

Patricia D. Hastings

From: "Patricia Hastings" <hastings@aesop.rutgers.edu>
To: "NJinPAS Network" <NJinPASNetwork@aesop.rutgers.edu>
Cc: "John Orrok" <jorrok@dep.state.nj.us>
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Subject: NJ Tomato Producer Facing Record High Fines for Serious Pesticide Violations

Courtesy of John Orrok, Bureau Chief, Bureau of Pesticide Compliance, New Jersey Department of Environmental Protection.

FOR IMMEDIATE RELEASE

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Contact: Darlene Yuhas (609) 984-1795
 Elaine Makatura (609) 292-2994

**MAJOR TOMATO PRODUCER FACES RECORD-HIGH PENALTY
 FOR SERIOUS PESTICIDE VIOLATIONS AT NEW JERSEY OPERATIONS**

(09/03) TRENTON - A corporate tomato grower faces an unprecedented penalty of more than \$931,000 for misusing pesticides and jeopardizing the health and safety of workers in its New Jersey farm fields and packing houses, Department of Environmental Protection Acting Commissioner Mark N. Mauriello announced today.

In its enforcement action, the DEP cites Ag-Mart Produce Inc., headquartered in Cedarville, Cumberland County, with hundreds of violations that include denying state environmental inspectors access to facilities, losing track of a highly toxic insecticide, failing to properly ventilate areas during pesticide use, failing to post important pesticide-safety information for workers, careless recordkeeping and using forbidden mixtures of pesticides.

Ag-Mart Produce widely markets its tomatoes under the brand name "Santa Sweets," and employs 700 people throughout 17 farm locations in New Jersey. Ag-Mart also owns and operates other produce farms in North Carolina, Florida and Mexico.

"Ag-Mart has repeatedly shown a stunning disregard of laws and regulations intended to protect the workers who harvest their tomatoes, the people who consume them and New Jersey's environment," Commissioner Mauriello said. "Ag-Mart's pesticide violations are the most serious DEP inspectors have ever uncovered. We have imposed a record-high penalty not only to hold Ag-Mart accountable for their failure, but to make sure it doesn't happen again."

Both the \$931,250 fine and the accompanying DEP orders to fully comply with all pesticide laws stem from a series of inspections at Ag-Mart farm properties during 2005, 2006 and 2007, a review of corporate records and interviews with Ag-Mart management and employees.

In May 2006, for example, Ag-Mart Produce barred a DEP environmental investigator from inspecting facilities and forced the state investigator to wait several hours before finally allowing access only to a portion of a packing house that was not at issue.

"Deliberately denying DEP inspectors the right to enter and inspect their agricultural operations is an egregious offense because it impedes our ability to protect employees and the public from pesticide misuse," Commissioner Mauriello said.

The DEP's Compliance and Enforcement inspectors' investigation of the corporate farm and its operations revealed a host of significant offenses including Ag-Mart Produce's failure to keep under lock and key a highly toxic insecticide known as Monitor. Ultimately, Ag-Mart could not account for the 2.5 gallon container of the insecticide.

Other violations outlined in the DEP's enforcement action include: applying pesticides more frequently than allowed by law and failing to provide proper ventilation for chlorine vapors in the tomato packing house -- an incident which affected three DEP inspectors during a site visit.

Further, DEP inspectors found that on 17 occasions the company prematurely harvested pesticide-treated tomato crops, potentially exposing consumers to illegal pesticide residues in the marketplace.

Inspectors also discovered the company failed to adequately and accurately document pesticide use in its fields. After poring over records from 2004 and 2005, DEP inspectors found documents were missing critical information such as the correct times pesticides were applied and employees could be allowed to safely re-enter treated areas as well as the name of the pesticide applicator and the size of the treated areas.

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