placement of rodenticide bait. No evidence to support a violation.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Rodenticide (Bromadiolone)
License Type:	Public
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Around buildings/Hand placement of bait
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0002-13</b>	<b>Application of pesticides without proper license.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0003-13</b>	<b>Alleged commercial application without a valid license. Applicator was found to be licensed.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Landscape/Hand Held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0007-13</b>	<b>Applicator allowed his application onto trees to drift onto an adjacent property.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Insecticide (Imidacloprid), Fungicide (Myclobutanil)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Trees/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0008-13</b>	<b>Application made without a valid license.</b>
County:	Snohomish
Pesticide Type (active ingredient):	Herbicide (Dichlobenil)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0009-13</b>	<b>Failure to keep proper records of pesticide sales.</b>
County:	King
Pesticide Type (active ingredient):	Numerous
License Type:	Dealer/Dealer manager
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0010-13</b>	<b>Alleged applications made by an unlicensed applicator. Applicator was found to be licensed.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Numerous herbicides
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0011-13</b>	<b>Applications made to lands of another without proper (direct) supervision.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Numerous herbicides
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC
<b>Case PFF-0012-13</b>	<b>Citizen tip that an aerial applicator was illegally applying aluminum. Numerous attempts were made to contact complainant. Case closed due to no contact.</b>
County:	Cowlitz
Pesticide Type (active ingredient):	Unknown
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI
<b>Case PFF-0013-13</b>	<b>Allegation that an aerial application to forest land drifted onto bulb farm. No evidence to support violation.</b>
County:	Jefferson
Pesticide Type (active ingredient):	Herbicide (not determined)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Reforestation/Aerial
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI
<b>Case PFF-0015-13</b>	<b>Alleged that an unlicensed company contaminated a creek with pesticides. No evidence to support a violation and no pesticides were applied.</b>
County:	Kitsap
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0016-13</b>	<b>Alleged improper herbicide application drifted into water. No evidence to support a violation.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Blackberries/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0017-13</b>	<b>Alleged drift of pesticide into creek via a treatment to blackberries. No evidence to support violation.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Blackberries/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0018-13</b>	<b>Alleged application to school grounds without proper license.</b>
County:	Kitsap
Pesticide Type (active ingredient):	Insecticide (Bacillus Thuringiensis)
License Type:	Public
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Trees/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0019-13</b>	<b>Allegations of severe plant damage from an herbicide applied by unknown parties.</b>
County:	Clark
Pesticide Type (active ingredient):	Herbicide (Triclopyr)
License Type:	None
Human Exposure (people/description):	None
Severity:	3
Application Site and Equipment:	Ornamental/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0021-13</b>	<b>Allegations that a pesticide sensitive individual was not properly notified. No evidence to support a violation.</b>
County:	Skagit
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Public
Human Exposure (people/description):	One adult
Severity:	2
Application Site and Equipment:	Landscape/Ground boom
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0022-13</b>	<b>Applications made to lands of another without a valid license.</b>
County:	King
Pesticide Type (active ingredient):	Insecticides (Deltamethrin)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Building/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case PFF-0024-13</b>	<b>Allegation that a pesticide sensitive individual was not properly pre-notified prior to the application. No evidence to support a violation.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0025-13</b>	<b>Allegations of failure to properly post and notify a landscape application. No evidence to support a violation.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case PFF-0026-13</b>	<b>Allegations that pesticides drifted onto property and human. No evidence was found to support any violations.</b>
County:	Whatcom
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	None
Human Exposure (people/description):	One adult
Severity:	3
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	DOH
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0013-13</b>	<b>Pesticide application to wrong property. Complainant withdrawn.</b>
County:	Whatcom
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	Ornamentals/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0004-13</b>	<b>Illegal dump/application directly onto ground and surface water.</b>
County:	Whatcom
Pesticide Type (active ingredient):	Fungicide (Sulfur)
License Type:	Private
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bare ground/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0005-13</b>	<b>Anonymous complaint that a drainage pipe at a mix and load site was directly connected to a river. No evidence to support a violation.</b>
County:	Whatcom
Pesticide Type (active ingredient):	Herbicide (Gramoxone)
License Type:	Private
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Mix load/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0006-13</b>	<b>Ornamental damage by pesticide applicator without a valid license.</b>
County:	Pierce
Pesticide Type (active ingredient):	Herbicide (Dichlobenil)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0008-13</b>	<b>Allegation of improper use and failure to keep proper records.</b>
County:	King
Pesticide Type (active ingredient):	Fungicide (Chlorothlonil)
License Type:	Public
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Bedding plants/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0009-13</b>	<b>Allegation of dead plants in and around lake Samish. No evidence to support violations.</b>
County:	King
Pesticide Type (active ingredient):	Herbicides (Glyphosate, Imazpyr)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	Bare ground/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0010-13</b>	<b>Alleged directly spray onto neighbors bamboo. No evidence to support violation.</b>
County:	King
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI



<b>Case RDS-0011-13</b>	<b>Applications to lands of another without a valid license.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	Commercial
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Landscape/Hand Held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RDS-0012-13</b>	<b>Alleged damage to ornamentals from a neighbor's application of pesticides.</b>
County:	Skagit
Pesticide Type (active ingredient):	None
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RDS-0013-13</b>	<b>Drift onto blackberries via an adjacent neighbor's application to their property.</b>
County:	King
Pesticide Type (active ingredient):	Herbicide (Glyphosate)
License Type:	None
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Blackberries/Hand held
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NOC

<b>Case RSN-0002-13</b>	<b>Damage to ornamentals from an unknown source.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (Fluroxpyr, Aminocyclopyrachlor)
License Type:	None
Human Exposure (people/description):	None
Severity:	0
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case RSN-0003-13</b>	<b>Lentil damage from an application to adjacent wheat. No evidence to support violation.</b>
County:	Spokane
Pesticide Type (active ingredient):	Herbicides (Linuron, Diuron)
License Type:	Private
Human Exposure (people/description):	None
Severity:	2
Application Site and Equipment:	Wheat/Ground boom
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

<b>Case VJD-0001-13</b>	<b>Dead and dying bees. Pesticide residues were found but the source of residue could not be determined.</b>
County:	King
Pesticide Type (active ingredient):	Insecticide (Chlorpyrifos)
License Type:	None
Human Exposure (people/description):	None
Severity:	1
Application Site and Equipment:	None
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	NAI

# Appendix C

## Formal Compliance Enforcement Actions

Case Number NOI number	Party(ies) Involved/County of Incident	Description	Action	Date of Final Order
BAO-0017-12 PM-13-0022	David Twitchell Pests-Or-Us, Inc.  Douglas County	Herbicide applications by handgun to vacant lot in 2012 are alleged to have been contrary to label affecting plants on nearby properties.	Case settlement pending.	
BAO-0018-12 PM-13-0022	David Twitchell Pests-Or-Us, Inc.  Chelan County	A November 5, 2012 rodent bait application in and around a residence is alleged to have been made contrary to label and created an endangerment to humans and the environment.	Case settlement pending.	
GRB-0005-12 PM-13-0020	Dan Gottschalk TruGreen  Franklin County	An August 29, 2012 application to a non-crop area was allegedly done contrary to label rate.	Settlement of \$700 with Mr. Gottschalk as the Commercial Operator who made the application.	7/24/2013
JGA-0004-12 PM-13-0025	Marty Hanshaw Simplot  Franklin County	During 2012, chemigation applications by Simplot were alleged to be contrary to label in that over spray occurred onto adjacent property endangering humans and livestock.	Settlement of \$1,600 with Mr. Hanshaw as the Commercial Applicator responsible for the Commercial Operator's actions.	1/28/2014
JGA-0004-12 PM-13-0025	Steven Ottem  Franklin County	During 2012, aerial applications by Mr. Ottem are alleged to have been contrary to the label in that over spray occurred onto adjacent property endangering humans and livestock.	Settlement of \$600 and a three day license suspension with Mr. Ottem as the Commercial Operator who made the application.	1/9/2014
LDB-0012-12 PM-13-0012	Luz Martinez Eagle Spraying Service, Inc.  Walla Walla County	An August 24, 2012 herbicide ground application drifted off target causing injury to ornamental and garden plants on several adjacent residences.	Settlement of \$450 and a seven day license suspension with Mr. Martinez as the Commercial Operator who made the application.	6/20/2013

MJW-0013-12 PM-13-0026 PM-13-0027 PM-13-0028	Trident Agricultural Products, Inc.  Robert Conway Robert Rauert Donn Brookes  Grant County	A September 27, 2012 shank soil fumigant application was made contrary to label resulting in fumes moving of target affecting twenty people living in the adjacent area.	Settlement: \$3,500 with Mr. Conway as the Commercial Applicator responsible for the Commercial Operators actions. \$1,750 and a seven day license suspension with Mr. Rauert as a Commercial Operator assisting at the time of the application. \$1,750 and a seven day license suspension with Mr. Brookes as the Commercial Operator making the application.	12/12/2013
RDS-0019-12 PM-13-0015	John Franklin Crawford/Kattica, Inc.  Pierce County	An August 17, 2012 herbicide backpack application in an apartment complex allegedly caused a health reaction to a resident in a nearby apartment.	Settlement of \$450 and a seven day license suspension with Mr. Franklin as the Commercial Applicator who made the application.	7/15/2013
RSN-0008-12 PM-13-0008	Jason Conner Wilbur-Ellis  Spokane County	A June 25, 2012 aerial herbicide application is alleged to have drifted onto a county road contacting a passing bicyclist.	Settlement of \$1,350 and a one day license suspension with Mr. Conner as the Commercial Operator who made the application.	5/2/13
VJD-0004-12* PM-13-0029 PM-13-0030	Curtis Tronsdal Kevin Belisle  Snohomish County	Several July 2012 aerial herbicide applications are alleged to have drifted onto adjacent property causing injury to desirable plants and crops.	Settlement pending.	
VJD-0005-12* PM-13-0029 PM-13-0030	Curtis Tronsdal Kevin Belisle  Snohomish County	Several July 2012 aerial herbicide applications are alleged to have drifted onto adjacent property causing injury to desirable plants and crops.	Settlement pending.	
VJD-0006-12* PM-13-0029 PM-13-0030	Curtis Tronsdal Kevin Belisle  Snohomish County	Several July 2012 aerial herbicide applications are alleged to have drifted onto adjacent property causing injury to desirable plants and crops.	Settlement pending.	
VJD-0008-12* PM-13-0029 PM-13-0030	Curtis Tronsdal Kevin Belisle  Snohomish County	Several July 2012 aerial herbicide applications are alleged to have drifted onto adjacent property causing injury to desirable plants and crops.	Settlement pending.	
VJD-0009-12* PM-13-0029 PM-13-0030	Curtis Tronsdal Kevin Belisle  Snohomish County	Several July 2012 aerial herbicide applications are alleged to have drifted onto adjacent property causing injury to desirable plants and crops.	Settlement pending.	

\* Five separate cases were opened from one aerial application. These case were combined and two NOI's were issued for these cases.

ACB-0004-13 PM-13-0033	Robert Putman Walla Walla County	A March 2, 2013 herbicide ground application is alleged to have drifted onto a county road endangering a passing motorist.	Settlement of \$400 and a five day license suspension with Mr. Putman as the responsible Private Applicator making the application.	Final Order pending.
BAO-0001-13 PM-13-0021	Carl Christensen Chelan County	A March 26, 2013 air blast application is alleged to have drifted onto a county road contacting a passing motorist's car.	Settlement of \$300 and a five day license suspension with Mr. Christensen as the responsible Private Applicator overseeing the application.	11/7/2013
BAO-0014-13	Andy Feil Rogelio Hernandez Andy Feil Orchard	A June 8, 2013 air blast application over sprayed onto an adjacent orchard exposing ten farmworkers. Two sought medical attention.	Action type is pending.	
CJS-0005-13	Anthony Miller Quality Spray Service, LLC Yakima County	In 2012, Mr. Miller allegedly made applications without a current Commercial Applicator license.	Action type is pending.	
DLZ-0001-13 PM-13-0032	Chris Hogan City of West Richland Benton County	Two 2012 herbicide applications were made contrary to label and allegedly injured nearby ornamental bushes and trees.	Default Order issued in the amount of \$450 and a seven day license suspension against Mr. Pettis who was the Public Operator making the application.	11/13/2013
DLZ-0003-13 PM-13-0034	Dennis Pettis Benton County Fire District No. 2 Benton County	In 2012 and 2013, Mr. Pettis made several herbicide applications which allegedly injured ornamental bushes and trees growing on adjacent properties.	Default Order issued in the amount of \$450 and a seven day license suspension against Mr. Pettis who was the Public Operator making the application.	11/22/2013
JJR-0015-13** PM-13-0037	Martin Olsen Olsen Brothers Ranches, Inc. Benton County	A July 2, 2013 WSDA Worker Protection Standard inspection found Olsen Brothers Ranches were not meeting several sections of the federal Worker Protection Standard: proper location of decontamination supplies, 1 pint of emergency eye wash, and not making employees wear proper Personal Protective Equipment (PPE).	Settlement of \$1,300 with Olsen Brothers Ranches, Inc. as the employer.	12/12/2013
DLZ-0005-13† PM-13-0035	Shawn Lipp Apple Land Pest Control & Home Inspection, Inc. Chelan County	An April 29, 2013 Shawn Lipp had his unlicensed son making unsupervised pesticide applications for the company. It was also found that Mr. Lipp had not renewed his Commercial Applicator license for 2013.	Settlement of \$500 and a six day license suspension with Mr. Lipp acting as the Commercial Applicator overseeing the company's activities.	12/23/2013

\*\* These cases were issued an NOI for violations related to WPS inspections.

† This case was a use inspection.

BAO-0012-13‡ PM-13-0038	Coastal Farm & Home Supply, LLC dba Coastal Farm & Ranch / Big R E. Wenatchee  Douglas County	A June 6, 2013 WSDA Dealer inspection found the Coastal Farm & Home store in E. Wenatchee did not have a properly licensed Dealer Manager on staff during business hours.	Settlement of \$1,700 with Coastal Farm & Home Supply, LLC as the responsible corporation overseeing the E. Wenatchee Coast Farm & Ranch/Big R store.	12/23/2013
JJR-0019-13** PM-13-0039	Rick Valicoff Gold Star Nursery  Yakima County	A July 10, 2013 WSDA Worker Protection Standard inspection found Gold Star Nursery were not meeting several sections of the federal Worker Protection Standard: proper decontamination supplies, 1 pint of emergency eye wash, were not providing employees the proper Personal Protective Equipment (PPE), and were not properly training their Handlers.	Final Order issued settling the penalty at \$2,700 with Gold Star Nursery as the employer.	12/23/2013
BAO-0013-13‡ PM-13-0040	CSWW, Inc. dba Big R Stores of Omak  Okanogan County	A June 7, 2013 WSDA Dealer inspection found the Big R Store of Omak to be deficient in distribution (sales) record-keeping and a restricted use pesticide to an unlicensed person.	Settlement of \$500 and in lieu of a license suspension, a mandatory training for all store managers on proper distribution record keeping. The Big R Store of Omak is also on a two year probation for proper record keeping.	1/29/2014
DLZ-0006-13 PM-13-0036	Scott DeGon Rosalia School District  Whitman County	An April 25, 2013 insecticide application to playground equipment left dry residues which allegedly affected fourteen children when playing on the equipment.	Settlement of \$900 and a nine day license suspension with Mr. DeGon who was the Public Operator making the application.	12/30/2013
DTB-0004-13 PM-13-0031	Manuel Ornelas Starr Ranch Growers  Grant County	An April 18, 2013 allegedly over sprayed onto an adjacent orchard exposing twelve farm-workers to the pesticide spray.	Case settlement pending.	
GRB-0013-13	James Kelly Baltazar Rojas Sagemoor Farms  Franklin County	A June 3, 2013 air blast application is alleged to have over sprayed onto adjacent property causing human exposure and illness.	Action type is pending.	
JGA-0001-13	James Kelly Baltazar Rojas Kelth Orchards  Franklin County	A May 15, 2013 air blast application is alleged to have over sprayed onto adjacent property causing exposure concerns for humans.	Action type is pending.	

\*\* These cases were issued an NOI for violations related to WPS inspections.

‡ These cases were dealer inspections.

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# Appendix D

## WPS Civil Penalty Policy

### WSDA POLICY REGARDING CIVIL PENALTIES FOR FIRST-TIME VIOLATIONS OF WAC 16-233

Under RCW 43.05.110(3), WSDA may issue a civil penalty, without first issuing a Notice of Correction, if a first-time violation of a statute or rule has a “probability of placing a person in danger of death or bodily harm.” Under RCW 34.05.110(4)(a), an exception may be made to the requirement that agencies allow a small business a period of at least two business days to correct a violation where the director determines that the violation presents a direct danger to the public health, poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest. By way of this Policy, it is determined that the three circumstances outlined in this Policy meet the criteria described in RCW 43.05.110(3) and RCW 34.05.110(4)(a). This Policy recognizes that the requirements of WAC 16-233 are designed to reduce the risk of illness or injury resulting from worker/handler exposure to pesticides. WAC 16-233-005.

Accordingly, under RCW 43.05.110(3) and RCW 34.05.110(4)(a), a first-time violation of WAC 16-233 may be subject to imposition of civil penalties by WSDA under the following three circumstances:

(1) Violations involving handlers:

(a) Any significant violation involving personal protective equipment (PPE) or decontamination (WAC 16-233-245 and WAC 16-233-250, respectively);

(b) Failure to provide sufficient training to handler prior to mixing or applying category 1 pesticides, unless the handler is exempt from training requirements (WAC 16-233-225);

(c) Failure to inform handler of label safety requirements, or provide a label (WAC 16-233-230), for category 1 pesticides; or

(d) Failure to monitor handler every 2 hours for category 1 applications (WAC 16-233-210(2)).

(2) Violations involving workers where the nature of the violation results in 8 or more points under the matrix below:

Violations Involving Workers		
Factor	Weight	Points
Toxicity (select product with highest toxicity that applies) as indicated by the signal word on the pesticide label.	Danger-Poison	(4)
	Danger	(3-4)
	Warning	(2)
	Caution	(1)
Time Elapsed from application to exposure, unless exceptions to the time requirements apply. (WAC 16-233-120)	During application	(4)
	Within 24 hours	(3)
	24 to 72 hours	(2)
	More than 72 hours	(1)
	Restricted Entry Interval Expired	(0)
PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-120)	Not provided	(4)
	Very Poor	(3)
	Poor	(2)
	Fair, but not complete	(1)
Decontamination. (WAC 16-233-150)	Not provided	(3)
	Major deficiency and/or inaccessibility	(2)
	Minor deficiency and/or inaccessibility	(1)
Posting, notification or application information provided as required. (WAC 16-233-125 and 16-233-130, respectively)	Not properly provided:	(3-4)
Total		

(3) Violations involving failure to provide emergency assistance to workers or handlers. (WAC 16-233-255)