## Pesticide Enforcement

### 1. State (Optional):

<table>
<thead>
<tr>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>State:</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

- answered question 70
- skipped question 6

### 2. The number of inspector/investigation staff currently employed with your Department.

<table>
<thead>
<tr>
<th>Description</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 1 – 5 inspectors/investigators</td>
<td>31.0%</td>
<td>18</td>
</tr>
<tr>
<td>b. 6 – 10 inspectors/investigators</td>
<td>25.9%</td>
<td>15</td>
</tr>
<tr>
<td>c. 10 – 15 inspectors/investigators</td>
<td>15.5%</td>
<td>9</td>
</tr>
<tr>
<td>d. 15 + inspectors/investigators</td>
<td>27.6%</td>
<td>16</td>
</tr>
</tbody>
</table>

- answered question 58
- skipped question 18
### 3. Do you have a dedicated enforcement program manager that compiles enforcement cases and issues enforcement actions?

<table>
<thead>
<tr>
<th>Response</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. No, inspectors do their own enforcement case write ups and suggest the violation or action. A Divisional, Branch or Section Chief reviews.</td>
<td>8.8%</td>
<td>5</td>
</tr>
<tr>
<td>b. No, not a dedicated enforcement program manager, but a pesticides program manager that does multiple pesticide related duties (i.e.: registration, certification, etc.)</td>
<td>17.5%</td>
<td>10</td>
</tr>
<tr>
<td>c. Yes, one (1) dedicated enforcement program manager.</td>
<td>40.4%</td>
<td>23</td>
</tr>
<tr>
<td>d. Yes, two (2) dedicated enforcement program managers.</td>
<td>8.8%</td>
<td>5</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>24.6%</td>
<td>14</td>
</tr>
</tbody>
</table>

- **answered question**: 57
- **skipped question**: 19
### 4. Inspectors/investigators are:

<table>
<thead>
<tr>
<th>Description</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Dedicated pesticide program inspectors/investigators. They do only pesticide related program activities (inspections and investigations).</td>
<td>70.7%</td>
<td>41</td>
</tr>
<tr>
<td>b. Multiple inspectors that do pesticide program activities and other regulatory programs (nursery, seed, etc.)</td>
<td>29.3%</td>
<td>17</td>
</tr>
</tbody>
</table>

**Answered question:** 58  
**Skipped question:** 18

### 5. Do you have a dedicated lead inspector/investigator that does:

<table>
<thead>
<tr>
<th>Description</th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Lead investigations only; trains or helps other inspectors on investigations.</td>
<td>3.5%</td>
<td>2</td>
</tr>
<tr>
<td>b. Lead inspector only; trains or helps other inspectors on inspections on one or more programs.</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>c. Lead inspector/investigator; duties are a combination of a &amp; b</td>
<td>24.6%</td>
<td>14</td>
</tr>
<tr>
<td>d. We don’t have a lead inspector or investigator; all of our inspectors are required to perform these duties as a part of their position.</td>
<td>71.9%</td>
<td>41</td>
</tr>
</tbody>
</table>

**Answered question:** 57  
**Skipped question:** 19
6. How many pesticide applicator Warnings or Other enforcement actions does your agency issue annually? Warnings and Other enforcement actions being Warning letters, Violation Notices CDOs, etc., that do not generate any civil penalties.

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 30 – 50</td>
<td>20.4%</td>
<td>11</td>
</tr>
<tr>
<td>b. 50 – 70</td>
<td>9.3%</td>
<td>5</td>
</tr>
<tr>
<td>c. 70 – 90</td>
<td>13.0%</td>
<td>7</td>
</tr>
<tr>
<td>d. &gt; 90</td>
<td>57.4%</td>
<td>31</td>
</tr>
</tbody>
</table>

answered question 54
skipped question 22

7. How many formal complaint cases are filed and investigated with your agency annually?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 30 - 50</td>
<td>36.5%</td>
<td>19</td>
</tr>
<tr>
<td>b. 50 -70</td>
<td>11.5%</td>
<td>6</td>
</tr>
<tr>
<td>c. 70 - 90</td>
<td>13.5%</td>
<td>7</td>
</tr>
<tr>
<td>d. 90+</td>
<td>38.5%</td>
<td>20</td>
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</table>

answered question 52
skipped question 24
### 8. What is your required timeline/policy for your investigation staff to complete a normal investigation and turn the file into the office?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 1 week (40 hours)</td>
<td>11.8%</td>
<td>6</td>
</tr>
<tr>
<td>b. 2 weeks (80 hours)</td>
<td>23.5%</td>
<td>12</td>
</tr>
<tr>
<td>c. 3 weeks (120 hours)</td>
<td>15.7%</td>
<td>8</td>
</tr>
<tr>
<td>d. 4 weeks + (160 + hours)</td>
<td>49.0%</td>
<td>25</td>
</tr>
</tbody>
</table>

51 answered question, 25 skipped question

### 9. On formal enforcement cases, how does your agency note violations in the case file?

Does your agency:

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Note and count every violation found during the investigation, whether related to the original complaint or not.</td>
<td>87.0%</td>
<td>47</td>
</tr>
<tr>
<td>b. Note and count every violation found during the investigation that is only related to the complaint.</td>
<td>13.0%</td>
<td>7</td>
</tr>
</tbody>
</table>

54 answered question, 22 skipped question
10. On formal enforcement cases, how does your agency compile civil penalties to associated violations? Does your agency:

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Count each separate violation noted in the case file and issue a separate civil penalty for each.</td>
<td>28.6%</td>
<td>14</td>
</tr>
<tr>
<td>b. Note all violations, but group/count similar violations as only one civil penalty. (i.e.: 4 record/use violations found, but charge only one civil penalty.)</td>
<td>53.1%</td>
<td>26</td>
</tr>
<tr>
<td>c. Generalize or group type of violations and penalties. (i.e.: Case reflects record/use violations and a flat civil penalty for all.)</td>
<td>18.4%</td>
<td>9</td>
</tr>
</tbody>
</table>

Other (please specify) 16

answered question 49

skipped question 27
11. Does your state law have an Administrative Procedures Statute that requires due process prior to issuing civil penalties? Meaning that prior to the issuance of any civil penalty, the applicator has a legal right to a notice of charges and formal hearing upon request, which must be provided to the applicator to allow them the opportunity to be represented by counsel, provide evidence in their defense, and contest the Department's allegations in court prior to any Department action.

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Yes</td>
<td>90.2%</td>
<td>46</td>
</tr>
<tr>
<td>b. No</td>
<td>9.8%</td>
<td>5</td>
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</tbody>
</table>

Other (please specify) 10

answered question 51

skipped question 25

12. What is your civil fining authority per violation?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. $0-500</td>
<td>17.6%</td>
<td>6</td>
</tr>
<tr>
<td>b. $501-1000</td>
<td>20.6%</td>
<td>7</td>
</tr>
<tr>
<td>c. $1001-1500</td>
<td>2.9%</td>
<td>1</td>
</tr>
<tr>
<td>d. $1501 or greater</td>
<td>58.8%</td>
<td>20</td>
</tr>
</tbody>
</table>

Other (please specify) 29

answered question 34

skipped question 42
13. Do you typically collect your full fining authority allowed in statute for each violation or is some part held in abeyance? Abeyance meaning that a portion of the fine is held back, but will be levied if the applicator commits another violation within a defined probation period.

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Full fine collected</td>
<td>32.1%</td>
<td>17</td>
</tr>
<tr>
<td>b. Portion of fine collected, portion held in abeyance</td>
<td>1.9%</td>
<td>1</td>
</tr>
<tr>
<td>c. Varies from case to case</td>
<td>66.0%</td>
<td>35</td>
</tr>
</tbody>
</table>

- answered question 53
- skipped question 23

14. If your agency uses an abeyance/probation period, how long is a typical abeyance/probation period?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 0-6 months</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>b. 6-12 months</td>
<td>7.8%</td>
<td>4</td>
</tr>
<tr>
<td>c. More than 12 months</td>
<td>9.8%</td>
<td>5</td>
</tr>
<tr>
<td>d. Varies between a, b and c and case by case</td>
<td>33.3%</td>
<td>17</td>
</tr>
<tr>
<td>e. We do not use an abeyance or probation period.</td>
<td>49.0%</td>
<td>25</td>
</tr>
</tbody>
</table>

- answered question 51
- skipped question 25
15. What is your agencies most common response to first time violations by private applicators involved in a formal pesticide complaint?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violation notice or other written warning</td>
<td>86.3%</td>
<td>44</td>
</tr>
<tr>
<td>b. Cease and Desist Order</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>c. Stipulation with associated civil penalties</td>
<td>13.7%</td>
<td>7</td>
</tr>
</tbody>
</table>

answered question 51

skipped question 25

16. What is the average time to finalize a case, from the start of the investigation to the completion of the final enforcement action?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 30 days – 3 months</td>
<td>24.5%</td>
<td>13</td>
</tr>
<tr>
<td>b. 3 – 6 months</td>
<td>32.1%</td>
<td>17</td>
</tr>
<tr>
<td>c. 6 - 9 months</td>
<td>24.5%</td>
<td>13</td>
</tr>
<tr>
<td>d. 9 – 12 months</td>
<td>15.1%</td>
<td>8</td>
</tr>
<tr>
<td>e. 12 + months</td>
<td>3.8%</td>
<td>2</td>
</tr>
</tbody>
</table>

answered question 53

skipped question 23
17. We currently have ______ open/unresolved cases in our database. (Optional question, but if you can provide this number it would be much appreciated.)

<table>
<thead>
<tr>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
</tr>
</tbody>
</table>

answered question 33

skipped question 43

18. Does your agency carry a backlog of enforcement cases? If so, what is the average number of cases carried in your backlog?

<table>
<thead>
<tr>
<th>Response Count</th>
<th>Response Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>41.2%</td>
</tr>
<tr>
<td>16</td>
<td>31.4%</td>
</tr>
<tr>
<td>7</td>
<td>13.7%</td>
</tr>
<tr>
<td>7</td>
<td>13.7%</td>
</tr>
</tbody>
</table>

answered question 51

skipped question 25

19. E-mail:

<table>
<thead>
<tr>
<th>Response Count</th>
<th>Response Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>100.0%</td>
</tr>
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</table>

answered question 43

skipped question 33
<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>TX</td>
<td>Feb 13, 2012 10:23 AM</td>
</tr>
<tr>
<td>CA</td>
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</tr>
<tr>
<td>FL</td>
<td>Feb 2, 2012 7:23 AM</td>
</tr>
<tr>
<td>NM</td>
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</tr>
<tr>
<td>MS</td>
<td>Jan 30, 2012 12:22 PM</td>
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<tr>
<td>MT</td>
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</tr>
<tr>
<td>MN</td>
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</tr>
<tr>
<td>LA</td>
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</tr>
<tr>
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<tr>
<td>OR</td>
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<tr>
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<tr>
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<td>Time</td>
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<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>OR</td>
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<td>WA</td>
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<tr>
<td>IA</td>
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<td>CA</td>
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<td>IA</td>
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<td>-------</td>
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</tr>
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<td>DC</td>
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</tr>
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</tr>
<tr>
<td>MO</td>
<td>Jan 25, 2012 7:38 AM</td>
</tr>
<tr>
<td>CT</td>
<td>Jan 25, 2012 7:37 AM</td>
</tr>
<tr>
<td>WV</td>
<td>Jan 25, 2012 7:34 AM</td>
</tr>
<tr>
<td>VA</td>
<td>Jan 25, 2012 7:30 AM</td>
</tr>
<tr>
<td>CO</td>
<td>Jan 24, 2012 12:41 PM</td>
</tr>
</tbody>
</table>
### Page 2, Q3. Do you have a dedicated enforcement program manager that compiles enforcement cases and issues enforcement actions?

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Texas has an Enforcement Department that utilizes case preparation officers and attorneys to work across the several types of programs that TDA regulates.</td>
<td>Feb 13, 2012 10:26 AM</td>
</tr>
<tr>
<td>2</td>
<td>Yes, CA's Structural Board has a dedicated PMgr for fraud, workmanship cases; DPR does not; relies upon County Ag Commissioner system for pesticide misuse cases</td>
<td>Feb 3, 2012 12:42 AM</td>
</tr>
<tr>
<td>3</td>
<td>2 enforcement administrators, 2 case managers and 1 clerical position</td>
<td>Feb 2, 2012 7:24 AM</td>
</tr>
<tr>
<td>4</td>
<td>We have a unit of 4 that spends &gt; 50% on monetary significant enforcement actions. Warning letters are issued by program units.</td>
<td>Jan 27, 2012 1:28 PM</td>
</tr>
<tr>
<td>5</td>
<td>1 enf mgr with 2 reviewers; 1 field manager with 2 supervisors</td>
<td>Jan 26, 2012 6:37 AM</td>
</tr>
<tr>
<td>6</td>
<td>Each County Agricultural Commissioner takes enforcement actions</td>
<td>Jan 25, 2012 2:40 PM</td>
</tr>
<tr>
<td>7</td>
<td>Case preparation officer</td>
<td>Jan 25, 2012 11:19 AM</td>
</tr>
<tr>
<td>8</td>
<td>Enforcement program manager also oversees WPS and Endangered Species programs</td>
<td>Jan 25, 2012 10:56 AM</td>
</tr>
<tr>
<td>9</td>
<td>compliance monitoring and enforcement actions mostly completed by county staff</td>
<td>Jan 25, 2012 10:16 AM</td>
</tr>
<tr>
<td>10</td>
<td>Structural does, ag - Division director reviews</td>
<td>Jan 25, 2012 9:41 AM</td>
</tr>
<tr>
<td>11</td>
<td>One case review officer</td>
<td>Jan 25, 2012 8:36 AM</td>
</tr>
<tr>
<td>12</td>
<td>Dedicated Manager and 2 Field Supervisors</td>
<td>Jan 25, 2012 8:09 AM</td>
</tr>
<tr>
<td>13</td>
<td>Field Supervisors review the case files and suggest proper enforcement actions</td>
<td>Jan 25, 2012 7:44 AM</td>
</tr>
<tr>
<td>14</td>
<td>In Virginia, the enforcement and compliance functions are separate and performed by dedicated staff. We have an Enforcement Supervisor who reviews all cases (cases are developed by Investigators). Cases are then forwarded to the Compliance Manager for enforcement action.</td>
<td>Jan 25, 2012 7:35 AM</td>
</tr>
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<td></td>
<td>Response</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1</td>
<td>We actually do not use civil penalties as to do so we are required to file in court. We do not have monetary administrative authority either. We have the ability to suspend, deny or revoke but to 'address' this we also offer an alternative penalty which is based on a penalty matrix similar to what others with admin penalties might use. This alternative penalty is initially monetary but is usually negotiated during a compliance conference and other actions may be accepted in lieu of monetary. This might include training, revising business practices, sponsoring training, notification to customers, correction of application, etc. We leave that open to their suggestions in mitigating the penalty.</td>
<td>Feb 1, 2012 6:31 PM</td>
</tr>
<tr>
<td>2</td>
<td>Generally, penalties are multiplied by the number of violations. However, it is much more complicated than that since we use a number of factors to take into account the severity of the violation e.g. licensed vs unlicensed applicator. bottom line it that each is dealt with on an individual basis.</td>
<td>Jan 27, 2012 1:34 PM</td>
</tr>
<tr>
<td>3</td>
<td>We group and count similar but will issue civil penalty on each separate group - ex 4 record/use violations one civil penalty; 2 recordskeeping violations - additional civil penalty.</td>
<td>Jan 26, 2012 6:41 AM</td>
</tr>
<tr>
<td>4</td>
<td>All violations are noted in the case file. When the General Council reviews and prepares the case for civil penalty they will decide how to proceed. Typically violations like record keeping will be combined into one charge. Multiple drift complaints filed by different complainants will be handled seperately with multiple violations even if it appears to have occured from the same event.</td>
<td>Jan 26, 2012 6:01 AM</td>
</tr>
<tr>
<td>5</td>
<td>Multiple related violations are grouped as an incident. (Interpret &quot;related&quot; broadly.) The commissioner is then free to pursue one or more violations as fine actions ($250 to $5000 each) as appropriate for the incident.</td>
<td>Jan 25, 2012 2:46 PM</td>
</tr>
<tr>
<td>6</td>
<td>It varies depending on the impact to human health or property, the willingness of the respondent to comply etc. We are probably closest to b.</td>
<td>Jan 25, 2012 2:30 PM</td>
</tr>
<tr>
<td>7</td>
<td>This is always a unique case by case situation. Whichever way will produce the desire affect/</td>
<td>Jan 25, 2012 1:11 PM</td>
</tr>
<tr>
<td>8</td>
<td>We don't generally do civil penalties. Our enforcement actions are typically of the administrative type.</td>
<td>Jan 25, 2012 9:57 AM</td>
</tr>
<tr>
<td>9</td>
<td>Wyoming does not issue civil penalties. Cases are filed w/ county attorney for further action.</td>
<td>Jan 25, 2012 9:18 AM</td>
</tr>
<tr>
<td>10</td>
<td>The Enforcement Action lists each violation found as separate counts (if more than one), assigns a proposed penalty amount to each violation/count (recordkeeping violations are typically assigned a smaller penalty amount than actual use violations) and the individual penalty amounts are added up and that is the proposed penalty.</td>
<td>Jan 25, 2012 9:04 AM</td>
</tr>
<tr>
<td>11</td>
<td>Optional - Board decides on a case by case basis</td>
<td>Jan 25, 2012 8:28 AM</td>
</tr>
<tr>
<td>12</td>
<td>Discretion is used depending on the severity of violation. Some are grouped/counted as one penalty, others are counted seperately</td>
<td>Jan 25, 2012 8:06 AM</td>
</tr>
</tbody>
</table>
Page 6, Q10. On formal enforcement cases, how does your agency compile civil penalties to associated violations? Does your agency:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>13</td>
<td>We have a penalty matrix range set up for each violation type.</td>
<td>Jan 25, 2012 8:00 AM</td>
</tr>
<tr>
<td>14</td>
<td>For clarification, in Virginia, formal enforcement cases include both investigations and inspections in which violations are found. We do group violations, in general, if they are the result of the same application/use. For example, if during Application A, an applicator failed to wear the appropriate PPE and did not apply the product according to labeled rates, that would be one misuse violation and one civil penalty would be assessed. If it was determined that in addition to the misuse, the appropriate records were not kept, that would be a second violation and a separate civil penalty would be assessed. If in the same case, we documented misuse during Application B, that would be a second misuse violation and would receive a separate civil penalty. An exception to the grouping rule would be in the case of certification violations. For example, if there were more than one applicator involved in an application, and neither of them were certified, that would be two certification violations and two civil penalties would be issued.</td>
<td>Jan 25, 2012 7:56 AM</td>
</tr>
<tr>
<td>15</td>
<td>We can charge for multiple counts of use inconsistent with label directions</td>
<td>Jan 25, 2012 7:52 AM</td>
</tr>
<tr>
<td>16</td>
<td>The statute lists fines as per day of violation. The penalty policy calls for a higher penalty for the first day, and reduced amount for subsequent days of violation.</td>
<td>Jan 25, 2012 7:38 AM</td>
</tr>
</tbody>
</table>
**Page 7, Q11. Does your state law have an Administrative Procedures Statute that requires due process prior to issuing civil penalties? Meaning that prior to the issuance of any civil penalty, the applicator has a legal right to a notice of charges and formal hearing upon request, which must be provided to th...**

<table>
<thead>
<tr>
<th></th>
<th>The notice of contemplated action outlines their choices, which always includes right to a hearing, providing additional evidence, accepting the proposed penalty or a compliance conference. There is a state administrative procedure act which outlines some of the steps as well as our own statutes and internal policy.</th>
<th>Feb 1, 2012 6:33 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>We offer settlement opportunities in the notice of intent (NOI) document. The NOI indicates that we intend to take administrative of civil action.</td>
<td>Jan 27, 2012 1:38 PM</td>
</tr>
<tr>
<td>3</td>
<td>We do have an Administrative Procedures Statue, however, after the Violation notice and civil penalty is issued, then the applicator has the legal right to request a hearing etc.</td>
<td>Jan 26, 2012 6:34 AM</td>
</tr>
<tr>
<td>4</td>
<td>Our administrative civil penalties procedure defines a very abbreviated due process for notice, conduct of hearings, appeal, etc.</td>
<td>Jan 25, 2012 2:49 PM</td>
</tr>
<tr>
<td>5</td>
<td>Once it is decided that a civil penalty is warranted, we issue a Notice of Violation to the company which contains specifics of the violations and the proposed fine and/or license suspension. The company has 20 days to respond to us whether they wish to have a formal administrative hearing or they prefer to have an informal settlement conference. Most choose to have an informal settlement conference. They are allowed to have an attorney present at these informal settlements. At these informal settlements, they are allowed to produce evidence in their defense which we take into consideration. We will determine whether a reduction in the penalty is warranted and propose it to the company. If they accept, a consent agreement is issued and signed by all parties. If they choose to have a formal administrative hearing, our attorney general must request a hearings officer be appointed and she handles all procedures from that point.</td>
<td>Jan 25, 2012 11:37 AM</td>
</tr>
<tr>
<td>6</td>
<td>Varies in the form it is presented and all is done administrative.</td>
<td>Jan 25, 2012 10:31 AM</td>
</tr>
<tr>
<td>7</td>
<td>Upon issuing notice of the civil penalty, the applicator may request review by the Commercial Pesticide Applicator Peer Review Panel. Contested cases may follow through to formal administrative hearing.</td>
<td>Jan 25, 2012 10:27 AM</td>
</tr>
<tr>
<td>8</td>
<td>We also offer to conduct a pre-hearing settlement conference (without a hearing officer) where we can reach a negotiated reduced/suspended penalty and enter in an Assurance of Discontinuance (AOD) that outlines specific corrective actions and required timeframes for completing those actions, and usually requires that the applicator conduct business in compliance with the pesticide regulations for a required amount of time (1 to 5 years typically) or the suspended penalty will be imposed.</td>
<td>Jan 25, 2012 9:13 AM</td>
</tr>
<tr>
<td>9</td>
<td>The respondent has the right to appeal either the violation or the civil penalty AFTER issuance of the enforcement action (15 days).</td>
<td>Jan 25, 2012 8:03 AM</td>
</tr>
<tr>
<td>10</td>
<td>The applicator has the legal right to request a hearing be represented by counsel, provide evidence in their defense and contest the allegation after the civil penalty (settlement agreement) has been issued.</td>
<td>Jan 25, 2012 8:00 AM</td>
</tr>
<tr>
<td></td>
<td>Civil Fining Authority per Violation</td>
<td>Date and Time</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>1</td>
<td>3 tiered levels: $50-$400; $250-$1000; $700-$5000</td>
<td>Feb 3, 2012 12:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>$5000 per violation</td>
<td>Feb 2, 2012 8:40 AM</td>
</tr>
<tr>
<td>3</td>
<td>Based on precedent. Up to 7500.00 per violation</td>
<td>Jan 27, 2012 1:38 PM</td>
</tr>
<tr>
<td>4</td>
<td>Up to $5000(\text{\textbackslash violation}) day on use &amp; $25000(\text{\textbackslash violation}) day - Waste</td>
<td>Jan 27, 2012 8:31 AM</td>
</tr>
<tr>
<td>5</td>
<td>depends on the violation</td>
<td>Jan 27, 2012 6:15 AM</td>
</tr>
<tr>
<td>6</td>
<td>Ranges from $100-$5,000 depending on violation and enforcement history</td>
<td>Jan 26, 2012 1:16 PM</td>
</tr>
<tr>
<td>7</td>
<td>It varies based on type and gravity. 100-1,000 per count</td>
<td>Jan 26, 2012 9:34 AM</td>
</tr>
<tr>
<td>8</td>
<td>$0 - $1,000</td>
<td>Jan 26, 2012 7:02 AM</td>
</tr>
<tr>
<td>9</td>
<td>Defined by matrix</td>
<td>Jan 26, 2012 7:00 AM</td>
</tr>
<tr>
<td>10</td>
<td>Up to $5,000 per count</td>
<td>Jan 26, 2012 6:42 AM</td>
</tr>
<tr>
<td>11</td>
<td>Maximum is $10,000 per violation, though it is based upon the severity of the violation. We follow an enforcement matrix</td>
<td>Jan 26, 2012 6:34 AM</td>
</tr>
<tr>
<td>12</td>
<td>$100.00 to $10,000.00</td>
<td>Jan 26, 2012 6:04 AM</td>
</tr>
<tr>
<td>13</td>
<td>$50 to 5000, but almost all violations require action at or above $250.</td>
<td>Jan 25, 2012 2:49 PM</td>
</tr>
<tr>
<td>14</td>
<td>0 - $ 25,000</td>
<td>Jan 25, 2012 2:35 PM</td>
</tr>
<tr>
<td>15</td>
<td>Per have a maximum penalty per type of violation. Example: $10,000 max for misuse of an RUP, $3,000 max operating without a license.</td>
<td>Jan 25, 2012 1:15 PM</td>
</tr>
<tr>
<td>16</td>
<td>$3000</td>
<td>Jan 25, 2012 12:03 PM</td>
</tr>
<tr>
<td>17</td>
<td>It depends on the violation. There is usually a range based upon whether there were adverse effects or had the potential for adverse effects. We have a civil penalty matrix with fines for each type of violation.</td>
<td>Jan 25, 2012 11:37 AM</td>
</tr>
<tr>
<td>18</td>
<td>Gross Negligence, Flagrant - $10,000 per count</td>
<td>Jan 25, 2012 11:36 AM</td>
</tr>
<tr>
<td>19</td>
<td>Up to $2,500 for first offense and up to $5,000 for each subsequent violation.</td>
<td>Jan 25, 2012 11:03 AM</td>
</tr>
<tr>
<td>20</td>
<td>For WPS the penalties are up to $5000. For &quot;serious&quot; violations - defined in statute - penalty is 10,000</td>
<td>Jan 25, 2012 9:46 AM</td>
</tr>
<tr>
<td>21</td>
<td>Zero. However the county attorney can issue fines up to $750 per violation.</td>
<td>Jan 25, 2012 9:18 AM</td>
</tr>
<tr>
<td>22</td>
<td>Administrative penalties for private applicators are not to exceed $1000 per violation. For commercial/non-commercial applicators, admin penalties shall not exceed $5,000 per violation.</td>
<td>Jan 25, 2012 9:13 AM</td>
</tr>
<tr>
<td>23</td>
<td>depends on the type of violation ranges for $500 to $2500</td>
<td>Jan 25, 2012 8:40 AM</td>
</tr>
<tr>
<td>24</td>
<td>max of $1,000 per violation</td>
<td>Jan 25, 2012 8:29 AM</td>
</tr>
<tr>
<td>Page</td>
<td>Text</td>
<td>Date</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>25</td>
<td>Cost of the inspection, lab analysis and manager review (not the way to go!!!)</td>
<td>Jan 25, 2012 8:09 AM</td>
</tr>
<tr>
<td>26</td>
<td>The fining authority per violation is based upon the severity of the violation: not more than $1000 for less than serious; not more than $5000 for serious; and not more than $20,000 for repeat or knowing violations. There is also a provision for the assessment of an additional $100,000 for serious damage to the environment or serious injury to property or person. We utilize a decision matrix to determine each civil penalty issued.</td>
<td>Jan 25, 2012 8:03 AM</td>
</tr>
<tr>
<td>27</td>
<td>$2000 for commercial - $500 for private applicators</td>
<td>Jan 25, 2012 7:54 AM</td>
</tr>
<tr>
<td>28</td>
<td>For first violation then it increases</td>
<td>Jan 25, 2012 7:46 AM</td>
</tr>
<tr>
<td>29</td>
<td>up to $500 for first violation, up to $1000 thereafter</td>
<td>Jan 25, 2012 7:36 AM</td>
</tr>
</tbody>
</table>
Page 10, Q17. We currently have _____ open/unresolved cases in our database. (Optional question, but if you can provide this number it would be much appreciated.)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>approx. 20 but not verified as current, will check</td>
<td>Feb 1, 2012 6:35 PM</td>
</tr>
<tr>
<td>2</td>
<td>5</td>
<td>Jan 30, 2012 12:28 PM</td>
</tr>
<tr>
<td>3</td>
<td>5-10 at any one time</td>
<td>Jan 30, 2012 9:54 AM</td>
</tr>
<tr>
<td>4</td>
<td>We strive to complete all cases, fertilizer and pesticides within a 6 month period. We are currently finishing our AA cases. We have approximately 40 cases that we will be concluding shortly.</td>
<td>Jan 27, 2012 1:41 PM</td>
</tr>
<tr>
<td>5</td>
<td>&lt;10</td>
<td>Jan 27, 2012 8:33 AM</td>
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<tr>
<td>6</td>
<td>61</td>
<td>Jan 26, 2012 1:22 PM</td>
</tr>
<tr>
<td>7</td>
<td>0</td>
<td>Jan 26, 2012 9:35 AM</td>
</tr>
<tr>
<td>8</td>
<td>55</td>
<td>Jan 26, 2012 7:16 AM</td>
</tr>
<tr>
<td>9</td>
<td>400 +</td>
<td>Jan 26, 2012 7:12 AM</td>
</tr>
<tr>
<td>10</td>
<td>40</td>
<td>Jan 26, 2012 6:43 AM</td>
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<tr>
<td>11</td>
<td>8</td>
<td>Jan 26, 2012 6:08 AM</td>
</tr>
<tr>
<td>12</td>
<td>Cannot track county activity at state level</td>
<td>Jan 25, 2012 2:51 PM</td>
</tr>
<tr>
<td>13</td>
<td>approximately 20</td>
<td>Jan 25, 2012 2:26 PM</td>
</tr>
<tr>
<td>14</td>
<td>30</td>
<td>Jan 25, 2012 1:18 PM</td>
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<tr>
<td>15</td>
<td>1</td>
<td>Jan 25, 2012 12:08 PM</td>
</tr>
<tr>
<td>16</td>
<td>75-80</td>
<td>Jan 25, 2012 11:38 AM</td>
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<tr>
<td>17</td>
<td>150+</td>
<td>Jan 25, 2012 11:38 AM</td>
</tr>
<tr>
<td>18</td>
<td>7 cases</td>
<td>Jan 25, 2012 11:07 AM</td>
</tr>
<tr>
<td>19</td>
<td>59 formal complaints plus 200 'neutral scheme inspections pending as of 1/25/12</td>
<td>Jan 25, 2012 10:39 AM</td>
</tr>
<tr>
<td>20</td>
<td>Four</td>
<td>Jan 25, 2012 9:18 AM</td>
</tr>
<tr>
<td>21</td>
<td>4</td>
<td>Jan 25, 2012 8:41 AM</td>
</tr>
<tr>
<td>22</td>
<td>10</td>
<td>Jan 25, 2012 8:39 AM</td>
</tr>
<tr>
<td>23</td>
<td>33 this is complaint and compliance</td>
<td>Jan 25, 2012 8:32 AM</td>
</tr>
<tr>
<td>24</td>
<td>In Virginia, &quot;open&quot; cases refer to those in which we have taken enforcement actions and are pending payment by the respondent which will &quot;close&quot; the case. They are considered resolved (final disposition). For those cases in which payment is never received, the case will remain open and will be given the &quot;cold</td>
<td>Jan 25, 2012 8:26 AM</td>
</tr>
</tbody>
</table>
Page 10, Q17. We currently have _____ open/unresolved cases in our database. (Optional question, but if you can provide this number it would be much appreciated.)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>25</td>
<td>15</td>
<td>Jan 25, 2012 8:10 AM</td>
</tr>
<tr>
<td>26</td>
<td>2</td>
<td>Jan 25, 2012 8:07 AM</td>
</tr>
<tr>
<td>27</td>
<td>59 (Ag)</td>
<td>Jan 25, 2012 8:02 AM</td>
</tr>
<tr>
<td>28</td>
<td>10</td>
<td>Jan 25, 2012 8:02 AM</td>
</tr>
<tr>
<td>29</td>
<td>Two (2)</td>
<td>Jan 25, 2012 8:01 AM</td>
</tr>
<tr>
<td>30</td>
<td>approximately 30</td>
<td>Jan 25, 2012 8:01 AM</td>
</tr>
<tr>
<td>31</td>
<td>4</td>
<td>Jan 25, 2012 7:51 AM</td>
</tr>
<tr>
<td>32</td>
<td>2</td>
<td>Jan 25, 2012 7:47 AM</td>
</tr>
<tr>
<td>33</td>
<td>~ 75</td>
<td>Jan 25, 2012 7:47 AM</td>
</tr>
<tr>
<td></td>
<td>Email Address</td>
<td>Date and Time</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>1</td>
<td><a href="mailto:kboyle@cdpr.ca.gov">kboyle@cdpr.ca.gov</a></td>
<td>Feb 3, 2012 12:56 AM</td>
</tr>
<tr>
<td>2</td>
<td><a href="mailto:Michael.Page@freshfromflorida.com">Michael.Page@freshfromflorida.com</a></td>
<td>Feb 2, 2012 8:44 AM</td>
</tr>
<tr>
<td>3</td>
<td><a href="mailto:brabe@nmda.nmsu.edu">brabe@nmda.nmsu.edu</a></td>
<td>Feb 1, 2012 6:35 PM</td>
</tr>
<tr>
<td>4</td>
<td><a href="mailto:johnca@mdac.ms.gov">johnca@mdac.ms.gov</a></td>
<td>Jan 30, 2012 12:28 PM</td>
</tr>
<tr>
<td>5</td>
<td><a href="mailto:lberry@mt.gov">lberry@mt.gov</a></td>
<td>Jan 30, 2012 9:55 AM</td>
</tr>
<tr>
<td>6</td>
<td><a href="mailto:gbuzycky@state.mn.us">gbuzycky@state.mn.us</a></td>
<td>Jan 27, 2012 1:42 PM</td>
</tr>
<tr>
<td>7</td>
<td><a href="mailto:david_f@ldaf.state.la.us">david_f@ldaf.state.la.us</a></td>
<td>Jan 27, 2012 8:33 AM</td>
</tr>
<tr>
<td>8</td>
<td><a href="mailto:marie.blankenship@kda.ks.gov">marie.blankenship@kda.ks.gov</a></td>
<td>Jan 26, 2012 1:22 PM</td>
</tr>
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