

**Patricia D. Hastings**

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**Sent:** Wednesday, April 11, 2007 6:46 PM  
**Subject:** Worker Protection Violations at Nursery Settled

Press release that follows received from EPA's Office of Pesticide Programs April 11, 2006.

Although this case occurred in Pennsylvania, **all operations that are regulated by the Worker Protection Standard** should take heed. The violations settled with EPA were concerning the application and use of the pesticide MBC-33 at a nursery. MBC-33 is a soil fumigant that is a restricted use pesticide [active ingredients are 'chor-o-pic' (chloropicrin) and bromomethane (methyl bromide)].

Please continue to get the word out to grower, nursery, and greenhouse operations (especially day-labor operations such as blueberry growers) to **make sure that they are in compliance with New Jersey State pesticide control regulations.**

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**Subject: Hendrix and Dail Settles Pesticide Violations**

For Immediate Release: April 11, 2007; Contact: Bonnie Smith (215) 814-5543

PHILADELPHIA (April 11, 2007) Hendrix and Dail has agreed to pay a \$15,000 penalty to settle alleged violations of federal pesticide regulations that occurred at a nursery in Montgomery County, Pa., the U.S. Environmental Protection Agency announced today. Hendrix and Dail, a commercial pesticide applicator, is headquartered in Greenville, N.C.

EPA cited Hendrix and Dail for violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), a federal law requiring the registration of pesticide products and pesticide-production facilities, the proper labeling of pesticides, and the proper handling and application of pesticides. FIFRA's requirements protect public health and the environment by ensuring the safe production, handling and application of pesticides; and by preventing false, misleading, or unverifiable product claims.

EPA alleged that Hendrix and Dail violated five FIFRA worker protection standards (including pesticide label requirements) concerning the application and use of a restricted use pesticide MBC-33 at a nursery in Montgomery County, Pa., in June 2003. The violations include failure to: post warning signs; failure to ensure the nursery was aware of necessary safety information related to the pesticide; allowing improperly trained and equipped handlers to assist with the application process (nursery employees shoveled dirt onto the edge of the tarpaulin used in the application); and two counts related to the tarpaulin being removed without the direct supervision of a certified applicator.

As part of the settlement, the company neither admitted nor denied liability for the alleged violations. The company has certified to EPA that it currently is complying with applicable provisions of FIFRA and the applicable pesticide label requirements with respect to each

pesticide application it is performing in the United States. All inquiries to Hendrix & Dail should be made to Dennis Nino, Esq., General Counsel, at (408) 398-4352.

Visit <http://www.epa.gov/pesticides> for more information about EPA's pesticide program.  
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Patricia D. Hastings

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**Pest Management Office**

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**New Jersey, the Garden State!**