



2015 Annual Report to the Legislature
As Required by RCW 15.58.420 and RCW 17.21.350

Washington State Department of Agriculture
Pesticide Management Division
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Table of Contents

List of Acronyms	3
Executive Summary	4
Legislative Mandate to Submit Annual Report.....	6
Pesticide Investigations and Enforcement.....	7
• Investigation and Enforcement Process	8
• Investigations.....	11
• Violations.....	18
• Enforcement Actions	20
Inspection Overview.....	21
• Worker Protection Standard (WPS) Inspections	22
Certification & Training	24
• Licensing	24
• Recertification	25
• Farmworker Education	25
Appendices	
• Appendix A – WSDA Penalty Process and Rules	29
• Appendix B – WSDA FY15 Investigations Data.....	35
• Appendix C – Formal Compliance Enforcement Actions.....	69
• Appendix D – WPS Civil Penalty Policy	70

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
MSDS	Material Safety Data Sheet
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

Executive Summary

As part of a legislative mandate contained in pesticide law, the Washington State Department of Agriculture's (WSDA) Pesticide Management Division (PMD) has submitted annual reports to the Washington Legislature each February since 1989. This report covers Fiscal Year (FY) 2015.

WSDA's PMD ensures the safe and legal use of pesticides through: the investigation of pesticide misuse; inspection of users, dealers and distributors; registration of pesticide products; testing, licensing and continuing education of those involved with pesticide use; and, disposal of waste pesticides. The PMD has a well-defined process for investigating alleged violations of pesticide law to determine if there exists a preponderance of evidence that a violation has occurred. Pesticide drift is the most common complaint investigated by the PMD.

Once an investigation is complete, the PMD will proceed with the appropriate action using an established chain of command review process. Investigators forward their completed investigations to their Area Manager who evaluates possible options ranging from informal actions such as verbal warnings and Notices of Correction (NOC) to formal actions such as civil penalties and/or license suspensions. An NOC is considered a form of technical assistance that details the nature of the violation to the infractor and provides them an opportunity to correct the problem before more formal enforcement action is taken.

RCW 43.05.110 dictates how WSDA will respond to violations including the requirement that an NOC be issued for first time offenses that do not reach certain levels of severity. On one of these – that the violation has a probability of placing a person in danger of death or bodily harm – the PMD has evolved to move to formal action more quickly even if the exposure did not result in any symptoms of illness.

WSDA will proceed with formal enforcement action for repeat violations of the same offense for which an NOC has previously been issued and for those violations that exceed the levels of severity as defined in RCW 43.05.110. When the PMD intends to issue a fine and/or license suspension, the agency must follow due process that includes issuance of a Notice of Intent (NOI), appeal rights and a request for hearing form to the alleged infractor.

The PMD will often negotiate with alleged infractors in order to reach a settlement amenable to both parties. Those cases that are not settled proceed through a process dictated by the Administrative Procedures Act that begins with a hearing in front of an administrative law judge (ALJ) and can proceed through a number of appeal opportunities for the alleged infractor up to and including the Washington State Supreme Court.

PMD initiates investigations as the result of complaints, agency referrals, investigator surveillance and other sources of information. In FY15, the PMD conducted 123 investigations, responding to all except two of the human exposure complaints on the same day as the call. Of those cases that did not involve human exposure, all met the 48-hour response requirement except four. Eastern Washington staff conducted 85 investigations while Western Washington staff conducted 38. Fifty-eight of the investigations involved allegations of drift or over-spray, with 28 of those drift complaints involving alleged human exposure. Of the 37 complaints that involved possible human

exposure (28 from drift), some evidence of exposure was found in 14 cases with four cases currently under legal review and three cases still open.

PMD investigated three incidents involving children, but did not take an action in any of the cases. In one instance, WSDA received information from a medical provider about a possible exposure to a two year old child, but was unable to investigate when the parents failed to contact WSDA. In another case, there was no evidence that drift or an exposure occurred. And the third case involved application of a disinfectant to a home interior for mold remediation. A mother, father and son were affected and had symptoms of exposure, even though the applicator made the application according to label and WSDA requirements. The product label was inadequate, and the registrant submitted a new label for registration.

At the completion of case investigations, the PMD assigns a severity rating of from 0 to 6 with 6 being the most severe, involving a human death. Approximately 78% of cases were given a severity rating of 0 to 2 indicating no health symptoms, significant property damage or environmental harm while 13.8% were classified with a 3 severity rating indicating minor short-term health effects or minor environmental damage. The remaining 8.2% 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 123 investigations conducted by the PMD, 45.5% resulted in some type of action. Forty-three percent of the violations were the result of commercial applications¹. Six were issued an NOI, while seven more are currently under legal review.

During FY15, the PMD conducted 251 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 the WPS very seriously, moving quickly to civil penalties even for first-time offenders when they place their employees in danger of bodily harm.

The PMD conducted 40 WPS inspections at farms that had used a pesticide in the previous 30 days. During these inspections, 76 distinct violations were found. This resulted in the issuance of 18 NOCs and no NOIs.

The PMD's Certification & Training Program (C&T) 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.

A key tool in the effective, safe and legal use of pesticides is education. 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

¹ Includes unlicensed commercial businesses that are required to be licensed.

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 by L&I and EPA funds.

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. This report covers activities that occurred during the previous fiscal year, July 1 - June 30, including PMD's pesticide incident investigation and enforcement activities, 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). As with last year's report, the FY15 report is also supplemented with information that provides 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 investigations with specifics on those involving children.
- Investigations and violations by activity, method of application and license type.
- Active ingredients most commonly associated with investigations.

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

Lastly, the FY15 report provides information on the activities of the Certification & Training Program including the accomplishments of its Farmworker Education Program.

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 incidents of 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 25,000 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 11 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 178 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 five Section 18s annually. Section 18s and SLNs have been estimated to save the grower community well over 100 million dollars annually in prevention of crop yield and quality losses. WSDA also reviews an average of 25 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 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. In certain circumstances, especially for elderly and disabled customers, the Program arranges for direct pick-up of the pesticides from a customer's location. The goal of this program is to properly dispose of unused or unusable pesticide products 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 properly disposed of over 3.1 million pounds of unusable pesticides from over 7,900 customers. The Program passed the 3 million pound mark on Earth Day 2015, which included more than 1,000 pounds of DDT collected that day. During the last three biennia, increased demand for program services largely due to new on-farm food safety requirements and notable

pesticide phase-outs have exceeded budgeted resources, which are appropriated entirely from the state's Model Toxics Control Account.

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 very 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 investigation 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 fifty or more employees on at least one day in each of the preceding twelve 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 violations², 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 investigations. PMD uses enforcement discretion such as verbal warnings or advisory letters for very minor types of violations. All other types of violations are addressed either with an NOC

²The 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.

(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 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 law³.

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 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.⁴

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

³WSDA must follow the Administrative Procedures Act, RCW 34.05, and its own administrative procedures policy.

⁴The Administrative Procedures Act strongly encourages agencies to settle matters informally rather than through administrative proceedings; RCW 34.05.060.

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 that far, but it has happened more than once.

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 median penalty for a first-time violation when no adverse effects are probable is \$300 and a license suspension of three days. The median penalty for a first-time human exposure violation (or when other adverse effects are probable) is \$450 and a license suspension of seven 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.

Investigations

PMD initiates investigations as the result of complaints, agency referrals, investigator surveillance and other sources of information. During FY15 (July 1, 2014 - June 30, 2015), PMD conducted 123 investigations. Eighty-eight percent of those investigations (108) involved possible⁵ pesticide application, storage, or disposal issues with the remaining 12% unrelated to actual applications (e.g., structural pest inspections, licensing, or distribution incidents).

PMD has a statutory requirement to respond to all human exposure complaints immediately and to all other complaints within 48 hours. PMD responded to all human exposure incidents, except two, on the same day as the call. One of the two calls came in late in the day and it was responded to the following morning. The other call was responded to within two days. Of those cases that did not involve human exposure, all met the 48-hour response requirement except four. The response time to those four cases varied from four to 12 days.

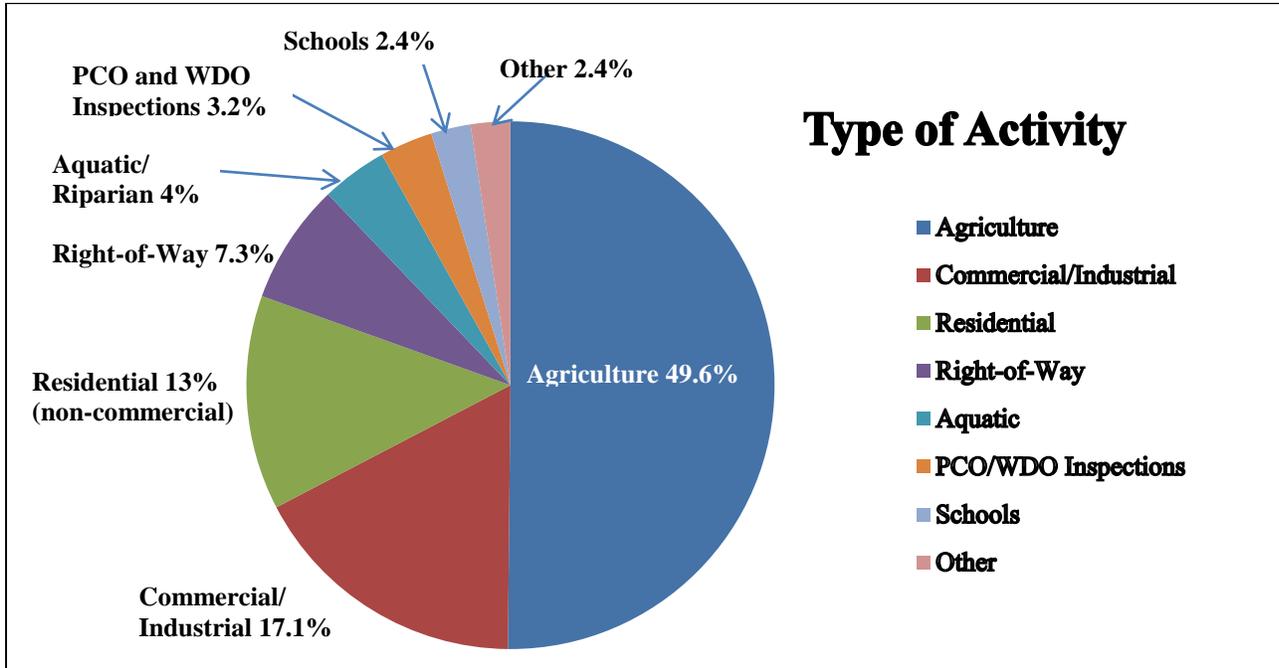
Investigations are classified by PMD according to the following activities:

- Agricultural incidents that occur in farming, forestry or greenhouses.
- Commercial/industrial incidents by licensed operators in offices, restaurants, homes or landscapes (majority in FY15 involved landscape applications).
- 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

⁵ Upon investigation, not all complaints are confirmed to be pesticide related.

- lines, irrigation canal banks, etc.
- Other including licensing, storage, registration and records.

Figure 1. FY15 PMD Investigations by Type of Activity.



Agricultural Investigations

WSDA conducted 61 agricultural investigations with 47 of them involving allegations of drift. Twenty-one of those 61 investigations involved orchard applications, and 18 of those twenty-one applications were made by air-blast sprayer (remaining three were aerial applications). The remaining 40 agricultural investigations were comprised of a diversity of cropping systems, application methods, and pesticide types. 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. Investigation distribution has been consistent over the years and points to the need for greater education of applicators, particularly in regards to operation of air-blast sprayers and drift reduction techniques.

Non-Agricultural Investigations

Eleven of the 62 investigations in the non-agricultural sector were associated with allegations of drift. Other frequent investigations 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 Investigations

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

drift. Eastern Washington staff conducted 47 more investigations than Western Washington staff (Table 1).

Table 1. Number of FY15 Investigations by County.

Eastern WA Counties	No. of Investigations	Western WA Counties	No. of Investigations
Adams	1	Clallam	0
Asotin	1	Clark	8
Benton	5	Cowlitz	0
Chelan	9	Grays Harbor	0
Columbia	2	Island	0
Douglas	6	Jefferson	0
Ferry	0	King	7
Franklin	4	Kitsap	1
Garfield	0	Lewis	1
Grant	13	Mason	0
Kittitas	2	Pacific	1
Klickitat	1	Pierce	5
Lincoln	0	San Juan	0
Okanogan	4	Skagit	3
Pend Oreille	1	Skamania	1
Spokane	13	Snohomish	5
Stevens	3	Thurston	4
Walla Walla	5	Wahkiakum	0
Whitman	5	Whatcom	2
Yakima	10	W. WA Total	38
E. WA Total	85	Combined WA Total	123

Type of Pesticide Involved

As indicated in Table 2, the vast majority of incidents investigated by PMD in FY15 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. Herbicides in particular are also widely applied by the general public.

Table 2. FY15 Investigations by Pesticide Type.

Pesticide Type	Number of Investigations
Herbicides Only	57
Herbicides Combined w/Other Pesticide Types	3
Insecticides Only	17
Insecticides Combined w/Fungicides & Other Types	9
Fungicides	2
Soil Fumigants	1
Other Pesticide Types*	10

*Rodenticides, Moss Killer, Bactericide, Disinfectant, Moth Balls

Herbicides constituted the greatest number of investigations with two herbicide active ingredients, glyphosate and 2,4-D, the most frequently involved (Table 3).

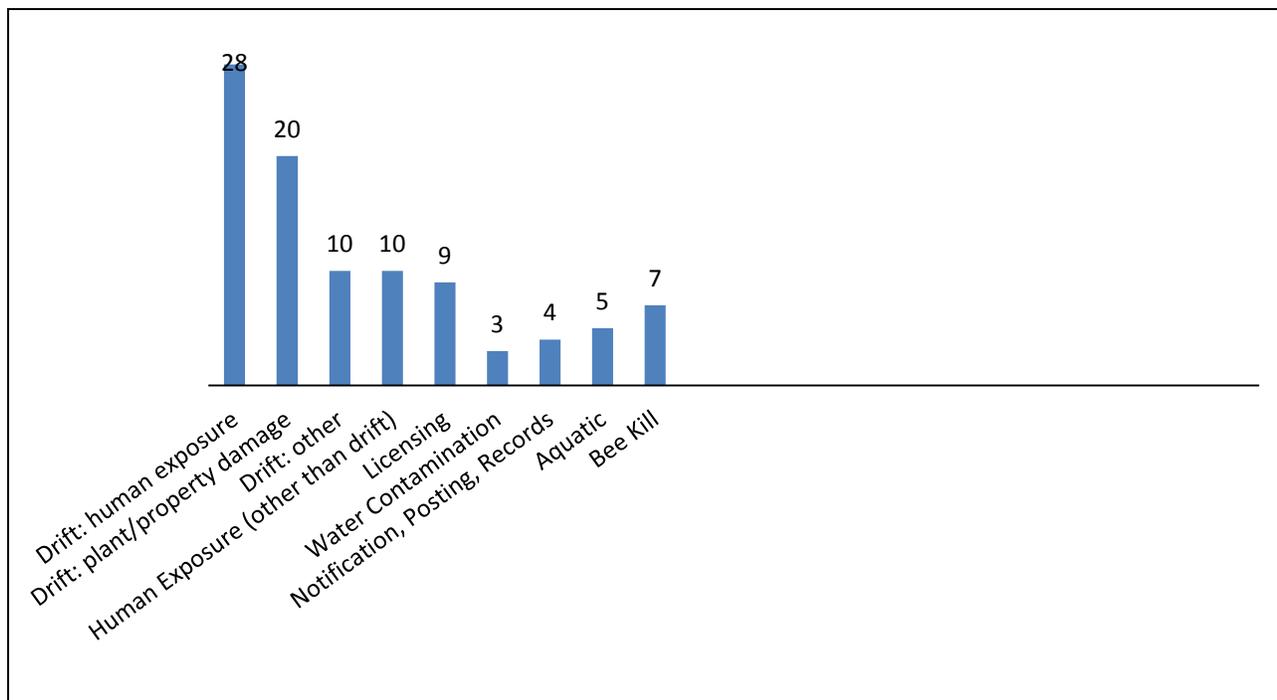
Table 3. Most Common Herbicide Active Ingredients in FY15 Investigations (numbers below do not represent separate investigations. In many cases the herbicides were combined with each other).

Active Ingredient	No. of Investigations
Glyphosate	25
2,4-D	21
Dicamba	11
Triclopyr	9

Nature of Investigations

Drift continues to be the most frequent type of investigation involving pesticide applications. However, investigations of potential misuse – the wrong product used to control pests or complaints about a neighbor’s use – remain frequent. Alleged violations involving licensing, records, notification and pest inspections were the most frequent non-application investigations. Investigations are categorized by the nature of the initial complaint as shown in Figure 2.

Figure 2. Major Categories of Investigations by WSDA in FY15.



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, use 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. The initial complaint is usually a fairly reliable indicator of the final outcome of the case and reflects the concerns of the complainant.

Drift and Direct Human Exposure

Though there can be serious incidents of human exposure that are not related to drift, those incidents are the exception rather than the rule. For FY15, the severity rating for investigation findings (discussed later in this report) was very low for all human exposure investigations that were not related to drift with no incidents rated as high as a “3” in severity. That is in contrast to drift-related human exposure incidents where 16 of the 28 incidents rated a “3” or higher (Table 4).

Table 4. Severity of Human Exposure, Drift vs. Non-Drift

Human Exposure Incidents	Severity of Findings (see explanation and Table 8, below)						
	“0”	“1”	“2”	“3”	“4”	“5”	“6”
Drift-related	9	2	1	8	5	3	0
Not related to Drift	6	1	2	0	0	0	0

Of the 123 total investigations by PMD in FY15, 58 involved drift. By far, most were the result of ground applications (49 of the 58 investigations). Twenty-eight of the drift complaints involved possible human exposures while 20 involved alleged plant or property damage (Table 5).

Table 5. FY15 PMD Drift Investigations and Number of Actions Taken.

Category	Human Exposure	Plant/Property Damage	Other*	Total	Total with Action	Open or Legal Review
Aerial Drift	5	4	0	9	5	3
Ground Drift	23	16	10	49	22	5
Total	28	20	10	58	27	8

*animal, vehicle and other potential exposures

Of the 28 drift complaints alleging human exposure, some evidence of exposure was found in 11 cases, while eight cases are still open or under legal review. In nine of the cases, there was

insufficient or conflicting evidence to support an infraction, or the complainant withdrew their complaint. Twenty-three of the human exposure drift complaints were from agricultural applications, and five from the non-agricultural sector.

Fourteen of the drift investigations involved orchard applications made by air-blast sprayer. Twelve of the 14 incidents involved applications of insecticides or insecticides in combination with other pesticides (e.g., fungicides, miticides, etc.). The remaining two orchard-related investigations made by air-blast sprayer involved applications of lime sulfur as a blossom thinner. There were allegations of human exposure (or exposure to vehicles, residences, etc) in all of the orchard-related incidents. Of the 14 investigations, three resulted in an NOI, three resulted in an NOC, seven resulted in no action and one is under legal review.

Table 6, below, shows the breakdown of actions taken in the orchard-related incidents.

Table 6. Actions on Orchard-Related Investigations

Orchard-Related Investigation Actions	
NOI	3
Currently Under Legal Review	1
NOC	3
No Action	7
Total	14

Toll-free Drift Hotline

Individuals affected by a drift event are not always sure what agency they should call about it. In response to this need, WSDA created a toll-free hotline dedicated specifically for drift incidents. The hotline (1-844-388-2020) is operated by knowledgeable WSDA bilingual staff who serve as investigators or trainers. In FY15 WSDA began distributing a brochure in Spanish and English with hotline information. More widespread distribution of the brochure will occur this coming year.

Investigations involving Children

In FY15 WSDA investigated three cases that involved children. WSDA was unable to obtain evidence that an exposure or violations occurred in any of the cases:

CJS-0006-15: Alleged drift from an orchard application that contacted neighbor and her property, including children. No evidence that drift occurred and no action by WSDA.

CJS-0007-15: A family medical provider reported to WSDA that a 2 yr. old patient may have been exposed to a pesticide application to a neighboring orchard. The provider agreed to contact the family and have them call WSDA. WSDA never received any contact or further information about this case.

VJD-0001-15: A commercial applicator applied a disinfectant to a home interior for mold remediation. A mother, father and son were affected and had symptoms of exposure. The applicator made the application according to label and WSDA requirements. Product label was inadequate, and registrant submitted a new label for registration. No action by WSDA.

Investigations Involving Pollinators

With the decline of honey bees and other pollinators across the nation, much attention has been focused on what role pesticides play in the decline. While other factors such as varoaa mite infestation and poor nutrition play a much larger role in the decline, there is concern about the impacts of pesticide use (in particular, a relatively new family of insecticides called neonicotinoids). While Oregon has experienced a number of pesticide related bee-kill incidents over the last few years, WSDA has not had a major bee-kill incident in many years. In FY15, WSDA received six bee-kill complaints. There was no evidence in any of the cases that pesticides were a factor in the death of the bees.

Severity of Findings in an Investigation

Upon completion of each investigation, PMD rates the severity of their findings in a particular investigation from 0 to 6, with 6 being the most severe (Table 8). The severity chart below was modified from the version used in previous years in order to better reflect the seriousness of human exposure cases. When one or more persons are contacted by a pesticide, this chart starts the severity level at a “3,” even when there are no symptoms from an exposure. Most human exposure cases will be rated as either a “4” or a “5,” since they usually involve symptoms or illness.

Table 8. Number and Percentage of FY15 PMD-Investigations by Severity Rating.

Rating	No. of complaints (% of total)	Criteria
0	54 (43.9%)	Problem not due to pesticide and/or no cause determined; No evidence of misapplication; No violations found.
1	21 (17.1%)	Violations involving records, registration, posting, notification (schools or multiple chemical sensitive registry), licensing, structural pest inspection report and other violations that do not involve potential adverse effects.
2	21 (17.1%)	Residues detected where people frequent (around the home, car, buildings, etc), but no claims of exposure or symptoms. Plant damage that is superficial or temporary with no significant economic loss. Multiple minor violations with no adverse effects, or single violation with minor adverse effects. Insufficient structural pest inspection with failure to report minor damage.

3	17 (13.8%)	One or more persons contacted by spray, but no claims of symptoms or illness. Animal with minor symptoms treated by vet. Minor fish kill or bee kill. Economic plant damage under \$1,000. Insufficient structural pest inspection with failure to report substantial damage, infestation or conducive conditions.
4	7 (5.7%)	One to three individuals contacted with minor, short-term symptoms of exposure. Significant plant or crop damage over \$1,000. Animal with major symptoms, overnight treatment by vet. Substantial fish kill or bee kill. Insufficient structural pest inspection with failure to report major damage, infestation or conducive conditions.
5	3 (2.4%)	One or more persons contacted with serious symptoms that require overnight medical care. Four or more individuals with minor or more serious symptoms confirmed by DOH, one or more individuals treated at medical facilities. Exposure to one or more children. Major crop damage. Death of animal. Major fish kill or bee kill (over 25 hives).
6	0	Human death due to pesticides.
Total	123	

Cooperation with Other Agencies

PMD cooperated with other federal, state and local agencies in 25 of the 123 investigations to collect evidence and testimony. Cooperating agencies may independently investigate and report their involvement in these cases. The agency most frequently consulted was DOH (22 investigations).

Violations

Investigations may conclude that state or federal laws or rules were violated. Of the 123 complaints investigated, 56 of them resulted in formal and/or informal actions. This equates to

approximately 45.5% of the investigations resulting in an enforcement action (Table 9). Thirteen cases are currently open or under legal review (Refer to Appendix B for a review of all PMD investigations and Appendix C for details of those investigations with formal enforcement action).

Table 9. FY15 PMD Investigations and Actions by Type of Activity.

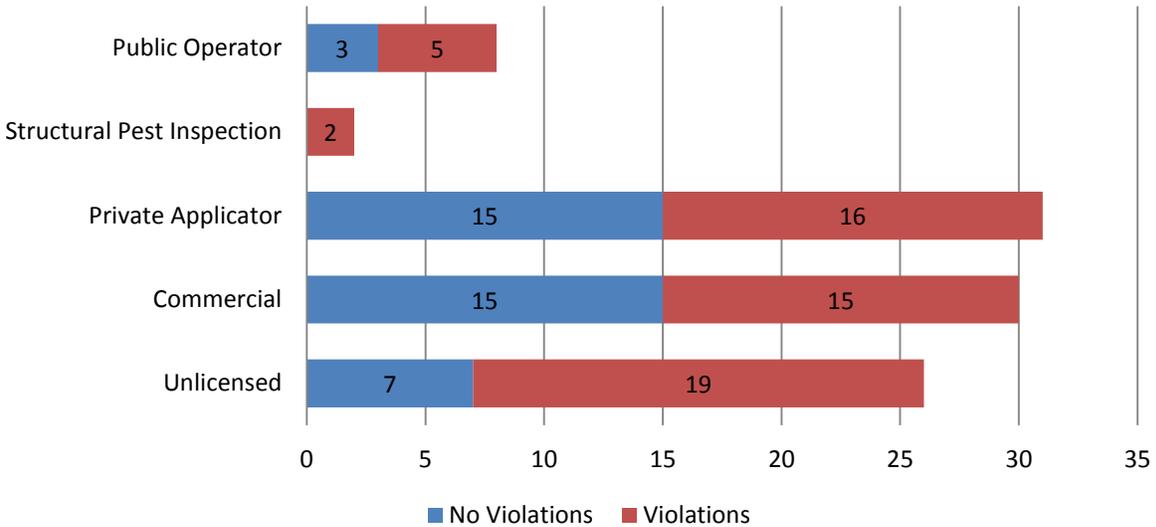
Activity	No. of Investigations	No. With Actions	Percent with Actions
Agricultural	61	22	36%
Commercial/Industrial	22	13	59%
Residential (noncommercial)	17	9	53%
Right of Way	8	3	37.5%
Aquatic	5	2	40%
Structural/Wood Destroying	4	3	75%
School	3	2	66.7%
Other (license/distribution)	4	3	75%
Total	123	57	45.5%

Type of License in Complaints with Violations

PMD licensed about 6,400 Commercial Applicators and Operators and 12,200 Private Applicators in FY15 (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 over 7,000 other license types for a total of over 25,000 licenses.

Commercial applicators and operators were involved in 38 investigations with 15 resulting in an action (eight currently open or under legal review). Private Applicators were involved in 31 investigations with 16 resulting in an action. Unlicensed individuals were involved in 26 investigations with 19 resulting in an action (Figure 3).

Figure 3. Type of License Involved in Investigations With and Without Violations, FY15.



Enforcement Actions

In FY15, 57 corrective actions were taken or are pending (Table 10). 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 a NOC and a NOI (which could happen if several applicators were involved in the same investigation), both types are listed.

Table 10. Corrective Actions Taken by PMD in FY15.

Action Type	Actions Taken Or Pending
Notice of Correction	43
Notice of Intent	7
Advisory Letter	5
Verbal Warning	1
Stop-Sale	1
Total	57

PMD posts all Notice of Intent information at agr.wa.gov/PestFert/enforcementactions.aspx. This site 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. At the publication of this report, one case with an NOI issued was under appeal, eight cases were under legal review and four cases were still open. Appendix B provides a review of all PMD investigations, and Appendix C details those investigations with formal enforcement actions.

INSPECTION OVERVIEW

PMD Compliance staff based in five statewide locations conducts over 200 inspections annually. While some inspections are conducted by appointment, most are unannounced and conducted under a cooperative agreement 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 to commercial operations that conduct pesticide applications in an agricultural setting. They are often the result of inspectors finding applications underway as they are conducting surveillance. 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 violative products 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 11. Number of FY15 Inspections Conducted and Enforcement Actions Taken.

Inspection type	Number inspected	Enforcement actions	
		NOCs	NOIs
Agricultural Use	78	48	0
Non-Agricultural Use	52	39	0
Applicator Licensing/Records	21	14	0
Dealer Records	28	12	0
Market Place	20	5	0
Worker Protection Standards	40	18	0
Producer Establishment	5	All referred to EPA for potential action.	

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 12.

Table 12. FY15 WPS Inspection Sites.

Inspection Site	No. of Inspections
Orchards	23
Row & Field Crops	4
Nursery/Greenhouse	3
Vineyards	5
Combinations of Above	3
Other (turf, labor contractor)	2
Total	40

WSDA’s outreach, training and inspection 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 worker⁶ 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 FY15, 40 Tier 1 WPS inspections⁷ were conducted by PMD’s compliance staff, almost all of them were unannounced. A total of 18 NOC’s were issued to the first time violators. There were no inspections with significant enough violations to receive an NOI.

Elements of Inspections

WPS inspections entail a number of major elements as detailed in Table 13. The 18 NOCs issued for the 40 FY15 WPS inspections included 76 distinct violations. Note: The elements listed are those which are included on the WPS Compliance Checklists, versions of which are available online at <http://agr.wa.gov/PestFert/Pesticides/WorkerProtection.aspx#Resources>.

Table 13. Number of Violations by Element for FY15 WPS Inspections.

Inspection Elements	Violations
Pesticide Safety training	20
Decontamination	17
Central posting	16
Personal Protective Equipment	11
Notice of Application	8
Entry Restrictions	3
Emergency Assistance	0
Mix/Loading, Applications and Equipment	0
Information Exchange	1
Total	76

⁶ A “worker” is an individual who works in areas where pesticides have been applied but who does not directly handle pesticides.

⁷ 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.

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.

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 is Hispanic. PMD’s and WSU’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 pre-license training programs in English and Spanish pre-license training courses administered by PMD, at many county extension offices and by request to groups of 15 or more. Table 14 details testing data for calendar year 2014.

Table 14. 2014 Totals for PMD Pesticide and SPI Exams.

Testing Totals		
Location	Testers	No. of Tests
Everett	500	925
Olympia	1609	3,059
Yakima	1,115	1,878
Spokane	500	896
Moses Lake	227	387
E Wenatchee	194	315
WSDA Pre-license (Spanish)	200	200
WSU Pre-license	807	1,756
Other	227	288
Total All Sites	5,379	9,704

In 2014, PMD issued over 25,000 licenses to approximately 22,000 individuals.

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.

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 2015, PMD accredited approximately 1,682 recertification sessions included within over 636 courses. A growing number of these sessions are provided in Spanish to better serve the Hispanic licensed community. PMD's Farmworker Education Program staff sponsor or are invited as speakers at a large number of these Spanish-language courses.

Farmworker Education Program

Each year, WSDA's Pesticide Management Division's (PMD) 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 L&I's accident account and 50% by ag 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 FY15, our partners included the WA State Migrant Council, KDNA Radio, Farm Bureau, Growers Clearing House, Association of Wine Grape Growers, GS Long Co., Wilbur Ellis, Ste. Michelle Farms and individual growers/employers. The program also partners with L&I, DOH, Employment Security, WSU, UW 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.
- ◆ 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 FY15, 424 handlers from 135 agricultural establishments received training at 10 workshops and through the assistance of 12 community partners.
- ◆ WPS Hybrid Hand-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. GS 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. In FY14, four hybrid workshops were conducted for 728 handlers from 162 establishments. In FY15, five hybrid workshops were conducted for 630 pesticide handlers from 132 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 FY15, the FEP conducted two Train-the-Trainer workshops for 91 trainers, supervisors and safety officers from 40 separate agricultural establishments. WSDA inspectors find that farms that employ an individual who has completed this training have greater compliance with WPS.
 - ◆ A Train-the-Trainer workshop on respirator fit-testing was piloted in 2014. This 6-hour workshop provides practical information to farm managers, supervisors and safety officers on how to effectively identify, use and maintain respirators, how to develop and maintain written respirator programs and how to properly perform respirator fit-testing sessions using the required protocol. In FY15 one of these workshops was conducted in partnership with Washington Growers League, and two workshops will be offered in 2016.
- ◆ Piloted in 2015 – Pesticide Application Equipment Best Management Practices – in 2015 the Farmworker Education Program in Collaboration with WSU Benton/Franklin Co Extension Office developed and piloted the Pesticide Application Equipment BMP's training. Four workshops were conducted as part of this pilot project; two in partnership with the Washington Growers League; the other two in partnership with G.S Long Company. A total of 86 people attended this program.

- **Pesticide Licensing training:** Some farmworkers need to have a pesticide applicator license 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 exam. In FY15, the FEP conducted eight pre-license courses for 246 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 online pre-license and recertification courses in Spanish.

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 15. FEP Training Totals for Non-Recertification Courses, FYs 11-15.

Training	FY 11	FY 12	FY 13	FY 14	FY 15
Hands-on Handler (Traditional & Hybrid)	600	1,057	1,183	1,311	1,054
Train-the-Trainer	59	75	71	51	91
Pre-license	323	331	418	363	246

Other Worker & Handler	589	983	434	406	630
Pesticide Application BMP's					86
Total Non-Recertification	1,571	2,446	2,106	2,131	2,107

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 adjudicated, 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
FIRST	\$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
second	\$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
third	\$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
fourth or more	\$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

FY15 Investigations Data

ACB-0009-15	Pesticides applied by farmer running into creek and farmer possibly spraying into creek
Allegation or Issue Investigated:	
County:	Spokane
Pesticide Type (active ingredient):	Unknown
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	8 days
Final Action:	No evidence of violation, No action by WSDA.

ACB-0010-15	Anonymous complaint about a person applying herbicides without a commercial applicator license.
Allegation or Issue Investigated:	
County:	Stevens
Pesticide Type (active ingredient):	Herbicide
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Applicator was renting the property he was spraying so did not need a license. No action by WSDA.

ACB-0015-15	Unlicensed person making a pesticide application at fast food restaurant.
Allegation or Issue Investigated:	
County:	Spokane
Pesticide Type (active ingredient):	Unknown
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Landscape, Backpack sprayer
Other Agencies Involved:	None
WSDA Response Time:	12 days
Final Action:	NOC for applying without a license.

ACB-0016-15	Homeowner believed that neighbor was spraying and killing his tree.
Allegation or Issue Investigated:	
County:	Spokane
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0

Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of herbicide injury, but multiple other problems with the tree unrelated to pesticides. No action by WSDA.

ACB-0018-15 Allegation or Issue Investigated:	Homeowner living next to Garbanzo bean field believed that one of her plum trees was damaged from drift.
County:	Whitman
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigation determined tree was dying from other causes. No action by WSDA.

ACB-0019-15 Allegation or Issue Investigated:	Alleged inadequate posting of landscape application.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Right-Of-Way, Hand Gun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Some posting occurred, but it was not required (was not a landscape application). No action by WSDA.

ACB-0020-15 Allegation or Issue Investigated:	Farmer over-sprayed onto neighbor's property killing some grass.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Ag field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	Property line not well established and according to complainant, the grass had no value. Advisory letter issued.

ACB-0021-15 Allegation or Issue Investigated:	Resident living next to oat field sprayed by herbicide experienced symptoms from odor and close proximity to spray equipment as he talked with the applicator.
County:	Stevens

Pesticide Type (active ingredient):	Herbicide (2,4-D and Dicamba)
License Type:	Unlicensed
Human Exposure people/description:	One Adult claims symptoms
Severity:	1
Application Site and Equipment:	Oats, Ground Boom
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	No evidence physical drift occurred. NOC issued for applying a state restricted-use pesticide without a license.

ACB-0022-15 Allegation or Issue Investigated:	Dog died after exposure to rodent carcass near golf course. Golf course used strychnine bait to control ground squirrels.
County:	Spokane
Pesticide Type (active ingredient):	Rodenticide (strychnine)
License Type:	Public Operator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Golf Course, Hand Applied
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA unable obtain a sample or other sufficient evidence. NOC issued for inadequate license, applying over-rate, other label violations, and inadequate pesticide storage.

ACB-0023-14 Allegation or Issue Investigated:	Application by commercial landscape company drifted onto neighbor's yard.
County:	Spokane
Pesticide Type (active ingredient):	Insecticide (permethrin)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable, No reported health related symptoms.
Severity:	2
Application Site and Equipment:	Landscape, Hand Gun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for faulty, careless, negligent operation.

ACB-0023-15 Allegation or Issue Investigated:	Spruce trees intentionally damaged by drilling holes into them and putting herbicides into the holes.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (multiple)
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Residential, Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Homeowner didn't want further WSDA involvement after sample results provided showing presence of herbicides. No action by WSDA.

ACB-0024-14 Allegation or Issue Investigated:	Resident approximately one mile away from lake where helicopter was spraying for aquatic weed control, reportedly became ill.
County:	Pend Oreille
Pesticide Type (active ingredient):	Herbicide (glyphosate and Imazamox)
License Type:	Commercial Operator
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Aquatic, Helicopter
Other Agencies Involved:	DOH
WSDA Response Time:	Next Day
Final Action:	No evidence that spray reached her residence. DOH classified symptoms as “unlikely.” No action by WSDA.

ACB-0025-15 Allegation or Issue Investigated:	Homeowner with dying locust trees believed it was possibly caused by herbicides.
County:	Spokane
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of herbicide exposure. Trees were dying from other causes. No action by WSDA.

ACB-0026-14 Allegation or Issue Investigated:	Homeowner applied wrong herbicide to his landscaped beds that caused damage to neighbor’s nearby trees.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (diquat, glyphosate, imazapic)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Landscape, backpack sprayer
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOC for applying contrary to label and causing plant damage.

ACB-0028-14 Allegation or Issue Investigated:	Lawn care company sprayed next door to person on pesticide sensitive registry without notifying her.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (2,4-D, dicamba, sulfentrazone, triclopyr)
License Type:	Commercial Applicator
Human Exposure people/description:	One adult on sensitive registry experienced hoarseness and shortness of breath.
Severity:	2
Application Site and Equipment:	Landscape, backpack sprayer

Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for failing to notify a person on the pesticide sensitive registry and faulty, careless or negligent operation.

ACB-0031-14 Allegation or Issue Investigated:	Pest control firm made flea treatment inside a home. Individual was not properly licensed and used pesticide not allowed to be broadcast sprayed inside a home.
County:	Whitman
Pesticide Type (active ingredient):	Insecticide (bifenthrin)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Home Interior, Backpack
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	This was a repeat offense, thus an \$850 fine and 12-day license suspension issued.

ACB-0033-14 Allegation or Issue Investigated:	Complainant had her well water tested by private lab, which reported picloram.
County:	Stevens
Pesticide Type (active ingredient):	Herbicide (picloram)
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Two days
Final Action:	WSDA samples, tested at lower detection limits than private lab, found no picloram. WSDA could not determine source of picloram detected in other lab's samples. No action by WSDA.

ACB-0035-14 Allegation or Issue Investigated:	Improper use of mothballs to deter neighbors' cats.
County:	Spokane
Pesticide Type (active ingredient):	Moth Balls (naphthalene)
License Type:	Unlicensed
Human Exposure people/description:	One adult, strong odor and irritation from mothballs
Severity:	2
Application Site and Equipment:	Residential yard, hand applied
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for using a pesticide inconsistent with the label.

BAO-0001-15 Allegation or Issue Investigated:	Application to adjacent nectarine orchard drifted onto the complainant's rental home.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide/Fungicide Mix (lambda cyhalothrin, pyriproxyfen,

	copper hydroxide, sulfur, kaolin,)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable, No reported exposure, but complainant wanted to know what was sprayed.
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Two days
Final Action:	WSDA obtained and provided information to complainant. Grower will take steps to reduce over-spray and will notify the complainant before spraying. No action by WSDA.

BAO-0002-15 Allegation or Issue Investigated:	Helicopter applying pesticides to neighboring orchard flew over complainant's property when doing so.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide (petroleum oil)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Helicopter
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No claims of pesticide misuse. Grower agreed to notify property owner before any further aerial applications. No action by WSDA.

BAO-0003-15 Allegation or Issue Investigated:	Air-blast applications of pesticides to a pear orchard drift onto several neighboring residential properties.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide/Fungicide Mix (copper hydroxide, sulfur, kaolin, lambda cyhalothrin)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Air-blast sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Complainant chose to have WSDA discuss the matter with the applicator rather than conduct an investigation. Technical assistance provided, but no action taken by WSDA.

BAO-0004-15 Allegation or Issue Investigated:	Orchard air-blast application drifted across road to residence where woman with emphysema resides.
County:	Douglas
Pesticide Type (active ingredient):	Insecticide/Fungicide (penthioopyrad, petroleum oil)
License Type:	Private Applicator
Human Exposure people/description:	No claim of adverse health effects and complainant did not want a full investigation.
Severity:	0
Application Site and Equipment:	Orchard, Air-blast sprayer

Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Complainant asked that she be pre-notified of applications, which the grower agreed to. No action by WSDA.

BAO-0007-15 Allegation or Issue Investigated:	Ornamental trees/plants damaged from a County Noxious Weed herbicide application to a small patch of knotweed.
County:	Chelan
Pesticide Type (active ingredient):	Herbicide (imazapyr)
License Type:	Public Operator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Aquatic (riparian), Backpack sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for applying in manner damaging desirable plants.

BAO-0010-14 Allegation or Issue Investigated:	Helicopter mosquito control application over campground with no prior notification.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide (malathion)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Mosquito Control, Helicopter
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	No evidence of violation and no action by WSDA.

BAO-0011-14 Allegation or Issue Investigated:	Orchard air-blast sprayer used to apply herbicides to a pasture. Spray drifted off target onto adjacent alfalfa field.
County:	Okanogan
Pesticide Type (active ingredient):	Herbicide (2,4-D, dicamba, metribuzin)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Pasture, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for applying inconsistent with label, in a faulty, careless or negligent manner, and damaging plants.

BAO-0011-15 Allegation or Issue Investigated:	Family driving on highway saw a pesticide application drift across the road and onto their vehicle.
County:	Okanogan
Pesticide Type (active ingredient):	Unknown
License Type:	Private Applicator
Human Exposure people/description:	Three adults, one experienced headache
Severity:	0

Application Site and Equipment:	Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA investigated to extent possible, but insufficient information to proceed with investigation. No action by WSDA.

BAO-0012-14 Allegation or Issue Investigated:	Bee die off involving 100's to 1000's of bees after a right-of-way herbicide application.
County:	Okanogan
Pesticide Type (active ingredient):	Herbicide (2,4-D, glyphosate, dicamba, MCPP)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Right-Of-Way, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	All samples came back negative for herbicides and insecticides. No action by WSDA.

BAO-0013-14 Allegation or Issue Investigated:	Bee die-off from right-of-way herbicide application. Case is related to Case BAO-0012-14 (two bee keepers talked about their bee die-off and possible causes).
County:	Okanogan
Pesticide Type (active ingredient):	Herbicide (2,4-D, glyphosate)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Right-Of-Way, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Insufficient dead bees to obtain sample. Investigator only observed five total fresh dead bees. No action by WSDA

BAO-0014-15 Allegation or Issue Investigated:	Helicopter application to cherry orchard allegedly drifted onto workers in an adjacent cherry orchard
County:	Chelan
Pesticide Type (active ingredient):	Insecticide (malathion)
License Type:	Commercial Applicator
Human Exposure people/description:	Three adult workers experienced eye and throat irritation, none received medical treatment.
Severity:	3
Application Site and Equipment:	Orchard, Helicopter
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Case still open

CJS-0004-15 Allegation or Issue Investigated:	Resident complained of odor and becoming ill from herbicide application to adjacent vacant lot.
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County:	Yakima
Pesticide Type (active ingredient):	Herbicide (glyphosate, pendamethalin)
License Type:	Unlicensed
Human Exposure people/description:	One adult, no evidence of exposure
Severity:	3
Application Site and Equipment:	Vacant lot, Ground Boom
Other Agencies Involved:	DOH
WSDA Response Time:	Two Days
Final Action:	No evidence spray drifted to complainant's property, but NOC issued to applicator for applying without a commercial applicator license, and using pesticide not labeled for that use.

CJS-0005-15 Allegation or Issue Investigated:	Orchard air-blast application drifted/over-sprayed onto adjacent residence. No health symptoms reported.
County:	Yakima
Pesticide Type (active ingredient):	Insecticide (lambda cyhalothrin, pyriproxyfen, petroleum oil)
License Type:	Private Applicator
Human Exposure people/description:	Not applicable, drifted onto house but no one exposed
Severity:	2
Application Site and Equipment:	Orchard, Air-blast
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	\$450 fine + 7 day suspension.

CJS-0006-15 Allegation or Issue Investigated:	Alleged drift from an orchard application that contacted neighbor and her property.
County:	Yakima
Pesticide Type (active ingredient):	Plant Growth Regulator (gibberellins)
License Type:	Private Applicator
Human Exposure people/description:	Two adults, one juvenile and other children claimed symptoms of exposure.
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA samples came back negative and no other evidence that drift occurred. No action by WSDA.

CJS-0007-15 Allegation or Issue Investigated:	A family medical provider reported to WSDA that a 2 yr. old patient may have been exposed to a pesticide application to a neighboring orchard.
County:	Yakima
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure people/description:	Two-year old girl examined by physician
Severity:	0
Application Site and Equipment:	Orchard, unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Provider agreed to contact family and have them call WSDA.

	WSDA was never contacted and no further information provided. No action by WSDA.
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CJS-0008-15 Allegation or Issue Investigated:	Overspray from air-blast application onto vehicle passing by on road. Driver of vehicle contacted by spray before he could roll up his window.
County:	Yakima
Pesticide Type (active ingredient):	Fungicide/Insecticide (lime sulfur)
License Type:	Private Applicator
Human Exposure people/description:	One adult claims symptoms
Severity:	3
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Supervising Private Applicator fined \$450 plus seven-day license suspension.

CJS-0009-15 Allegation or Issue Investigated:	Alleged human exposure to workers from pesticide application made to neighboring orchard.
County:	Yakima
Pesticide Type (active ingredient):	No pesticide involved
License Type:	Private Applicator
Human Exposure people/description:	Multiple workers, but no pesticide involved
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Four Days
Final Action:	Application turned out to be fertilizer, not pesticides. No action by WSDA.

CJS-0010-15 Allegation or Issue Investigated:	Alleged human exposure from herbicide application to turf in city park.
County:	Kittitas
Pesticide Type (active ingredient):	Herbicide (2,4-D, dicamba, fluroxypyr)
License Type:	Commercial Applicator
Human Exposure people/description:	Two adult women claimed symptoms
Severity:	4
Application Site and Equipment:	Park Turf, Ground Boom
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Case currently under legal review.

CJS-0011-15 Allegation or Issue Investigated:	Dead fish in ponds at a lake community area alleged to be result of recent herbicide application.
County:	Yakima
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0

Application Site and Equipment:	Landscape, Backpack Sprayer
Other Agencies Involved:	WA Dept. of Fish and Wildlife
WSDA Response Time:	Same Day
Final Action:	Fish died prior to herbicide application. No evidence pesticides caused death of fish. No action by WSDA.

CJS-0013-15 Allegation or Issue Investigated:	Two horses died. Complainant believed it was from possible pesticide exposure or consumption.
County:	Yakima
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Vets determined low probability death caused by pesticide poisoning. Complainant later indicated death caused by nitrate poisoning, not confirmed by vet. No action by WSDA.

CJS-0017-15 Allegation or Issue Investigated:	Possible malicious application of pesticides to raspberry plants.
County:	Yakima
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Residential Yard, Hand-held Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same day
Final Action:	Possible pesticide violations, but county sheriff deputy no criminal intent. Case currently under legal review.

CJS-0021-14 Allegation or Issue Investigated:	Commercial Applicator applied herbicide to timothy field twice, exceeding the maximum yearly amount allowed.
County:	Kittitas
Pesticide Type (active ingredient):	Herbicide (MCPA, triasulfuron)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Timothy hay field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC to commercial applicator for label violation.

DLZ-0017-15 Allegation or Issue Investigated:	Damage to arborvitae resulting from a neighbor applying Roundup to the stump of a recently cut apple tree.
County:	Douglas
Pesticide Type (active ingredient):	Herbicide (imazapyr, glyphosate)

License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Residential Yard, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC for applying a pesticide in a manner causing plant damage.

DLZ-0018-15 Allegation or Issue Investigated:	Damage to trees, shrubs, ornamentals, and the lawn when neighbor sprayed herbicides over the fence.
County:	Douglas
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Residential Yard, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOC for not applying according to the label and operating in faulty, careless or negligent manner.

DLZ-0021-15 Allegation or Issue Investigated:	Drift onto a residential area and human exposure from an aerial application of insecticide made to cherries.
County:	Benton
Pesticide Type (active ingredient):	Insecticide (malathion)
License Type:	Commercial Applicator
Human Exposure people/description:	Multiple adults experienced strong odors, one claimed to have burning eyes.
Severity:	4
Application Site and Equipment:	Orchard, Helicopter
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC to applicator

DLZ-0022-14 Allegation or Issue Investigated:	Alleged distribution of state restricted use pesticides into Washington from an on-line, out-of-state distributor.
County:	Not Applicable
Pesticide Type (active ingredient):	Insecticides, Fungicides, Herbicides (not applicable)
License Type:	Pesticide Dealer
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Advisory Letter to out-of-state distributor

DLZ-0022-15 Allegation or Issue Investigated:	Unlicensed employee of landscaping company (also unlicensed) observed spraying ornamental trees at
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	recreation establishment.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide (unknown)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Landscape, Hand-Gun
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOCs to employee and company for applying without a license.

DTB-0004-15 Allegation or Issue Investigated:	Air-blast application to orchard made under temperature inversion drifted onto school grounds exposing staff and students.
County:	Grant
Pesticide Type (active ingredient):	Insecticide (chlorpyrifos, petroleum oil)
License Type:	Private Applicator
Human Exposure people/description:	No students reported any symptoms, three school staff became ill as a result of the drift.
Severity:	5
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Fine for \$7,500 and 90-day license suspension.

DTB-0005-15 Allegation or Issue Investigated:	Orchard air-blast sprayers drifted spray onto car driving by on road.
County:	Grant
Pesticide Type (active ingredient):	Fungicide (penthioopyrad, lime sulfur)
License Type:	Private Applicator
Human Exposure people/description:	One adult smelled odor, car windows were rolled up, no symptoms reported
Severity:	3
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC for applying inconsistent with label and faulty, careless or negligent manner.

DTB-0008-15 Allegation or Issue Investigated:	Workers in neighboring orchard contacted by drift from an application made to orchard across the street.
County:	Grant
Pesticide Type (active ingredient):	Insecticide/Fungicide (penthioopyrad, spirotetramat, petroleum oil)
License Type:	Private Applicator
Human Exposure people/description:	Two adult farm workers claim symptoms
Severity:	3
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	DOH

WSDA Response Time:	Same Day
Final Action:	Currently under legal review.

DTB-0009-15 Allegation or Issue Investigated:	Grape vineyard showing signs of phenoxy hormone herbicide damage.
County:	Grant
Pesticide Type (active ingredient):	Herbicide (phenoxy type)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Handgun
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	Grower wanted to document damage, but did not want to pursue an investigation. No action by WSDA.

DTB-0010-15 Allegation or Issue Investigated:	Anonymous complaint of orchard Air-blast sprayer operating while too windy.
County:	Grant
Pesticide Type (active ingredient):	Insecticide/Fungicide (spinosad, tebuconazole, sulfur)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Application over by WSDA's arrival. No violations found, but weather data indicated high gusts during otherwise acceptable conditions. Applicator cautioned not to spray when too windy.

DTB-0012-14 Allegation or Issue Investigated:	Herbicide applied as spot spray to non-crop corners of Timothy field caused damage to adjacent wine grapes, though no economic damage reported.
County:	Franklin
Pesticide Type (active ingredient):	Herbicide (2,4-D)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Non-crop, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC to applicator for applying inconsistent with label, causing damage, and inadequate application records.

DTB-0015-14 Allegation or Issue Investigated:	Herbicide damage on edge of bean field adjacent to irrigation ditch maintained by irrigation district. Damage also present in beans where volunteer corn was sprayed.
County:	Adams
Pesticide Type (active ingredient):	Herbicide (2,4-D, dicamba)

License Type:	Public Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Irrigation Ditch, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Bean grower did not submit requested records, therefore investigation closed with no action.

DTB-0016-14 Allegation or Issue Investigated:	Trees/fruit damage caused by drift from aerial application to garbanzo bean field across the road from the orchard.
County:	Columbia
Pesticide Type (active ingredient):	Herbicide (glyphosate, salflufenacil)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	4
Application Site and Equipment:	Garbanzo Beans, Fixed-wing Aircraft
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOI \$450 + 7-day suspension

DTB-0019-14 Allegation or Issue Investigated:	Anonymous complaint that commercial spray company dumping pesticides from spray rigs onto vacant lot owned by the company.
County:	Grant
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	Company uses a direct injection system with their pesticides (pesticides are not mixed with the water in the tank). Company was dumping water only. No violations, no action by WSDA.

JEK-0002-14 Allegation or Issue Investigated:	Conflicting WDO reports, however no determination by WSDA that either were in error.
County:	Pacific
Pesticide Type (active ingredient):	Not Applicable
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	PCO Company issued NOC for failing to issue specific WDO inspection report when providing a proposal for treatment.

JGA-0001-15 Allegation or Issue Investigated:	Herbicide drift and blowing dust issues from a neighboring vineyard that happened in the 2014 growing season onto a pasture and residential property.
County:	Benton
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Vineyard, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Since the application occurred several months prior to contact with WSDA, the case was closed with no action.

JGA-0002-15 Allegation or Issue Investigated:	Irrigation District put out poison for squirrels burrowing into the canal allegedly resulting in death of eagles and hawks from eating the squirrels.
County:	Benton
Pesticide Type (active ingredient):	Rodenticide
License Type:	Commercial Operator, Public Operator
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Irrigation Right-Of-Way, Hand Applied
Other Agencies Involved:	U.S. Fish and Wildlife
WSDA Response Time:	Same Day
Final Action:	Applications occurred several months previous to complaint to WSDA. NOC issued for licensing and records.

JGA-0005-15 Allegation or Issue Investigated:	Aerial application drifted onto vehicle with window down driving by field. Driver exposed and reported symptoms.
County:	Klickitat
Pesticide Type (active ingredient):	Herbicide (2,3-D, thifensulfuron-methyl, tribenuron-methyl)
License Type:	Commercial Applicator
Human Exposure people/description:	One adult claims symptoms
Severity:	4
Application Site and Equipment:	Fixed-wing Aircraft
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Case currently under legal review.

JGA-0006-15 Allegation or Issue Investigated:	Ornamental damage noticed after roadside herbicide application.
County:	Benton
Pesticide Type (active ingredient):	Herbicide (not applicable)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Right-Of-Way, Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day

Final Action:	Damage to ornamentals determined to be from winter injury. No action by WSDA.
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JGA-0008-15 Allegation or Issue Investigated:	Drift to residence from adjacent orchard.
County:	Yakima
Pesticide Type (active ingredient):	Not Applicable
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigation determined “white substance” on lawn was likely powdery mildew. No evidence of drift. Case closed with no action.

JGA-0009-15 Allegation or Issue Investigated:	Farm workers entered operational area of commercial applicator. A WPS exchange of information had already occurred.
County:	Benton
Pesticide Type (active ingredient):	Fungicide/Insecticide (mancozeb, esfenvalerate)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Fixed-wing Aircraft
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Case is still open

JKZ-0006-15 Allegation or Issue Investigated:	Alleged herbicide drift or direct spray onto ornamental plants from neighbor’s application.
County:	Asotin
Pesticide Type (active ingredient):	Herbicide (glyphosate, triclopyr)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Residential Yard, Hand-held Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Limited damage and slight detection of herbicide residues, but ornamental plants had other problems not associated with herbicide damage. Advisory letter issued to neighbor.

JKZ-0007-15 Allegation or Issue Investigated:	Herbicide drift out of pre-plant ag field damaging adjacent wheat.
County:	Spokane
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Private Applicator

Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Pre-plant Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA investigation could not verify damage caused by herbicides. No action by WSDA.

JKZ-0011-15 Allegation or Issue Investigated:	Pesticide drift onto vegetable garden from an unknown source.
County:	Whitman
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Vegetables were affected by insects and disease. A trace amount of herbicide found in sample, but WSDA was unable to determine the source. No action by WSDA.

JKZ-0013-14 Allegation or Issue Investigated:	Complainant ate fava beans several days after they had been sprayed with insecticides and reported symptoms.
County:	Whitman
Pesticide Type (active ingredient):	Insecticide (dimethoate, lambda cyhalothrin)
License Type:	Public Operator
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Fava Beans Research Plot, Fixed-wing Aircraft
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Checked by doctor who found “no systemic symptoms” and likely had “no significant exposure.” No action by WSDA.

KFJ-0001-15 Allegation or Issue Investigated:	Employee at school claimed to be exposed to spray from herbicide application to flower beds.
County:	Pierce
Pesticide Type (active ingredient):	Herbicide (2,4-D, triclopyr, glyphosate)
License Type:	Public Operator
Human Exposure people/description:	One adult claims symptoms
Severity:	1
Application Site and Equipment:	Landscape, Handgun
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day
Final Action:	Samples did not confirm drift occurred. NOC issued for other violations: school notification and posting, licensing, application records.

KFJ-0008-15 Allegation or Issue Investigated:	Application of a pesticide (likely an herbicide) to neighboring blackberry plants caused bees to die.
County:	King
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Right-Of-Way, Unknown
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Complainant would not provide further information. Case closed without action.

KFJ-0012-15 Allegation or Issue Investigated:	Right-of-way application to railroad tracks over-sprayed onto impervious surface sloped toward storm drain.
County:	Skagit
Pesticide Type (active ingredient):	Herbicide (glyphosate, proflaminate, aminopyralid)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Right-Of-Way, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for over-spraying with potential environmental harm.

KFJ-0013-15 Allegation or Issue Investigated:	Odor from adjacent flower farm prompted resident to file a complaint about illegal pesticide applications.
County:	Whatcom
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA determined that farm uses fish fertilizer, but no pesticides. No action by WSDA.

KFJ-0015-15 Allegation or Issue Investigated:	Complainant with asthma smelled strong odor and reported symptoms when driving by blueberry field that had just been sprayed.
County:	Skagit
Pesticide Type (active ingredient):	Herbicide (glyphosate, proflaminate, aminopyralid)
License Type:	Private Applicator
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Blueberry Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day

Final Action:	Investigation found no evidence of drift or exposure. No action by WSDA.
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KFJ-0016-15 Allegation or Issue Investigated:	Fence-line herbicide application drifted or was over-sprayed onto neighboring property.
County:	Skagit
Pesticide Type (active ingredient):	Herbicide (2,4-D, triclopyr)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Farm Fence-line, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC for applying inconsistent with label and damaging desirable plants.

KFJ-0018-15 Allegation or Issue Investigated:	Pesticide application to trees in a strip mall parking lot was not posted as a landscape application as required.
County:	Snohomish
Pesticide Type (active ingredient):	Insecticide (bacillus thuringensis)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Mall landscape, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOC to applicator for failing to post, licensing and records violations.

KFJ-0019-15 Allegation or Issue Investigated:	Resident in apartment complex complained of symptoms from landscape application near her unit.
County:	King
Pesticide Type (active ingredient):	Herbicide (diquat, glyphosate)
License Type:	Unlicensed
Human Exposure people/description:	One adult claims symptoms
Severity:	1
Application Site and Equipment:	Landscape, Backpack Sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Next Day
Final Action:	No evidence of exposure. NOC to applicator for applying without a license and failing to post landscape application.

KFJ-0020-14 Allegation or Issue Investigated:	Homeowners made a herbicide backpack application from a kayak to control weeds in the lake at their residence.
County:	Thurston
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1

Application Site and Equipment:	Aquatic, Backpack Sprayer
Other Agencies Involved:	Ecology
WSDA Response Time:	Same Day
Final Action:	NOC for application without a license. Ecology notified and subsequently sent a warning letter to infractor.

KFJ-0020-15 Allegation or Issue Investigated:	Homeowner that resides adjacent to a blueberry field claimed exposure to pesticides.
County:	Clark
Pesticide Type (active ingredient):	Fertilizer (no pesticide)
License Type:	Not Applicable
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Blueberry Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigation determined that a foliar fertilizer was applied, not a pesticide. No action by WSDA.

KFJ-0021-14 Allegation or Issue Investigated:	Bleach/water solution applied to roof for moss control. Solution ran off into storm drain that ends in Puget Sound.
County:	King
Pesticide Type (active ingredient):	Moss Killer (potassium salts of fatty acids)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Roof, Hand-applied
Other Agencies Involved:	Ecology
WSDA Response Time:	Next Day
Final Action:	Roofing company was also using a registered pesticide for control of moss. NOC issued for application without a commercial pesticide applicator license.

LAM-0003-15 Allegation or Issue Investigated:	A commercial landscape firm applied pesticides to customer's property without a commercial pesticide applicator license.
County:	Franklin
Pesticide Type (active ingredient):	Herbicide (glyphosate, oryzalin)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Landscape, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for unlicensed applications.

LAM-0004-15 Allegation or Issue Investigated:	Drift from application to wheat onto adjacent pasture with shrubs.
County:	Walla Walla

Pesticide Type (active ingredient):	Herbicide/Fungicide (tribensulfuron-methyl, Trifensulfuron-methyl, metsulfuron-methyl, MCPA, pyroxsulam, Propoxycarbazone, propiconazole)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Wheat, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Shrubs appeared to be growing out of the damage, no substantial economic impact. Advisory letter to applicator.

LAM-0005-15 Allegation or Issue Investigated:	Damage to grapes in vineyard from herbicide applications made to neighboring Timothy field.
County:	Franklin
Pesticide Type (active ingredient):	Herbicide (glyphosate, rimsulfuron, fluroxypyr)
License Type:	Private Applicator/Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Timothy Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOC to applicator for applying inconsistent with label, and faulty, careless or negligent application.

LAM-0006-14 Allegation or Issue Investigated:	Aerial application to potato crop drifted onto an orchard.
County:	Grant
Pesticide Type (active ingredient):	Fungicide (boscalid, chlorthalonil, mefenoxam)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Potatoes, Fixed-wing Aircraft
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for applying inconsistent with label.

LAM-0007-14 Allegation or Issue Investigated:	Aerial application to field of Organic Carrot Seed drifted onto an orchard.
County:	Grant
Pesticide Type (active ingredient):	Bactericide (hydrogen peroxide)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Carrot Seed, Fixed-wing Aircraft
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Complaint was withdrawn. No action by WSDA.

LAM-0007-15 Allegation or Issue Investigated:	Pesticide application that was not requested made to newly planted Orchardgrass hay by an unknown applicator.
County:	Walla Walla
Pesticide Type (active ingredient):	Herbicide (fluroxypyr)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Orchard Grass Hay, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Case is still open

LAM-0008-14 Allegation or Issue Investigated:	Resident complained of drift and possible plant damage from orchard spraying approximately 500 feet away.
County:	Walla Walla
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of drift or damage. No action by WSDA.

LAM-0009-14 Allegation or Issue Investigated:	Aerial application to summer fallow field drifted to neighboring properties causing damage to plants, bushes.
County:	Columbia
Pesticide Type (active ingredient):	Herbicide (paraquat, diuron, glyphosate)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Summer Fallow, Fixed-Wing Air
Other Agencies Involved:	None
WSDA Response Time:	Five Days
Final Action:	NOC to applicator for applying inconsistent with the label, in a faulty, careless or negligent manner and damaging desirable plants.

LAM-0009-15 Allegation or Issue Investigated:	Workers in onion field exposed from spraying of adjacent field. Crew had to leave the field due to odors etc.
County:	Walla Walla
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Private Applicator
Human Exposure people/description:	Exposure to farm crew, but no apparent symptoms
Severity:	0
Application Site and Equipment:	Fallow Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence drift occurred. No action by WSDA

LAM-0010-15 Allegation or Issue Investigated:	Drift onto grapes from application made to neighboring Timothy field
County:	Franklin
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Timothy Field, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC

MJW-0001-15 Allegation or Issue Investigated:	Orchard Air-blast application drifted onto neighboring properties.
County:	Chelan
Pesticide Type (active ingredient):	Insecticide/Fungicide (chlorpyrifos, sulfur, petroleum oil)
License Type:	Private Applicator
Human Exposure people/description:	Not applicable
Severity:	2
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Applicator issued an NOC for applying inconsistent with label and other related violations.

MJW-0002-15 Allegation or Issue Investigated:	Symptoms in one year old apple orchard caused by suspected drift from neighboring Timothy field.
County:	Grant
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigation determined that no pesticides had been applied to the Timothy for nearly a year and no other evidence of pesticide drift. Case closed with no action by WSDA.

MJW-0004-15 Allegation or Issue Investigated:	Anonymous complaint that pesticide applications from orchard were drifting onto a public trail, and that the caller was exposed.
County:	Douglas
Pesticide Type (active ingredient):	Insecticide/Fungicide (penthioopyrad, sulfur)
License Type:	Private Applicator
Human Exposure people/description:	One adult claims symptoms
Severity:	3
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day

Final Action:	The caller wanted WSDA to check it out, but wanted no further involvement. WSDA conducted an investigation in conjunction with a WPS inspection. Samples analysis indicates drift onto public trail occurred. NOC issued for multiple WPS violations.
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MJW-0006-15 Allegation or Issue Investigated:	Farmworker sought treatment at clinic claiming she felt ill after smelling pesticides from a neighboring application.
County:	Grant
Pesticide Type (active ingredient):	Herbicide (2,4-DB, sethoxydim)
License Type:	Commercial Operator
Human Exposure people/description:	One adult sought medical treatment
Severity:	4
Application Site and Equipment:	Unknown
Other Agencies Involved:	LNI, DOH
WSDA Response Time:	Same Day
Final Action:	Case is still open.

MJW-0007-15 Allegation or Issue Investigated:	Grower had to suspend air-blast application when beekeeper moved several hundred hives into yard directly across road.
County:	Douglas
Pesticide Type (active ingredient):	Insecticide (thiamethoxam)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Orchard, Air-blast Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA provided technical assistance and no action.

MJW-0010-14 Allegation or Issue Investigated:	Sixty-five farmworkers became ill from aerial application made to a potato field east of where they were working.
County:	Grant
Pesticide Type (active ingredient):	Insecticide (lambda cyhalothrin)
License Type:	Commercial Applicator
Human Exposure people/description:	65 adults claim symptoms
Severity:	5
Application Site and Equipment:	Potatoes, Fixed-Wing Aircraft
Other Agencies Involved:	DOH, Commission on Hispanic Affairs
WSDA Response Time:	Same Day
Final Action:	Notice of Intent issued for \$7,500 fine and 90-day license suspension. Case is currently under appeal.

MJW-0011-14 Allegation or Issue Investigated:	Herbicide damage in apples from recent application by the irrigation district to weeds bordering the property.
County:	Grant
Pesticide Type (active ingredient):	Herbicide (glyphosate, imazapyr, diuron, metsulfuron-methyl, dicamba, 2,4-D)

License Type:	Public Operator
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Irrigation Right-Of-Way, Ground Boom, Hand Gun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued to irrigation district applicators for applying inconsistent with the label.

MJW-0014-15 Allegation or Issue Investigated:	Overspray from application to apples onto farmworkers in adjoining cherry block.
County:	Chelan
Pesticide Type (active ingredient):	Unknown
License Type:	Unknown
Human Exposure people/description:	Twelve farmworkers present. Two felt the spray, but no adverse health effects reported.
Severity:	3
Application Site and Equipment:	Unknown
Other Agencies Involved:	Unknown
WSDA Response Time:	Unknown
Final Action:	Case is still open.

MJW-0015-15 Allegation or Issue Investigated:	Individual and 12 year old son making pesticide applications as part of their landscaping business. Individual not recognized as a licensed applicator.
County:	Douglas
Pesticide Type (active ingredient):	Not Applicable
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Landscape, Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Case is still open.

NML-0001-15 Allegation or Issue Investigated:	Structural Pest Inspector conducted inadequate inspection for wood destroying organisms on a home for sale.
County:	Clark
Pesticide Type (active ingredient):	Not Applicable
License Type:	Structural Pest Inspector
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued to inspector for failing to follow the inspection criteria in rule.

NML-0002-15	A pesticide product was being distributed that was not
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Allegation or Issue Investigated:	labeled for Home and Garden Use Only.
County:	Clark
Pesticide Type (active ingredient):	Not Applicable
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Not Applicable
Final Action:	Store and staff did not have Dealer/Dealer-Manager licenses. Stop-sale order issued.

NML-0003-15	No notification signs were being posted at a turf grass pesticide application site.
Allegation or Issue Investigated:	
County:	Whatcom
Pesticide Type (active ingredient):	Herbicide (MCPA, glyphosate)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Turf/Landscape, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Signs were posted. Applicator advised to post sign more prominently. NOC issued for recordkeeping violations.

NML-0004-15	Strong odor outside Fitness Center associated with pesticide application to grass beside the parking lot.
Allegation or Issue Investigated:	
County:	Clark
Pesticide Type (active ingredient):	Herbicide (unknown)
License Type:	Unlicensed
Human Exposure people/description:	One adult with headache
Severity:	1
Application Site and Equipment:	Landscape, Hand Gun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Application found to be within label requirements, but NOC issued for licensing, recordkeeping and posting violations.

NML-0009-15	Commercial herbicide application to landscape beds damaged ornamental trees and shrubs.
Allegation or Issue Investigated:	
County:	Thurston
Pesticide Type (active ingredient):	Herbicide (2,4-D, dichlobenil, glyphosate, Isoxaben, trifluralin)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Residential Landscape, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for applying inconsistent with label and

	recordkeeping violations.
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NML-0016-15 Allegation or Issue Investigated:	Unlicensed individual hired to apply herbicides at a housing development.
County:	Thurston
Pesticide Type (active ingredient):	Not Applicable
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Residential, Hand-Held Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued for applying without a license.

NML-0027-14 Allegation or Issue Investigated:	Complaint of odor from herbicide application to railroad tracks.
County:	King
Pesticide Type (active ingredient):	Herbicide (Not Applicable)
License Type:	Commercial Applicator
Human Exposure people/description:	One adult with headache
Severity:	0
Application Site and Equipment:	Railroad Right-Of-Way, Hand Gun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA determined that physical drift was highly unlikely and did not conduct a site visit. No action by WSDA.

NML-0030-14 Allegation or Issue Investigated:	Complaint about overuse of pesticides, which was causing persons in a senior housing complex to get sick.
County:	Snohomish
Pesticide Type (active ingredient):	Herbicide (diquat)
License Type:	Not Applicable
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Residential, Hand-held Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigation determined pesticides used very infrequently, no evidence that symptoms were related to a pesticide exposure. No action by WSDA.

NML-0031-14 Allegation or Issue Investigated:	Concerns that spray getting into the stream from adjacent herbicide application. Also, workers not wearing PPE.
County:	King
Pesticide Type (active ingredient):	Herbicide (imazapyr)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Aquatic (riparian), Backpack Sprayer

Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of violations and no action by WSDA.

NML-0038-14 Allegation or Issue Investigated:	Herbicide application at school alleged to have caused asthma attack.
County:	Clark
Pesticide Type (active ingredient):	Herbicide (glyphosate)
License Type:	Public Operator
Human Exposure people/description:	One juvenile with symptoms
Severity:	0
Application Site and Equipment:	School Yard, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Application was made several hours earlier, and student did not come closer than 75 yards to the area treated. No evidence that application caused the symptoms. No action by WSDA.

NML-0040-14 Allegation or Issue Investigated:	Bee die-off at hives located near a golf course.
County:	Skamania
Pesticide Type (active ingredient):	Herbicide/Fungicide (not applicable)
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Golf Course, Ground Boom, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Dead bees analyzed for chemicals applied by golf course, but no residues detected. Hives had problems that were unrelated to pesticide exposure. No action by WSDA.

RDS-0006-15 Allegation or Issue Investigated:	Granular herbicide application to landscape near road was not properly watered in and not posted. Granules also got onto road surface.
County:	King
Pesticide Type (active ingredient):	Herbicide (2,4-D triclopyr, dichlobenil)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	2
Application Site and Equipment:	Landscape, Hand Spreader
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued to applicator.

RDS-0008-15 Allegation or Issue Investigated:	Commercial lawn care company mistakenly added herbicide to an insecticide/fungicide spray tank mix and used it on customers' landscape ornamentals. Several customers' landscapes were substantially damaged.
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County:	Snohomish
Pesticide Type (active ingredient):	Insecticide/Fungicide/Herbicide (imidacloprid, myclobutanil, dicamba, MCPA, triclopyr)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	4
Application Site and Equipment:	Residential landscapes, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Case is under legal review.

RDS-0009-15 Allegation or Issue Investigated:	Bee hive with 100% mortality caused by pest control company making a pesticide application next door.
County:	Snohomish
Pesticide Type (active ingredient):	Insecticide (boric acid, fipronil)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Residence, Hand-Held Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	No pesticide residues detected in bee sample or any evidence that pesticides caused death of the bees. No action by WSDA.

RDS-0010-15 Allegation or Issue Investigated:	School maintenance staff spraying pesticides on running track at a middle school while students were walking through field and across the track during the application.
County:	Pierce
Pesticide Type (active ingredient):	Herbicide (2,4-D, triclopyr, glyphosate)
License Type:	Public Operator
Human Exposure people/description:	Multiple students, no symptoms
Severity:	2
Application Site and Equipment:	School Running Track, Ground Boom and Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC to applicator for applying inconsistent with the label in a faulty, careless or negligent manner, and for failing to properly post the application.

RDS-0012-15 Allegation or Issue Investigated:	Drift from berry farm onto neighbor's property causing health affects to residents, symptoms to horse and dog.
County:	Clark
Pesticide Type (active ingredient):	Fungicide/Insecticide (azoxystrobin, cyprodinil, fludioxonil, cypermethrin)
License Type:	Private Applicator
Human Exposure people/description:	One adult claims symptoms
Severity:	4
Application Site and Equipment:	Berries, Powered Backpack Air-blast Sprayer
Other Agencies Involved:	DOH
WSDA Response Time:	Same Day

Final Action:	Case under legal review.
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RSN-0001-15 Allegation or Issue Investigated:	Pesticide application to wheat field near complainant's yard. Concerns for organic garden and possible negative health effects following strong odors.
County:	Whitman
Pesticide Type (active ingredient):	Insecticide/Fungicide (chlorpyrifos, propiconazole)
License Type:	Commercial Applicator
Human Exposure people/description:	Two adults claim symptoms
Severity:	3
Application Site and Equipment:	Wheat field, Fixed-wing Aircraft
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Case currently under legal review.

RSN-0004-14 Allegation or Issue Investigated:	Truckload of alfalfa hay, possibly containing alfalfa seed crop residue, headed for feedlot. If treated with special local need registrations for alfalfa seed crops, the residue is not allowed to be used for animal feed.
County:	Walla Walla
Pesticide Type (active ingredient):	Insecticide (flonicamid)
License Type:	Private Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Alfalfa, Ground Boom
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	WSDA investigation determined the hay was not going to be used for animal feed. No action by WSDA.

TRH-0018-14 Allegation or Issue Investigated:	Soil fumigation made under temperature inversion conditions and not properly sealed. Vapors moved off the field and into a nearby bean processing facility.
County:	Grant
Pesticide Type (active ingredient):	Soil Fumigant (metam sodium)
License Type:	Private Applicator/Commercial Operator
Human Exposure people/description:	Five adults exposed, Two required medical attention
Severity:	5
Application Site and Equipment:	Pre-plant Field, Injection and rototiller
Other Agencies Involved:	DOH
WSDA Response Time:	Next Day
Final Action:	Applicator fined \$1,800.

VJD-0001-15 Allegation or Issue Investigated:	Complaint of health effects after mold remediation company treated area of a home interior with disinfectant.
County:	Pierce
Pesticide Type (active ingredient):	Disinfectant (phenol)
License Type:	Unlicensed
Human Exposure people/description:	Two adults and one child (age unknown) with symptoms

Severity:	0
Application Site and Equipment:	Residential Interior, Hand-applied
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Applicator made application according to label and WSDA requirements. Product label was inadequate, and registrant submitted a new label for registration. No action by WSDA.

VJD-0005-15 Allegation or Issue Investigated:	Complaint that tree spraying service did not provide MSDS after it was requested in writing.
County:	King
Pesticide Type (active ingredient):	Insecticide (bifenthrin)
License Type:	Commercial Operator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Landscape, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	After WSDA contacted the spray service, they provided complainant with MSDS. No further action by WSDA.

VJD-0006-15 Allegation or Issue Investigated:	Complaint about improper use of Gopher Gassers placed near an apartment building.
County:	Kitsap
Pesticide Type (active ingredient):	Rodenticide (potassium nitrate, sulfur)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Residence, Hand-applied
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Evidence was inconclusive. Applicator given a verbal warning about inadequate records.

VJD-0009-15 Allegation or Issue Investigated:	Complaint of dead bees in one of the three hives located in a housing development.
County:	Clark
Pesticide Type (active ingredient):	Not Applicable
License Type:	Not Applicable
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Complainant did not provide sample. Case closed with no action.

VJD-0012-14 Allegation or Issue Investigated:	Commercial pesticide application business operating without a license.
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County:	Clark
Pesticide Type (active ingredient):	Not Applicable
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	1
Application Site and Equipment:	Not Applicable
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	NOC issued to company and information forwarded to Dept. of Revenue.

VJD-0015-14 Allegation or Issue Investigated:	Pesticide application made three months previous to control ants was causing physical symptoms.
County:	Pierce
Pesticide Type (active ingredient):	Insecticide (chlorfenapyr, fipronil)
License Type:	Commercial Operator
Human Exposure people/description:	One adult claims symptoms
Severity:	0
Application Site and Equipment:	Home Interior, Backpack Sprayer
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of violation, and no action by WSDA.

VJD-0019-14 Allegation or Issue Investigated:	Dog died from ingesting rodenticide on neighbor's property. The dog was able to get through or underneath the neighbor's fence to get to the bait.
County:	Snohomish
Pesticide Type (active ingredient):	Rodenticide (brodifacoum)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	3
Application Site and Equipment:	Residential Yard, Hand-applied
Other Agencies Involved:	None
WSDA Response Time:	Next Day
Final Action:	NOC to homeowner who put out the rodenticide inconsistent with the label.

VJD-0019-15 Allegation or Issue Investigated:	Complaint that neighbor misapplied pesticide to pasture.
County:	Lewis
Pesticide Type (active ingredient):	Herbicide (2,4-D, dicamba)
License Type:	Unlicensed
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Pasture, Ground Boom, Handgun
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	No evidence of violation, and no action by WSDA.

VJD-0020-15 Allegation or Issue Investigated:	Alleged fish kill after an herbicide application was made on Lake.
County:	Pierce
Pesticide Type (active ingredient):	Algaecide (endothal)
License Type:	Commercial Applicator
Human Exposure people/description:	Not Applicable
Severity:	0
Application Site and Equipment:	Aquatic, Direct Injection
Other Agencies Involved:	None
WSDA Response Time:	Same Day
Final Action:	Investigator found no dead fish, nor had any other residents seen dead fish. Complainant would not provide further information. Case closed with no action.

Appendix C

Formal Compliance Enforcement Actions

Case Number NOI number	Party(ies) Involved/ County of Incident	Description	Action	Date of Final Order
DTB-0004-15 PM-15-0009	Ron Wyles Grant County	A March 19, 2015, air-blast pesticide application to an apple orchard is alleged to have drifted onto an adjacent school exposing school staff. The school grounds included several sports fields / tennis courts, school district offices, high school, middle school, and two elementary schools.	A Director's Final Order assessed \$7,500 and a ninety day license suspension against Ron Wyles as the Private Applicator responsible for the application.	8/17/15
CJS-0008-15 PM-15-0011	Kyle Jacobs Yakima County	An April 9, 2015, air-blast pesticide application to an apple orchard is alleged to have drifted onto an adjacent county road contacting a passing vehicle and exposing the driver.	A Director's Final Order assessed \$450 and a seven day license suspension against Kyle Jacobs as the Private Applicator responsible for the application.	7/29/15
CJS-0005-15 PM-15-0010	Kurt Tabert Yakima County	A March 16, 2015, air-blast pesticide application to a pear orchard is alleged to have drifted onto a nearby residence.	A Director's Final Order assessed \$450 and a seven day license suspension against Kurt Tabert as the Private Applicator	7/27/15

			responsible for the application.	
TRH-0018-14 PM-15-0007	Integrity Ag, Inc. Grant County	An October 9, 2014, soil fumigation injection application is alleged to have off gassed onto adjacent property exposing three people.	Settlement of \$1,800 with Integrity Ag, Inc. as the farm entity responsible for the application.	6/22/2015

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 Within 24 hours 24 to 72 hours More than 72 hours Restricted Entry Interval Expired	(4) (3) (2) (1) (0)	
PPE (primarily use, but can include cleaning, storage, etc. as well). (WAC 16-233-120)	Not provided Very Poor Poor Fair, but not complete	(4) (3) (2) (1)	
Decontamination. (WAC 16-233-150)	Not provided Major deficiency and/or inaccessibility Minor deficiency and/or inaccessibility	(3) (2) (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)