

STATE OF CALIFORNIA  
**PESTICIDE EPISODE INVESTIGATION REPORT**

DEPARTMENT OF PESTICIDE REGULATION  
 PESTICIDE ENFORCEMENT BRANCH  
 PAGE 1 OF 11

PR-ENF-127 (REV. 8/07)

RECEIVED BY CHARILE GARCIA	RECEIVED FROM <b>JEANANN HURST</b>	REPRESENTING HERSELF	DATE/TIME RECEIVED 08/06/2021 3:55 PM	DATE NOTIFIED: DFA DFG DHS DIR EPA CAC OTHER
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1 <input type="checkbox"/> PROPERTY LOSS \$		<input type="checkbox"/> ENVIRONMENTAL EFFECTS <input type="checkbox"/> OTHER	PRIORITY INVESTIGATION <input type="checkbox"/> YES # <input checked="" type="checkbox"/> NO	
OTHER I.D. NO. INV-10-20210806-098	COUNTY OF OCCURRENCE FRESNO	DATE OF OCCURRENCE 08/06/2021	TIME 9:15 AM	
EPISODE LOCATION 1300 MINNEWAWA AVENUE <b>APARTMENT 261</b> CLOVIS CA 93612				

**INJURED/COMPLAINANT INFORMATION**

COMPLAINT SIGNED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	DOCTOR VISITED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> FATAL <input checked="" type="checkbox"/> SYMPTOMS <input type="checkbox"/> SERIOUS <input type="checkbox"/> EXPOSED ONLY	ACTIVITY OF PERSON EXPOSED/INVOLVED <input type="checkbox"/> MIXER/LOADER <input type="checkbox"/> FIELDWORKER <input type="checkbox"/> OTHER <input type="checkbox"/> APPLICATOR <input checked="" type="checkbox"/> PUBLIC EXPLAIN TENANT	
NAME <b>JEANANN HURST</b>	AGE UK	SEX FEMALE	WHS NO. N/A	WORKDAYS LOST N/A
ADDRESS <b>1300 MINNEWAWA AVENUE APARTMENT 261</b>		CITY CLOVIS	ZIP 93612	PHONE <b>(559)575-9669</b>
MEDICAL FACILITY NAME N/A	<input type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED N/A	DATE/TIME DISCHARGED N/A
PHYSICIAN N/A	ADDRESS		PHONE	
SIGNS/SYMPTOMS EXPERIENCED NONE				
EMPLOYER N/A	ADDRESS		PHONE	

**PROTECTIVE MEASURES USED**

<b>EYES</b> <input type="checkbox"/> Safety glasses <input type="checkbox"/> Goggles <input type="checkbox"/> Faceshield <input type="checkbox"/> Eye/Sun glasses <input checked="" type="checkbox"/> None	<b>HANDS</b> <input type="checkbox"/> Cloth/Leather gloves <input type="checkbox"/> Chem resistant gloves <input type="checkbox"/> Other <input checked="" type="checkbox"/> None	<b>INHALATION</b> <input type="checkbox"/> Dust mask <input type="checkbox"/> 1/2 Face Respirator <input type="checkbox"/> Full Face Respirator <input type="checkbox"/> SCBA <input checked="" type="checkbox"/> None	<b>OTHER</b> <input type="checkbox"/> Work clothes <input type="checkbox"/> Coveralls <input type="checkbox"/> Chem resistant clothes <input type="checkbox"/> Chem resistant boots <input type="checkbox"/> Head covering <input type="checkbox"/> Other	<b>ENGINEERING CONTROLS</b> <input type="checkbox"/> Closed system <input type="checkbox"/> Enclosed cab <input type="checkbox"/> Encl cab w/Air-purification <input type="checkbox"/> Other <input type="checkbox"/> None
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**ENVIRONMENTAL OR PROPERTY DAMAGE**

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE N/A
OWNER	ADDRESS PHONE

ALLEGED RESPONDENT(S) <input type="checkbox"/> PCA <input type="checkbox"/> DEALER <input type="checkbox"/> PILOT <input type="checkbox"/> GROWER <input type="checkbox"/> AGENCY <input checked="" type="checkbox"/> OTHER*				
NAME <b>DEREK JAKUSZ</b>	PHONE <b>559-647-8295</b>	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # <input checked="" type="checkbox"/> NO	
ADDRESS 2972 LARKING AVENUE		EMPLOYER'S NAME EMTS, INC	PHONE <b>(559)292-2900</b>	
CITY CLOVIS	STATE CALIFORNIA	ZIP 93612	EMPLOYER'S ADDRESS 2972 LARKING AVENUE	
EXPLAIN* MAINTENANCE GARDNER PEST CONTROL BUSINESS		CITY CLOVIS	STATE CALIFORNIA	ZIP 93612

PRODUCT NAME MANUFACTURER	EPA REG NO.	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
SPEED ZONE SOUTHERN BROADLEAF HERBICIDE FOR TURF	2217-835-ZA	CAUTION	UK	08/06/2021	GRASS AREA
FERTILIZER (9.0,1.7,3.5)	N/A	N/A	UK	08/06/2021	GRASS AREA

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION  
 Pressurized handwand sprayer.  
 SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A If Additional Space is Needed.)  
 SEE SUMMARY

REPORT PREPARED BY  Name: CHARILE GARCIA Title: AGRICULTURAL STANDARDS SPECIALIST I	DATE PREPARED 10/01/2021	REPORT REVIEWED/APPROVED BY  Name: SHAWN ATHAYASAY Title: SUPERVISING AGRICULTURAL STANDARDS SPECIALIST	DATE APPROVED 10-1-2021
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COUNTY: FRESNO  
INV-10-20210806-098  
Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: **JEANANN HURST**/ EMTS, INC  
COMPLAINT

Page: 2

### SUMMARY

On August 6, 2021, at approximately 9:00 AM EMTS INC made an application of **Speed Zone Southern Broadleaf Herbicide for Turf** and fertilizer to her apartment complex, LEXINGTON SQUARE APARTMENTS. On August 6, 2021, at 3:55 PM, **JEANANN HURST** contacted the Fresno County Department of Agriculture about a chemical application that took place near her apartment building earlier that day. She was concerned because she did not know what was being applied.

I, Agricultural/Standards Specialist I CHARLIE GARCIA, responded to this incident by contacting witnesses, conducting interviews, and obtaining documents. During the course of this investigation, I found two violations of Title 3 of the California Code of Regulations.

### BACKGROUND

On August 6, 2021, at 3:55 PM **J. HURST** phoned the Fresno County Department of Agriculture (Department) to place a complaint regarding chemical applications made near her residence. The Department is located at 1730 S. Maple Avenue, Fresno, California 93702.

All Supervising Agricultural/Standards Specialists; Agricultural/Standards Specialists; Agricultural/Standards Investigators; and Deputy Agricultural Commissioner/Sealers are employed with the Department.

EMTS, INC (EMTS) (AKA ELITE MAINTENANCE & TREE SERVICES INC), business license number 37177, is located at 2972 Larkin Avenue, Clovis, California 93612. EMTS is a maintenance gardener pest control business licensed with the California Department of Pesticide Regulation (DPR). EMTS registered with the Department for the 2021 calendar year on March 18, 2021 (Attachment 1). **DERIK JAKUSZ** is the Fresno branch General Manager and has a Qualified Applicator **license number 109160**, category B, expiring in 2022 (Attachment 2).

The California Department of Pesticide Regulation (DPR) – Pesticide Registration Branch provided the registered pesticide product label for the following pesticide:

**Speed Zone Southern Broadleaf Herbicide for Turf** – manufactured by PBI-Gordon Corporation; EPA Reg. 2217-835-ZA; active ingredient 2,4-D, 2-ethylhexyl ester, Mecoprop-p acid, Dicamba acid, and Carfentrazone-ethyl; signal word Caution (Attachment 3).

CASPIR (California's System for Pesticide Incident Reporting) is a mobile application managed by the California Department of Pesticide Regulation. CASPIR provides a way to use mobile phones and tablets to report pesticide incidents in California: <https://www.cdpr.ca.gov/docs/dept/quicklinks/caspir.htm>

COUNTY: FRESNO  
INV-10-20210806-098  
Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: J. HURST / EMTS, INC  
COMPLAINT

Page: 3

### VIOLATIONS

California Code of Regulations (3 CCR)

- Section 6618 Notice of Applications

Enforcement Authority: FAC sections 12996 and 12999.5

Applicable sections of FAC and 3 CCR (Attachment 4)

### WITNESSES

VANESSA CANALES, Customer Service Coordinator  
EMTS, INC  
2972 Larkin Avenue, Clovis, CA 93612  
559-292-2900

DENISE FLUD, Property Manager  
LEXINGTON SQUARE APARTMENTS  
1300 Minnewawa Avenue, Clovis, CA 93612  
559-298-7525

SABAS MARTINEZ, Maintenance Manager  
LEXINGTON SQUARE APARTMENTS  
1300 Minnewawa Avenue, Clovis, CA 93612  
559-577-8724

ROBERT TROMBETTA, Account Supervisor  
EMTS, INC  
2972 Larkin Avenue, Clovis, CA 93612  
559-417-8298

### INVESTIGATION AND STATEMENTS

**August 6, 2021 3:55 PM**

I received a phone call from J. HURST. She conveyed to me the following in summary:

J. HURST

Earlier today, August 6, 2021, at 9:15 AM, EMTS was spraying the grass area of the apartment complex that I live at, located at 1300 Minnewawa Avenue Apartment 261 Clovis CA, 93612 [LEXINGTON SQUARE APARTMENTS]. I saw big canisters on the back of the truck, so I went over to them and asked them what they were spraying? They told me they were spraying fertilizer.

I suspected that they were treating for mosquitos, so I called the spray company to ask them for the MSDSs of each product they sprayed. I left them a message around 3:00 PM but I have not heard back from them. Is that normal?

COUNTY: FRESNO  
INV-10-20210806-098  
Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST/ EMTS, INC  
COMPLAINT

Page: 4

I am not currently experiencing any symptoms. But for seven years they have been intentionally exposing me to pesticides and other chemicals. It's caused me to have seizures and other illnesses. If I don't stay on top of them, they get sloppy.

I also want the report that I filed back in October of 2020. Can you please have it sent to me?

*End of Interview*

I informed J. HURST that we would mail her a copy of her previous report.

**August 6, 2021 4:26 PM**

I called EMTS to inquire what they sprayed at LEXINGTON SQUARE APARTMENTS. CELY, an EMTS Customer Representative, conveyed to me the following in summary:

CELY

Our Customer Service Coordinator, VANESSA CANALES left about an hour ago. She might have been able to help provide that information. You can reach her via email at [vanessacanales@eliteteamoffices.com](mailto:vanessacanales@eliteteamoffices.com).

*End of Interview*

**August 9, 2021 9:12 AM**

I called EMTS Account Supervisor, ROBERT TROMBETTA, to inquire what products were sprayed at LEXINGTON SQUARE APARTMENTS. He did not answer, and I was unable to leave a voice message because his mailbox was full. I then tried to contact him through the main office number, but this mailbox there was full too.

**August 9, 2021 9:17 AM**

I called EMTS again and asked to speak with someone regarding the chemical application at LEXINGTON SQUARE APARTMENTS. I was transferred to V. CANALES. She conveyed to me the following in summary:

V. CANALES

We stopped spraying **Round Up** at LEXINGTON SQUARE APARTMENTS because one of the tenants was allergic. We also told our employees not to spray near her apartment building to avoid having these types of issues. I don't know for sure, but I think that they either sprayed **Speed Zone** or **Dimension**. The spray technicians would know that information. If you give me a call back number, I can get all the information you require and give you a call back.

*End of Interview*

**August 9, 2021 9:30 AM**

Supervising Agricultural/Standards Specialist SHAWN ATHAYASAY mailed a copy of investigation 10-20201023-310 to J. HURST.

COUNTY: FRESNO  
INV-10-20210806-098  
Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST EMTS, INC  
COMPLAINT

Page: 5

**August 9, 2021 10:24 AM**

I had a missed call from R. TROMBETTA who called while S. ATHAYASAY and I were driving to LEXINGTON SQUARE APARTMENTS. In his voice message he conveyed the following:

**R. TROMBETTA**

We were given the green light by SABAS MARTINEZ the Maintenance Manager, to spray at LEXINGTON SQUARE APARTMENTS with the exception of the complaint's apartment, whom we've had issues with. You can reach me at (559)417-8298.

*End of Interview*

**August 9, 2021 10:35 AM**

S. ATHAYASAY and I drove to LEXINGTON SQUARE APARTMENTS to determine if a Notice of Application had been provided to them by EMTS prior to Friday's (August 6, 2021) application. We spoke with property manager, DENISE FLUD. In response to our questions, she conveyed the following in summary:

**D. FLUD**

We did not receive a Notice of Application. I was not aware that EMTS was supposed to give us a notice prior to applications, or that we are required to post information regarding those applications. We try to stay in compliance with all requirements by having the SDSs for chemicals sprayed available. Moving forward, we will be sure to post the required information.

*End of Interview*

We provided a copy of 3 CCR section 6618 Notice of Applications to D. FLUD.

**August 9, 2021 11:00 AM**

S. ATHAYASAY and I drove to EMTS. While at EMTS we spoke with General Manager, DERIK JAKUSZ. In response to our questions, he conveyed to us the following in summary:

**D. JAKUSZ**

I'm fairly positive I know who placed the complaint. We've been dealing with her for a while now, so we try to stay away from her general area. It's gotten to the point where we may not treat that complex at all anymore.

Yes, our technicians did treat the property. They were using Speed Zone (Attachment 3) and an organic fertilizer (Attachment 5), however, they only sprayed fertilizer near her apartment building. Before we sprayed, we talked to S. MARTINEZ, the Maintenance Manager at LEXINGTON SQUARE APARTMENTS over the phone. He specifically requested that we spray an herbicide. We agreed to do so, but we did not specify to him what product we were going to use, or when the application would occur. We did however send the apartment complex the SDSs for the products sprayed. S. MARTINEZ's cell

COUNTY: FRESNO  
INV-10-20210806-098

Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST/ EMTS, INC  
COMPLAINT

Page: 6

number is 559-577-8724. If you send me an email reminder, I can also email you the fertilizer label, it's a special blend that we get from NUTRIEN.

*End of Interview*

Because property manager D. FLUD conveyed to us that they did not receive a Notice of Application, a Cease and Desist order was issued to EMTS and given to D. JAKUSZ for making a application of pesticides without first providing a Notice of Application to LEXINGTON SQUARE APARTMENTS, as required by 3 CCR section 6618(b)(1) pursuant to FAC section 13102 (Attachment 6).

**August 9, 2021 2:03 PM**

I called S. MARTINEZ to inquire when he received a Notice of Application for the August 6, 2021 application from EMTS. He did not answer so I left a voice message with my call back information. Subsequently, I left messages for S. MARTINEZ to return my call on August 10, 2021 at 1:21 PM, and August 11, 2021, at 1:32 PM. To date he has not returned my calls.

**August 9, 2021 2:06 PM**

I called R. TROMBETTA back, he conveyed the following in summary:

**R. TROMBETTA**

We've had this same issue happen already two or three times. From now on we'll be sure to provide notices prior to any applications, and we will continue to avoid her building.

*End of Interview*

I explained the information that needed to be included with the Notice of Applications and told him that if they had any questions to call the Department.

**August 9, 2021 2:44 PM**

I emailed D. JAKUSZ to ask for the fertilizer label. I also attached a copy of 3 CCR section 6618 Notice of Applications.

**August 9, 2021 3:07 PM**

R. TROMBETTA emailed me a picture of the label of the fertilizer used at LEXINGTON SQUARE APARTMENTS (Attachment 5).

**August 11, 2021 1:31 PM**

I called R. TROMBETTA to inquire when the Notice of Application was provided to LEXINGTON SQUARE APARTMENTS. He did not answer, and I was unable to leave a voice message.

**August 11, 2021 2:20 PM**

I called J. HURST back to inform her what was sprayed on August 6, 2021. She did not answer so I left a voice message.

COUNTY: FRESNO  
INV-10-20210806-098

Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST/ EMTS, INC  
COMPLAINT

Page: 7

**August 11, 2021 2:39 PM**

I received a call from J. HURST, she conveyed the following in summary:

**J. HURST**

Well first off, they lied to me. I demanded they tell me what they were spraying. I told them that they need to put up signs to warn people when they spray, especially because they were spraying next to the playground and that stuff was used in napalm during the war.

I called EMTS and asked them to send me the SDSs, but they never did. That means they're guilty.

They use to wait until I would leave, then they would come and douse the area around my apartment. I sent pictures to one of the other inspectors working there with you. Since I'm super allergic, when I came home I would have seizures while going up the stairs. This company has committed many crimes against me. I call them "Murder for Hire."

What EMTS did last week is criminal. This is the last straw; I'm not taking this anymore. I am taking legal action against them. I've spent my life being sick because they're spraying everywhere. I live close to FRESNO STATE AG and they're spraying out there too.

I had this same issue when I worked at the prison. I'm a former state whistle blower so naturally they came after me. I don't know how you guys keep up with all these idiots. I've learned that with the lawsuits they're going to stop spraying **Round Up**, but they will continue to do so commercially. It's due to all the corruption.

I would really appreciate it if you would send me the labels of what they sprayed.  
*End of Interview*

I informed J. HURST that I would mail her labels for **Speed Zone** and the fertilizer used. I also told her that she could submit complaints about pesticide applications online using CASPIR.

**August 11, 2021 2:56 PM**

I called J. HURST back to clarify with her that EMTS did treat the property with the herbicide and fertilizer, but they only sprayed fertilizer near her apartment. She conveyed the following in summary:

**J. HURST**

I did not see anyone with a backpack sprayer. I did see trucks with big containers on the back and huge hoses.

Why are they not required to alert the public before spraying? This is racketeering crime to the max. I intend to go after LEXINGTON SQUARE APARTMENTS too.

COUNTY: FRESNO  
INV-10-20210806-098

Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST / EMTS, INC  
COMPLAINT

Page: 8

They used to tell us in a monthly news when they were going to spray, but they don't anymore. EMTS comes out here every Friday. They've destroyed the grass that used to be here. The weed sprays just make everything toxic. Honestly, I don't know why I'm not dead.

*End of Interview*

J. HURST expressed her concerns regarding many other topics not within our purview. I explained to J. HURST that EMTS is required to provide a Notice of Application to LEXINGTON SQUARE APARTMENTS prior to making any chemical applications, and that it is then LEXINGTON SQUARE APARTMENTS' responsibility to post and make that information available to their tenants.

**August 11, 2021 4:20 PM**

I mailed a copy of the label for **Speed Zone** and the fertilizer used to J. HURST.

**August 13, 2021 1:03 PM**

I missed call from D. FLUD.

**August 16, 2021 9:07 AM**

I called D. FLUD back, she conveyed the following in summary:

D. FLUD

I wanted to ask if we are required to provide a disclosure to each tenant letting them know what they're spraying every time, or can we just post a blanket notification?

*End of Interview*

I explained to D. FLUD that EMTS is required to provide a Notice of Application to LEXINGTON SQUARE APARTMENTS prior to making any chemical applications, and that it is then LEXINGTON SQUARE APARTMENTS' responsibility to post and make that information available to their tenants.

## FINDINGS

On Friday, August 6, 2021, at 9:15 AM, J. HURST, a tenant at LEXINGTON SQUARE APARTMENTS, saw EMTS spraying the grass area near her apartment building with an unknown chemical. At 3:55 PM, she telephoned the Department to place a complaint.

LEXINGTON SQUARE APARTMENTS Property Manager, D. FLUD conveyed they did not receive a verbal or written Notice of Application from EMTS prior to the August 6, 2021 application. Additionally, LEXINGTON SQUARE APARTMENTS did not make available or post information about the applications prior to applications. I, Agricultural/Standards Specialist I CHARLIE GARCIA, attempted multiple times to establish contact with LEXINGTON SQUARE APARTMENTS' Maintenance Manager S. MARTINEZ to determine when or if he was given a notice of the application.



COUNTY: FRESNO  
INV-10-20210806-098

Inspector: CHARLIE GARCIA  
Date of Incident: August 6, 2021

SUBJECT: **JEANANN HURST** EMTS, INC  
COMPLAINT

Page: 9

EMTS INC made an application of **Speed Zone Southern Broadleaf Herbicide for Turf** and fertilizer to her apartment complex, LEXINGTON SQUARE APARTMENTS. In an attempt to avoid issues with **J. HURST**, only the fertilizer was sprayed near her apartment building. EMTS spoke over the phone with **S. MARTINEZ**, the Maintenance Manager who specifically requested that an herbicide be applied at the property. EMTS verbally notified **S. MARTINEZ** they would treat the next time they were there. EMTS however failed to provide information regarding the application such as: the date of the scheduled application; the identity of the pesticide by brand or common chemical name; and any other precautions printed on the pesticide product labeling or included in applicable laws or regulations related to the protection of employees or other persons during the application.

During this investigation, EMTS was found to be in violation of the following of 3 CCR section 6618(b)(1). A Notice of Violation with a Cease-and-Desist Order was issued to EMTS on August 9, 2021.

As a result of this investigation, LEXINGTON SQUARE APARTMENTS was found to be in violation of the following:

**Violation Regarding Notice of Application**

- **3 CCR section 6618(b)(2)**

3 CCR section 6618(b)(2) states the following, in part:

“(b) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(2) The operator of the property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area.”

COUNTY: FRESNO  
INV-10-20210806-098

Inspector: CHARLIE GARCIA

Date of Incident: August 6, 2021

SUBJECT: JEANANN HURST EMTS, INC  
COMPLAINT

Page: 10

On August 6, 2021, EMTS made an application of **Speed Zone** at LEXINGTON SQUARE APARTMENTS. LEXINGTON SQUARE APARTMENTS did not assure that prior notice about the **Speed Zone** application was given to all persons who were on the property to be treated, or who may have entered during the application. This is a violation of 3 CCR section 6618(b)(2).

### ATTACHMENTS

- |   |          |
|---|----------|
| 1. EMTS Pest Control Business County Registration<br>Source: Department   | 1 page   |
| 2. Copy of DERIK JAKUSZ's Qualified Applicator License<br>Source: Department  | 1 page   |
| 3. Registered <b>Speed Zone</b> Label<br>Source: Department of Pesticide Regulation – Registration Branch   | 12 pages |
| 4. Applicable Laws and Regulations<br>Source: <a href="http://www.cdpr.ca.gov/docs/legbills/laws_regulations.htm">http://www.cdpr.ca.gov/docs/legbills/laws_regulations.htm</a> | 4 pages  |
| 5. Fertilizer Label<br>Source: R. TROMBETTA   | 1 page   |
| 6. Notice of Violation with a Cease and Desist Order<br>Source: Department  | 1 page   |

# ATTACHMENT 1

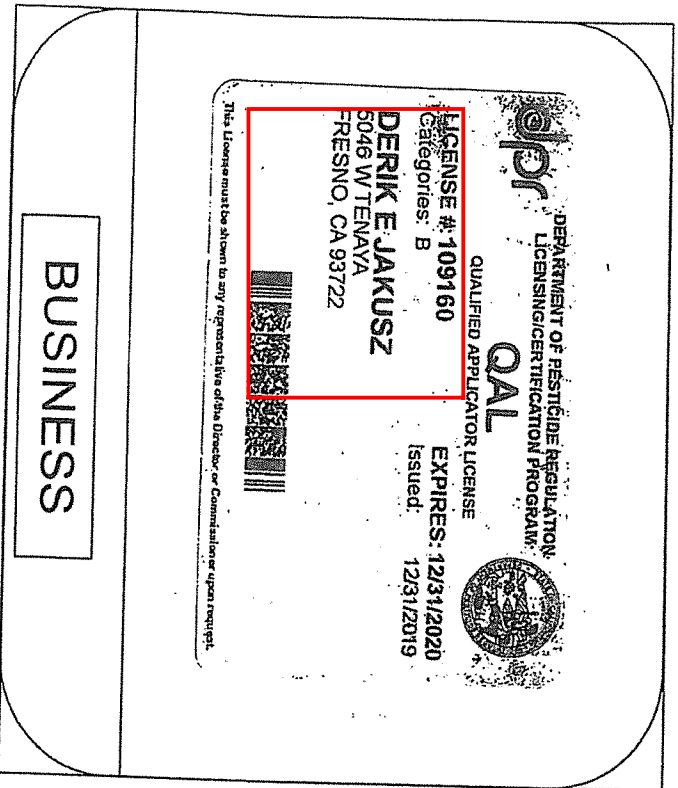
# County Registration

## Pest Control Business

For Registration in the County of Fresno  
 Registration Expiration Date: December 31, 2021

PAID 6871  
 CHECK NO. 25-  
 AMOUNT 3/18/21  
 DATE

ENTERED BY #10  
 MAR 18 2021  
 Registration Fee: \$ 25  
 Business Location:  Main  Branch



Business License Number 31177

Business Name EMTS INC

Address 2972 Larkin Ave

City Clovis Zip Code 93612

Phone 559-292-2900

Qualified Applicator Name Derik E Jakusz

Phone 559-444-8245

Email DerikJ@eliteframoffices.com

Alternate Phone 559-292-2900

Fax

Qualified Applicator's Signature

Date 12-22-20

Agricultural Commissioner's Signature

Date 3-18-21

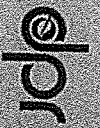
Main Area of Work:  Eastside  Westside  Both  
 (Eastside: area east of HWY 99 / Westside: area west of HWY 99)

**BUSINESS**

1730 S. Maple Avenue / Fresno, California 93702-4596 / (559) 600-7510  
<http://www.co.fresno.ca.us/fresnoag-fresnoag@fresnocountyca.gov>  
 The County of Fresno is an Equal Employment Opportunity Employer

# ATTACHMENT 2

STATE OF CALIFORNIA  
AGRICULTURAL PEST CONTROL ADVISER LICENSE  
QUALIFIED APPLICATOR LICENSE/CERTIFICATE  
APPRENTICE/JOURNEYMAN PILOT  
(REV. 01/18)



DEPARTMENT OF PESTICIDE REGULATION  
LICENSING/CERTIFICATION PROGRAM

QUALIFIED APPLICATOR LICENSE



LICENSE #: 109160

Categories: B

EXPIRES: 12/31/2022

Issued: 1/19/2021

**DERIK E JAKUSZ**

5046 W. TENAYA  
FRESNO, CA 93722



The License must be shown to any representative of the Director or Commissioner upon request.

# ATTACHMENT 3

Product File  
#290209



# SpeedZone

## SOUTHERN

### BROADLEAF HERBICIDE FOR TURF

<b>ACTIVE INGREDIENTS:</b>	
2,4-D 2-ethylhexyl ester	10.49%
Mecoprop-p acid	2.66%
Dicamba acid	0.67%
Carfentrazone-ethyl	0.54%
<b>OTHER INGREDIENTS:</b>	85.64%
	<b>TOTAL 100.00%</b>

**THIS PRODUCT CONTAINS:**

0.52 lb. 2,4-dichlorophenoxyacetic acid equivalent per gallon or 6.90%  
 0.20 lb. (+) R-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 2.66%  
 0.04 lb. 3,6-dichloro-o-anisic acid equivalent per gallon or 0.67%  
 0.04 lb. Enyl (+) 2-dichloro-5-[4(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepranoate or 0.54%  
 Contains Petroleum Distillate.  
 Name Specific by AOAC Methods.

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

Si Usted no entiende la etiqueta, busque a alguien para que se le explique a Usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

See attached booklet for complete Precautionary Statements and Directions for Use (including First Aid, Agricultural Use Requirements and Storage and Disposal).

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656/6-2014  
 EPA REG. NO. 2217-835  
 EPA EST. NO. 2217-KS-1



**From the makers of TRIMEC Herbicide**

**NET CONTENTS: ONE U.S. GALLON** <sup>®</sup>



**LABELING ACCEPTABLE**  
 STATE OF CALIFORNIA  
 DEPARTMENT OF PESTICIDE REGULATION  
 PESTICIDE REGISTRATION  
 Date 5/24/19 Reviewer S. ZHOU  
 Reg. No. 2217-835-2A





# SpeedZone<sup>®</sup>

## SOUTHERN

BROADLEAF HERBICIDE FOR TURF



*Turfgrasses include: Common Bermudagrass, Hybrid Bermudagrass, Bahiagrass, Zoysiagrass, Buffalograss, St. Augustinegrass (common), Centipedegrass, Seashore Paspalum, Kikuyugrass and most cool-season turfgrasses*

- SpeedZone<sup>®</sup> provides rapid and effective weed control including *dollarweed, white clover, dandelion and spurge* in turfgrass
- Fast-acting performance with visible effects within hours
- Rain-fast in as little as 3 hours
- Reseed in 1 week
- High selectivity (turfgrass safety) in established warm- and cool-season turfgrass
- Sites include lawns, golf courses, sod farms, roadsides and many other turf sites

656/12-2018 AP120814  
EPA REG. NO. 2217-B35  
EPA EST. NO. 2217-KS-1

**pbi/gordon**  
**CORPORATION**  
*An Employee-Owned Company*

From the makers of  
TRIMEC<sup>®</sup> Herbicide

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# SpeedZone

## SOUTHERN

BROADLEAF HERBICIDE FOR TURF

**ACTIVE INGREDIENTS:**

2,4-D, 2-ethylhexyl ester .....	10.49%
Mecoprop-p acid .....	2.66%
Dicamba acid .....	0.67%
Carfentrazone-ethyl .....	0.54%
<b>OTHER INGREDIENTS:</b> .....	<b>85.64%</b>

TOTAL 100.00%

**THIS PRODUCT CONTAINS:**

- 0.52 lb. 2,4-dichlorophenoxyacetic acid equivalent per gallon or 6.96%.
- 0.20 lb. (+)-R-2-(2-methyl-4-chlorophenoxy) propionic acid equivalent per gallon or 2.66%.
- 0.05 lb. 3,6-dichloro-o-anisic acid equivalent per gallon or 0.67%.
- 0.04 lb. Ethyl α,2-dichloro-5-[4(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzene propanoate or 0.54%.

Contains Petroleum Distillate.

Isomer Specific by AOAC Methods.

### KEEP OUT OF REACH OF CHILDREN

# CAUTION

Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)



**READ THE ENTIRE LABEL FIRST. OBSERVE ALL PRECAUTIONS AND FOLLOW DIRECTIONS CAREFULLY.**

### PRECAUTIONARY STATEMENTS

**Hazards to Human and Domestic Animals**

**CAUTION:** Harmful if absorbed through the skin. Avoid contact with skin, eyes, or clothing. Harmful if swallowed.

**Personal Protective Equipment (PPE)**

Some materials that are chemical resistant to this product are barrier laminate, nitrile rubber, neoprene rubber or Viton. If you want more options, follow the instructions for category E on a EPA chemical resistance category selection chart.

All mixers, loaders, applicators, flaggers, and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes and socks,
- chemical resistant gloves,
- chemical resistant apron when mixing or loading, cleaning up spills or equipment, or otherwise exposed to the concentrate.

See engineering controls for additional requirements.

**User Safety Requirements**

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

**Engineering Control Statements**

Containers over 1 gallon and less than 5 gallons: Mixers and loaders who do not use a mechanical system (probe and pump) to transfer the contents of this container must wear coveralls or a chemical-resistant apron in addition to the other required PPE.

Containers of 5 or more gallons: Do not open-pour product from this container. A mechanical system (such as a probe and pump or splot) must be used for transferring the contents of this container. If the contents of a non-refillable pesticide container are emptied, the probe must be rinsed before removal. If the mechanical system is used in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4)), the handler PPE requirements may be reduced or modified as specified in the WPS.

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d)(4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.

**User Safety Recommendations**

- Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. If pesticide gets on skin, wash immediately with soap and water.
- Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

First Aid	
<b>If swallowed:</b>	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Do not induce vomiting unless told to by a poison control center or doctor.</li> <li>• Do not give any liquid to the person.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If on skin:</b>	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If inhaled:</b>	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor or going for treatment. For additional information in case of emergency, call toll free 1-877-800-5556.</p> <p><b>NOTE TO PHYSICIAN:</b> Contains petroleum distillate - vomiting may cause aspiration pneumonia.</p>	

**Environmental Hazards**

This pesticide may be toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

**DIRECTIONS FOR USE**

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

**Agricultural Use Requirements**

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170.

This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- Coveralls worn over short-sleeved shirt and short pants,
- Chemical-resistant footwear plus socks,
- Chemical-resistant gloves made of any waterproof material,
- Chemical-resistant headgear for overhead exposure, and
- Protective eyewear.

**Non-Agricultural Use Requirements**  
 The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.  
**Reentry Statement:** Do not enter or allow people (or pets) to enter the treated area until sprays have dried.

**1. PRODUCT DESCRIPTION:**

SpeedZone Southern Broadleaf Herbicide for Turf contains four active ingredients including carfentrazone-ethyl that broaden the spectrum of weed control. Carfentrazone-ethyl is in the aryl triazolone family and inhibits protoporphyrinogen oxidase (Protox), a pivotal enzyme in chlorophyll production. Without this key enzyme, a build-up of peroxide-like compounds occur, thus causing the plant cell membranes of weeds to rupture.

SpeedZone Southern Broadleaf Herbicide for Turf offers these advantages:

- Excellent postemergent activity with proven performance for broadleaf weed control in turfgrass.
- Superior cool weather performance.
- High selectivity (turfgrass safety) in established cool season turfgrass and most warm season turfgrass.
- Carfentrazone-ethyl combinations provide rapid and effective weed control for common and troublesome weed species in turfgrass, e.g. spurge, pennywort (dollarweed), dandelion, and white clover.
- Fast acting with evidence of injury within hours. The speed of action (rate of phytotoxicity) and the early injury symptoms are unique features of carfentrazone-ethyl combinations. Generally, the injury symptoms can be noticed within hours of the application and plant death can occur within 7 to 14 days.

**2. SPRAY PREPARATION:**

SpeedZone Southern Broadleaf Herbicide for Turf is an emulsifiable concentrate or an ester formulation intended for dilution with water. In certain applications, liquid fertilizer may replace part of the water as a diluent.

**Mixing with water:**

Add one-half the required amount of water to the spray tank, then add SpeedZone Southern Broadleaf Herbicide for Turf slowly with agitation, and complete filling the tank with water. To prevent separation of the emulsion, mix thoroughly and continue agitation while spraying.

This product forms an emulsion and can separate upon extended or prolonged standing. Re-agitate to assure uniformity of the spray mixture. Storage of the spray mixture beyond 72 hours is not recommended.

Do not use tank additives that alter the pH of the spray solution below pH 5 or above pH 8. Buffer the spray solution to alter the pH range as appropriate.

**Mixing with liquid fertilizers:**

Use suitable sources and rates of fertilizer based upon local recommendations. Refer to the mixing directions on the labels of the liquid fertilizers (e.g. UAN or urea solutions). Always perform a jar compatibility test before large scale mixing.

**Mixing with adjuvants and spray additives:**

Adjuvants include surfactants, spreaders, spreader-stickers, spray thickeners, foaming agents, activators, detergents, and drift reducing agents. All additives change the physical and biological properties of the spray solution.

SpeedZone Southern Broadleaf Herbicide for Turf is a solvent based emulsifiable concentrate designed for rapid penetration and uptake. Adjuvant(s) mixed with this product are seldom synergistic, often antagonistic, and may have no significant influence on efficacy.

Certain adjuvants combined with this product can damage the leaf tissue of turfgrass. If any discoloration or cosmetic effects are objectionable or any level of phytotoxicity would be unacceptable, then adjuvant(s) combined with SpeedZone Southern Broadleaf Herbicide for Turf would not be recommended. Use these adjuvants, spray additives or tank-mix combinations, only when your experience indicates that the tank mixture will not result in objectionable turf injury.

**3. GROUND EQUIPMENT:**

**Spray distribution:** The accuracy and uniformity of the herbicide distribution is the sole responsibility of the applicator. Power sprayers fitted with a boom or spray wand/gun may be used for broadcast applications and spot treatments. For best spray distribution and coverage, select a spray volume and delivery system that will ensure accurate and uniform coverage. Boom sprayers equipped with appropriate flat fan nozzles, tips, and screens are suitable for broadcast applications.

Spray volumes of 3 to 220 gallons per acre (except when applying this product to St. Augustinegrass, use spray volumes of 40 to 220 gallons per acre) with spray pressures adjusted to 20 to 40 psi. are appropriate. Use higher spray volumes for dense weed populations.

- Calibration and proper application are essential when using this product.
- Avoid spray overlaps with spray equipment.
- Over-application or rates above those recommended on this labeling can cause turf injury.

- **Hand-held technique:** Spray wands fitted with flat fan nozzles should not be waved in a back-and-forth motion, or in a side-to-side motion, or in a swinging arm motion. Instead, the flat fan nozzle should be held stationary at the proper height. Side-to-side motion results in uneven coverage. To avoid excessive spray pattern overlaps, a spray colorant may be used.

Hand operated sprayers including backpack sprayers, compression sprayers, and knapsack sprayers are appropriate for small turfgrass areas when power equipment is unavailable, uneconomical, or impractical.

This product may cause injury to susceptible/nontarget plants at the use site by contacting the foliage, stems, or roots. To prevent injury to susceptible crops and other desirable broadleaf plants including but not limited to cotton, legumes, tobacco, tomatoes, garden/vegetable crops, and ornamentals (flowers, trees, and shrubs) avoid contact with the spray solution, spray droplets, and spray mist (fine droplets). Applications are recommended only when there is no potential hazard from spray drift during dormant and active growth periods. Do not apply when conditions are conducive to spray drift from the use site to untreated areas.

After using this product, clean sprayer with soap or detergent and water, or an approved spray tank cleaner and rinse thoroughly before applying other pesticides.

#### 4. SPRAY DRIFT MANAGEMENT:

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of application (e.g., ground, aerial, airblast, chemigation) can influence pesticide drift. The applicator must evaluate all factors and make appropriate adjustments when applying this product.

##### Droplet Size

Use only medium or coarser spray nozzles according to ASAE (standard 572) definition of standard nozzles or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

When applying sprays that contain 2,4-D mixed with other active ingredients that require a Medium or more fine spray, apply only as a Medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles.

##### Wind Speed

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. If applying a Medium spray, leave one swath unsprayed at the downwind edge of the treated field.

##### Temperature Inversions

If applying at wind speeds less than 3 mph, the applicator must determine if: a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

##### Susceptible Plants

Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption. Susceptible crops include, but are not limited to, cotton, okra, flowers, grapes (in growing stage), fruit trees (foliage), soybeans (vegetative stage), ornamentals, sunflowers, tomatoes, beans, and other vegetables, or tobacco. Small amounts of spray drift that might not be visible may injure susceptible broadleaf plants.

2,4-D esters may volatilize during conditions of low humidity and high temperatures. Do not apply during conditions of low humidity and high temperatures.

##### Other State and Local Requirements

Applicators must follow all state and local pesticide drift requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed.

##### Equipment

All ground application equipment must be properly maintained and calibrated using appropriate carriers or surrogates.

Additional requirements for ground boom application: Do not apply with a nozzle height greater than 4 feet above the turf canopy.

#### 5. WHERE TO USE:

SpeedZone Southern Broadleaf Herbicide for Turf provides selective broadleaf control in warm season and cool season turfgrass in five (5) use sites.

- **Institutional sites** are defined as turf areas around properties or facilities providing a service to public or private organizations including, but not limited to hospitals, nursing homes, schools, museums, libraries, sport facilities, golf courses (fairways, aprons, and roughs), and office buildings.
- **Ornamental sites** include turfgrass established around residences, parks, streets, retail outlets, cemeteries, industrial and institutional buildings, recreation areas, fairgrounds, areas adjacent to athletic fields and paved areas.
- **Residential/domestic sites** are defined as areas associated with the household or home life including, but not limited to apartment complexes, condominiums, and patient care areas of nursing homes, mental institutions, hospitals, or convalescent homes.

- **Agricultural site:** Commercial sod production
- **Non-cropland sites:** Including farmyards, fence rows or fence lines, highway rights-of-way (principal, interstate, county, private, and unpaved roads); Roadsides, roadside ditches, road shoulders, road embankments, dividers, and medians; Industrial sites: Lumberyards, tank farms, fuel or equipment storage areas; Municipal, state, and federal lands: Airports and military installations; railroad rights-of-ways, railroad yards, railroad crossings and railroad bridge abutments; Utility rights-of-way: telephone, pipeline, electrical power lines, and communication transmission lines.

**Prohibitions of Sites:**

- Do not apply to any body of water such as lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays). Do not apply to any shorelines (noncropland sites adjacent to the edges of a body of water) for lakes, streams, rivers, ponds, reservoirs, or estuaries (salt water bays).
- Do not apply to wetlands (swamps, bogs, potholes, or marshes).
- Do not apply to agricultural irrigation water or on agricultural irrigation ditchbanks and canals.
- Do not apply to agricultural drainage water or on agricultural ditchbanks.

**Turfgrass tolerance:**

- The turfgrass tolerance to this product may vary and temporary turfgrass yellowing may occur on St. Augustinegrass and certain varieties (F1) hybrids of hybrid bermudagrass. SpeedZone Southern Broadleaf Herbicide for Turf may injure certain turfgrass species. Environmental conditions and certain spray tank additives (eg. adjuvants, wetting agents, surfactants), liquid fertilizers, and tank mixtures containing other emulsifiable concentrates may reduce the selectivity on the turfgrass.

**Prohibitions:**

- Do not apply this product to bentgrass greens, carpetgrass, dichondra, legumes, and lawns where desirable clovers are present.
- Do not broadcast apply this product when ambient temperatures are above 85°F, some injury may be expected with spot treatments when air temperatures exceed 85°F. For St. Augustinegrass see Table 1 for specific temperature restrictions.

**6. APPLICATION SCHEDULES:**

Early postemergent applications of SpeedZone Southern Broadleaf Herbicide for Turf are recommended for annual, biennial, and perennial weeds. Apply this product to broadleaf weeds that are young and actively growing for the best results. SpeedZone Southern Broadleaf Herbicide for Turf combines a contact herbicide with systemic herbicides and provides little or no residual activity at recommended use rates.

SpeedZone Southern Broadleaf Herbicide for Turf may be applied as a single broadcast application or as a follow-up broadcast application in the spring, summer, or fall. Spring and fall treatments under adequate soil moisture conditions are preferred to the summer treatments. Generally, summer broadcast applications to older, drought stressed weeds are less effective.

Follow-up applications as spot treatments with a minimum 30 day interval are recommended for more mature weeds, for dense infestations, and for adverse environmental conditions.

Spot treatments during the summer may be appropriate for sparse infestations, or as a follow-up treatment, or any time broadleaf weeds are susceptible. Apply on a spray-to-wet basis for the best results.

Extremes in environmental conditions e.g. temperature and moisture, soil conditions, and cultural practices may affect the activity of SpeedZone Southern Broadleaf Herbicide for Turf. Under warm moist conditions, herbicide symptoms may be accelerated. While under very dry conditions, the expression of herbicide symptoms is delayed, and weeds hardened off by drought are less susceptible to SpeedZone Southern Broadleaf Herbicide for Turf.

**For newly seeded areas:**

The application of SpeedZone Southern Broadleaf Herbicide for Turf to grass seedlings is recommended after the second mowing.

**For newly sodded, sprigged, or plugged areas:**

The application of SpeedZone Southern Broadleaf Herbicide for Turf to newly sodded, sprigged, or plugged grasses should be delayed until 3 to 4 weeks after the sodding, sprigging, or plugging operations.

**For dormant turf:**

Applications to dormant bermudagrass, dormant zoysiagrass, and dormant bahiagrass are suggested.

**7. CULTURAL TIPS FOR IMPROVED CONTROL:**

**Irrigation:**

- Do not apply this product through any type of irrigation system.
- Do not apply this product immediately before rainfall or irrigation. Rainfast in 3 hours. Do not irrigate or water the turfgrass within 3 hours after application. If dry conditions exist, irrigate 8 hours before and 8 hours after application is recommended.

**Mowing:**

Delay mowing 2 days before and until 2 days after the application of this product.

**Reseeding Interval:**

Treated areas may be reseeded 1 week after application.

**8. HOW MUCH TO USE: USE RATES AND SPRAY VOLUMES:**

Generally, the lower application rates within the specified range will provide satisfactory control of sensitive weed species. The higher application rates within the specified range will be required for dense infestations of perennial weeds, for adverse/extreme environmental conditions, or for weeds beyond the appropriate growth stages.

Do not apply more than 2 broadcast treatments per season. A minimum of 30 days is required between applications.

Use rates and spray volumes of SpeedZone Southern Broadleaf Herbicide for Turf as broadcast treatments for use on turfgrass are presented in Table 1.

**TABLE 1. RATE RECOMMENDATIONS FOR SOD FARMS, ORNAMENTAL LAWNS AND TURFGRASS.**

Species	Amount of Product Pints/Acre	Recommended Spray Volume Gallons/Acre	Amount of Product fl. oz./ 1,000 sq. ft.	Spray Volume Gallons per 1,000 sq. ft.
<b>Warm Season Turf</b>				
Hybrid bermudagrass, Bahiagrass, Zoysiagrass, Buffalograss, Centipedegrass, Seashore paspalum and Kikuyugrass	2 to 4	3 to 220	0.75 to 1.5	0.1 to 5.0
Common bermudagrass	3 to 5	3 to 220	1.1 to 1.8	0.1 to 5.0
NOTE: If any discoloration is objectionable or any level of phytotoxicity would be unacceptable, then surfactants and other adjuvant(s) combined with SpeedZone Southern Broadleaf Herbicide for Turf are not recommended.				

**TABLE 1. RATE RECOMMENDATIONS FOR SOD FARMS, ORNAMENTAL LAWNS AND TURFGRASS.**

Species	Amount of Product Pints/Acre	Recommended Spray Volume Gallons/Acre	Amount of Product fl. oz./ 1,000 sq. ft.	Spray Volume Gallons per 1,000 sq. ft.
<b>Warm Season Turf</b>				
Common St. Augustinegrass (Excluding 'Florata' and 'Bitterblue' varieties) See Instructions Below:	1.5 to 4 During higher temperatures, lower rates within this range are recommended.	40 to 220	0.55 to 1.5 During higher temperatures, lower rates within this range are recommended.	1.0 to 5.0
<ul style="list-style-type: none"> <li>• Do not apply this product to 'Florata', 'Bitterblue' and other improved varieties of St. Augustinegrass.</li> <li>• Do not broadcast or spot apply this product to St. Augustinegrass during spring green-up, which is the transition period between dormancy and active growth.</li> <li>• Do not broadcast or spot apply this product to St. Augustinegrass during the fall to winter transition or if temperatures are expected to drop below 40°F within ten (10) days of application.</li> <li>• If dry conditions exist, irrigation 8 hours before and 8 hours after application is recommended.</li> <li>• Avoid mowing 2 days before and until 2 days after the application of this product.</li> <li>• Over application of this product can cause turf injury (discoloration, turf thinning, stunting and even turf death).</li> <li>• Do not broadcast apply this product when ambient temperatures are below 50°F or above 85°F; some injury may be expected with spot treatments when air temperatures exceed 85°F.</li> <li>• Do not use tank mixture combinations, unless your experience indicates that the tank mixture will not result in turf injury.</li> <li>• To avoid turf injury, use only on turfgrass that is reasonably free of stress from diseases, insects, excess heat or cold, drought or excess rainfall/irrigation, shaded areas, low soil pH, nematodes, improper mowing or improper applications of fertilizer and pesticides. Injury can occur if this product is applied under any of these or other stress conditions. Under any of these stress conditions, any turf damage caused by the use of this product is beyond the control of PBI/Gordon Corporation and all risk is assumed by the buyer and/or user.</li> </ul> <p>NOTE: If any discoloration is objectionable or any level of phytotoxicity would be unacceptable, then surfactants and other adjuvant(s) combined with SpeedZone Southern Broadleaf Herbicide for Turf are not recommended.</p>				

**TABLE 1. RATE RECOMMENDATIONS FOR SOD FARMS, ORNAMENTAL LAWNS AND TURFGRASS.**

Species	Amount of Product Pints/Acre	Recommended Spray Volume Gallons/Acre	Amount of Product fl. oz./ 1,000 sq. ft.	Spray Volume Gallons per 1,000 sq. ft.
<b>Cool Season Turf</b>				
Kentucky bluegrass, Annual bluegrass, Annual ryegrass, Perennial ryegrass, Tall fescue, Red or fine leaf fescues, Creeping bentgrass, Colonial bentgrass.	4 to 6	3 to 220	1.5 to 2.2	0.1 to 5.0
Mixtures of cool season species established for aesthetic purposes.				
Mixtures of cool season species in noncropland areas established for roadside vegetation management or for low maintenance. (Kentucky bluegrass, tall fescue, smooth bromegrass & orchardgrass).				
Note: If any discoloration is objectionable or any level of phytotoxicity would be unacceptable, then surfactants and other adjuvant(s) combined with SpeedZone Southern Broadleaf Herbicide for Turf are not recommended.				

**Limitations on 2,4-D applications to ornamental turfgrass and sod farms**

Use Site	Maximum Rate per Application	Maximum Number of Applications per Year	Minimum Interval Between Applications	Minimum Spray Volume	Maximum Seasonal Rate
Ornamental turfgrass	8.0 pints/A (0.4 lb. 2,4-D ae/A)	2	30 days	2 gal./A	12 pints/A (0.8 lb. 2,4-D ae/A)
Sod farms	8.0 pints/A (0.4 lb 2,4-D ae/A)	2	21 days	2 gal./A	12 pints/A (0.8 lb. 2,4-D ae/A)
ae = Acre Equivalent. Do not exceed the maximum seasonal rate of 12 pints (0.8 lb 2,4-D ae) per acre per season, excluding spot treatments.					

**SPOT TREATMENTS WITH HAND OPERATED SPRAYERS  
(INCLUDING BACKPACK SPRAYERS, COMPRESSION  
SPRAYERS, AND KNAPSACK SPRAYERS):**

- Calibration and proper application are essential when using this product.
- Over application or rates above those recommended on this labeling including excessive overlaps of this product can cause turf injury.
- Uniform applications are essential when using this product.
- Hand-held techniques: Spray wands fitted with flat fan nozzles should not be waved in a back-and-forth motion, or in a side-to-side motion, or in a swinging arm motion. Instead, the flat fan nozzle should be held stationary at the proper height. Side-to-side motions result in uneven coverage. To avoid excessive spray pattern overlaps, a spray colorant may be used.

- For cool season turfgrass, mix 1.5 to 2.2 fl. oz. of this product per one (1.0) gallon of water for treatment of approximately 1,000 sq. ft. of turfgrass. Apply any time the emerged broadleaf weeds are susceptible.
- For warm season turfgrass other than St. Augustinegrass, mix 0.75 to 1.5 fl. oz. of this product per one (1.0) gallon of water for treatment of approximately 1,000 sq. ft. of turfgrass. For St. Augustinegrass, higher spray volumes (more than 2 gallons/1,000 square feet) are recommended.
- Apply any time the emerged broadleaf weeds are susceptible.
- Do not apply more than 2 spot treatments per season. A minimum of 30 days is required between applications.
- Do not use tank mixture combinations, unless your experience indicates that the tank mixture is effective and will not result in turf injury. No label dosage rate should be



exceeded. Follow the labeling of each companion product for precautionary statements, directions for use, dosage rates, and application schedules. Tank mixture recommendations are for use only in states where the companion products and application site are registered.

#### 9. BROADLEAF WEEDS CONTROLLED:

This product will control or suppress the following broadleaf weeds. Apply any time the emerged broadleaf weeds are susceptible.

#### BROADLEAF WEEDS

Aster, white heath & white prairie	Groundsel
Bedstraw	Hawkweed
Baggarweed, creeping	Haalal
Bindweed	Hanbit
Black medick	Innocence (Blue-eyed Mary)
Broadleaf plantain	Knotweed
Buckhorn plantain	Lambsquarters
Bull thistle	Lawn burweed
Buttercup	Lespedeza, common
Burdock, common	Malow, common
Buttercup, creeping	Matchweed
Carpetweed	Mouseear chickweed
Chickweed, common	Old world diamond flower
Chicory	Oxalis (*yellow woodsorrel & creeping woodsorrel)
Cinquefoil	Parsley-plant
Clover	Pennsylvania smartweed
Compassplant	Pepperweed
Curly dock	Pigweed
Dandelion	Pineappleweed
Dayflower	Plantain
Deadnettle	Poison ivy
Dock	Poison oak
Dogfennel	Puncturovine
Dollarweed (*pannywort)	Purple cudweed
English daisy	Purslane
False dandelion	Ragweed
(*spotted catsear & common catsear)	Redweed
Field bindweed	Red sorrel (*sheep sorrel)
(*morningglory & creeping jenny)	Shepherd's pursa
Field oxeye-daisy	Spurge
(*creeping oxeye)	Thistle
Flaree, whitestem & redstem	Veronica (*corn speedwell)
Florida betony	Virginia buttonweed
Florida pusley	White clover (*Dutch clover, honeysuckle clover, white trefoil, & purplewort)
Ground ivy	Wild carrot

(cont. on next column)

#### BROADLEAF WEEDS (cont.)

Wild garlic	Wild strawberry
Wild geranium	Wild violet
Wild lettuce	Yarrow
Wild mustard	Yellow rocket
Wild onion	

\*Synonyms

#### POSTEMERGENCE CONTROL OF GRASSY WEEDS:

This product will control or suppress specific annual grasses when applied at a rate of 4-5 pints/acre. Depending on timing of application, a second application may be needed for adequate control. If necessary, a second application may be made at the same rate, 30 days after the initial application. This product works best when applied while the annual grasses are small (pre-tiller) and actively growing, but control can be obtained at all growth stages. Some biotypes may show resistance to PPO inhibiting herbicides.

Common Name	Scientific Name
Goosegrass*	Elaeusine indica

\*Not for use in California

#### STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

**PESTICIDE STORAGE:** Store in original container in a locked storage area inaccessible to children or pets. Keep from freezing.

**PESTICIDE DISPOSAL:** Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your state Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For nonrefillable containers less than 5 gallons:

**CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container 1/4 full with

(cont. on next page)

### STORAGE AND DISPOSAL (cont.)

water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times.

OR

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

For nonrefillable containers greater than 5 gallons:

**CONTAINER HANDLING:** Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse (or pressure rinse) container (or equivalent) promptly after emptying.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times.

OR

Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

For Refillable Containers:

**CONTAINER HANDLING:** Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose.

Container cleaning: Cleaning the container before final disposal is the responsibility of the person disposing of the container.

(cont. on next column)

### STORAGE AND DISPOSAL (cont.)

Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

Use of this product in certain portions of California, Oregon and Washington is subject to the January 22, 2004 Order for Injunctive relief in *Washington Toxics Coalition, et al. v. EPA*, 01-01326, (W.D. WA). For further information, please refer to EPA Web Site: <http://www.epa.gov/espp>.

### LIMITED WARRANTY AND DISCLAIMER

FOR USE ONLY AS DIRECTED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE MANUFACTURER NEITHER MAKES NOR INTENDS ANY EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY EXPRESSLY DISCLAIMED. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO CASE SHALL THE MANUFACTURER BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. If these terms are not acceptable, return this product unopened immediately to the point of purchase, and the purchase price will be refunded in full. The terms of this LIMITED WARRANTY AND DISCLAIMER cannot be varied by any written or verbal statements or agreements at the point of sale or elsewhere.

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® Checkered Flag Label Design is a registered trademark of PBI-Gordon Corporation.

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656/12-2018 AP120814

EPA REG. NO. 2217-835

EPA EST. NO. 2217-KS-1

MANUFACTURED BY  
PBI/GORDON CORPORATION  
P.O. BOX 860350  
SHAWNEE, KANSAS 66286  
[www.GordonsProfessional.com](http://www.GordonsProfessional.com)



# SpeedZone. SOUTHERN

BROADLEAF HERBICIDE FOR TURF

## PRECAUTIONARY STATEMENTS

**Hazards to Human and Domestic Animals**  
**CAUTION:** Harmful if absorbed through the skin. Avoid contact with skin, eyes, or clothing. Harmful if swallowed.

First Aid	
If swallowed:	<ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Do not induce vomiting unless told to by a poison control center or doctor.</li> <li>• Do not give any liquid to the person.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul>
If on skin:	<ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If in eyes:	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
If inhaled:	<ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>

(cont. on next column)

### First Aid (cont.)

Have the product container or label with you when calling a poison control center or doctor or going for treatment. For additional information in case of emergency, call toll free 1-877-800-5556.

**NOTE TO PHYSICIAN:** Contains petroleum distillate - vomiting may cause aspiration pneumonia.

### Environmental Hazards

This pesticide may be toxic to fish and aquatic invertebrates and may adversely affect non-target plants. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate.

This chemical has properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination. Application around a cistern or well may result in contamination of drinking water or groundwater.

856/12-2018 AP120814  
 EPA REG. NO. 2217-835  
 EPA EST. NO. 2217-KS-1

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PEEL HERE TO OPEN ▲

# ATTACHMENT 4

**FOOD AND AGRICULTURAL CODE - FAC**

**DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND COMMERCIAL FEEDS  
[12500 - 15340]**

*( Division 7 enacted by Stats. 1967, Ch. 15. )*

**CHAPTER 2. Pesticides [12751 - 13192]**

*( Heading of Chapter 2 amended by Stats. 1996, Ch. 361, Sec. 26. )*

**ARTICLE 12. Penalties and Injunctive Relief [12996 - 13000.1]**

*( Heading of Article 12 amended by Stats. 1993, Ch. 624, Sec. 9. )*

**12996.**

(a) Every person who violates any provision of this division relating to pesticides, or any regulation issued pursuant to a provision of this division relating to pesticides, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or by imprisonment of not more than six months, or by both the fine and imprisonment. Upon a second or subsequent conviction of the same provision of this division relating to pesticides, a person shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or by imprisonment of not more than six months, or by both the fine and imprisonment. Each violation constitutes a separate offense.

(b) Notwithstanding the penalties prescribed in subdivision (a), if the offense involves an intentional or negligent violation that created or reasonably could have created a hazard to human health or the environment, the convicted person shall be punished by imprisonment in a county jail not exceeding one year or in the state prison or by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000), or by both the fine and imprisonment.

(c) This section does not apply to violations of Chapter 7.5 (commencing with Section 15300) or Section 13186.5.

*(Amended by Stats. 2015, Ch. 303, Sec. 173. (AB 731) Effective January 1, 2016.)*

**12999.5.**

(a) In lieu of civil prosecution by the director, the county agricultural commissioner may levy a civil penalty against a person violating Division 6 (commencing with Section 11401), Article 10 (commencing with Section 12971) or Article 10.5 (commencing with Section 12980) of this chapter, Section 12995, Article 1 (commencing with Section 14001) of Chapter 3, Chapter 3.7 (commencing with Section 14160), Chapter 7.5 (commencing with Section 15300), or a regulation adopted pursuant to any of these provisions, of not more than one thousand dollars (\$1,000) for each violation. Any violation determined by the county agricultural commissioner to be a Class A violation as defined in Section 6130 of Title 3 of the California Code of Regulations is subject to a fine of not more than five thousand dollars (\$5,000) for each violation. It is unlawful and grounds for denial of a permit under Section 14008 for a person to refuse or neglect to pay a civil penalty levied pursuant to this section once the order is final.

(b) If a person has received a civil penalty for pesticide drift in a school area subject to Section 11503.5 that results in a Class A violation as defined in subdivision (a), the county agricultural commissioner shall charge a fee, not to exceed fifty dollars (\$50), for processing and monitoring each subsequent pesticide application that may pose a risk of pesticide drift made in a school area subject to Section 11503.5. The county agricultural commissioner shall continue to impose the fee for each subsequent application that may pose a risk of drift, until the person has completed 24 months without another Class A violation as defined in subdivision (a).

(c) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. At the hearing, the person shall be given an opportunity to review the county agricultural commissioner's evidence and to present evidence on his or her own behalf. If a hearing is not timely requested, the county agricultural commissioner may take the action proposed without a hearing.

(d) If the person upon whom the county agricultural commissioner levied a civil penalty requested and appeared at a hearing, the person may appeal the county agricultural commissioner's decision to the director

within 30 days of the date of receiving a copy of the county agricultural commissioner's decision. The following procedures apply to the appeal:

- (1) The appeal shall be in writing and signed by the appellant or his or her authorized agent, state the grounds for the appeal, and include a copy of the county agricultural commissioner's decision. The appellant shall file a copy of the appeal with the county agricultural commissioner at the same time it is filed with the director.
- (2) The appellant and the county agricultural commissioner may, at the time of filing the appeal or within 10 days thereafter or at a later time prescribed by the director, present the record of the hearing, including written evidence that was submitted at the hearing, and a written argument to the director stating grounds for affirming, modifying, or reversing the county agricultural commissioner's decision.
- (3) The director may grant oral arguments upon application made at the time written arguments are filed.
- (4) If an application to present an oral argument is granted, written notice of the time and place for the oral argument shall be given at least 10 days before the date set for the oral argument. The times may be altered by mutual agreement of the appellant, the county agricultural commissioner, and the director.
- (5) The director shall decide the appeal on the record of the hearing, including the written evidence and the written argument described in paragraph (2), that he or she has received. If the director finds substantial evidence in the record to support the county agricultural commissioner's decision, the director shall affirm the decision.
- (6) The director shall render a written decision within 45 days of the date of appeal or within 15 days of the date of oral arguments or as soon thereafter as practical.
- (7) On an appeal pursuant to this section, the director may affirm the county agricultural commissioner's decision, modify the county agricultural commissioner's decision by reducing or increasing the amount of the penalty levied so that it is within the director's guidelines for imposing civil penalties, or reverse the county agricultural commissioner's decision. A civil penalty increased by the director shall not be higher than that proposed in the county agricultural commissioner's notice of proposed action given pursuant to subdivision (c). A copy of the director's decision shall be delivered or mailed to the appellant and the county agricultural commissioner.
- (8) Any person who does not request a hearing pursuant to subdivision (c) may not file an appeal pursuant to this subdivision.
- (9) Review of a decision of the director may be sought by the appellant within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.
- (e) The county agricultural commissioner may levy a civil penalty pursuant to subdivisions (a), (c), and (d) against a person violating paragraph (1), (2), or (8) of subdivision (a) of Section 1695 of the Labor Code, which pertains to registration with the county agricultural commissioner, carrying proof of that registration, and filing changes of address with the county agricultural commissioner.
- (f) After the exhaustion of the appeal and review procedures provided in this section, the county agricultural commissioner or his or her representative may file a certified copy of a final decision of the county agricultural commissioner that directs the payment of a civil penalty and, if applicable, a copy of any decision of the director or his or her authorized representative rendered on an appeal from the county agricultural commissioner's decision and a copy of any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Fees shall not be charged by the clerk of the superior court for the performance of official service required in connection with the entry of judgment pursuant to this section. *(Amended by Stats. 2015, Ch. 303, Sec. 174. (AB 731) Effective January 1, 2016.)*

## **California Code of Regulations (Title 3. Food and Agriculture)**

### **Division 6. Pesticides and Pest Control Operations**

#### **Chapter 3. Pest Control Operations**

##### **Subchapter 2. Work Requirements**

##### **Article 1. Pest Control Operations Generally**

#### **3CCR Section 6618. Notice of Applications.**

- (a) This subsection applies to the use of any pesticide for the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and

for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property to be treated receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

- (A) The date(s), start time(s), and estimated end time(s) of the scheduled application;
- (B) The location and description of the field to be treated;
- (C) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (D) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (E) The applicable restricted entry interval;
- (F) If the pesticide product labeling requires the posting of treated fields, oral notification, or both; and
- (G) Any other precautions printed on the pesticide product labeling, or included in applicable laws and regulations, related to the protection of employees or other persons during or after application.

(2) If there is a change in the notice of the scheduled application specified in (a)(1), each person performing pest control shall assure that the operator of the property receives notice of this change prior to the application.

(3) The operator of the property shall assure that notice of the scheduled application is given to employees covered under section 6700 (which includes fieldworkers) and their employers working on the operator's property except as provided in (a)(5). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(4) Any employer notified of a scheduled application by the operator of the property shall assure that notice of the scheduled application is given to his or her employees working on the operator's property except as provided in (a)(5).

(5) The notice specified in subsections (a)(3) and (4) is not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

- (A) The field to be treated is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and the posting of treated fields; or
- (B) From the start of the application and until the notice of completion pursuant to section 6619(c) is received, the employee or employer will not enter or walk within  $\frac{1}{4}$  mile of the field to be treated.

(6) The operator of the property shall assure that notice is given to persons, other than those specified in subsection (a)(3), whom the operator of the property has prior knowledge that he or she will likely enter the field to be treated on the date of the application or while the restricted entry interval is in effect. This notice is not required when a field to be treated is posted as specified in section 6776(b-f).

(7) The notices specified in subsection (a)(3), (4), and (6) must be in a manner the person can understand and include:

- (A) The date of the scheduled application;
- (B) The location and description of the field to be treated; and

(C) Instructions not to enter the field to be treated and its application exclusion zone pursuant to section 6762 until authorized by the operator of the property.

(8) If there is a change in the date of the scheduled application specified in (a)(7)(A), then a new notice must be provided to persons specified in (a)(3), (4), and (6) prior to the application.

(b) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Any other precautions printed on the pesticide product labeling or included in applicable laws or regulations related to the protection of employees or other persons during the application.

(2) The operator of the property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area.

(3) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this subsection.

(4) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this subsection.

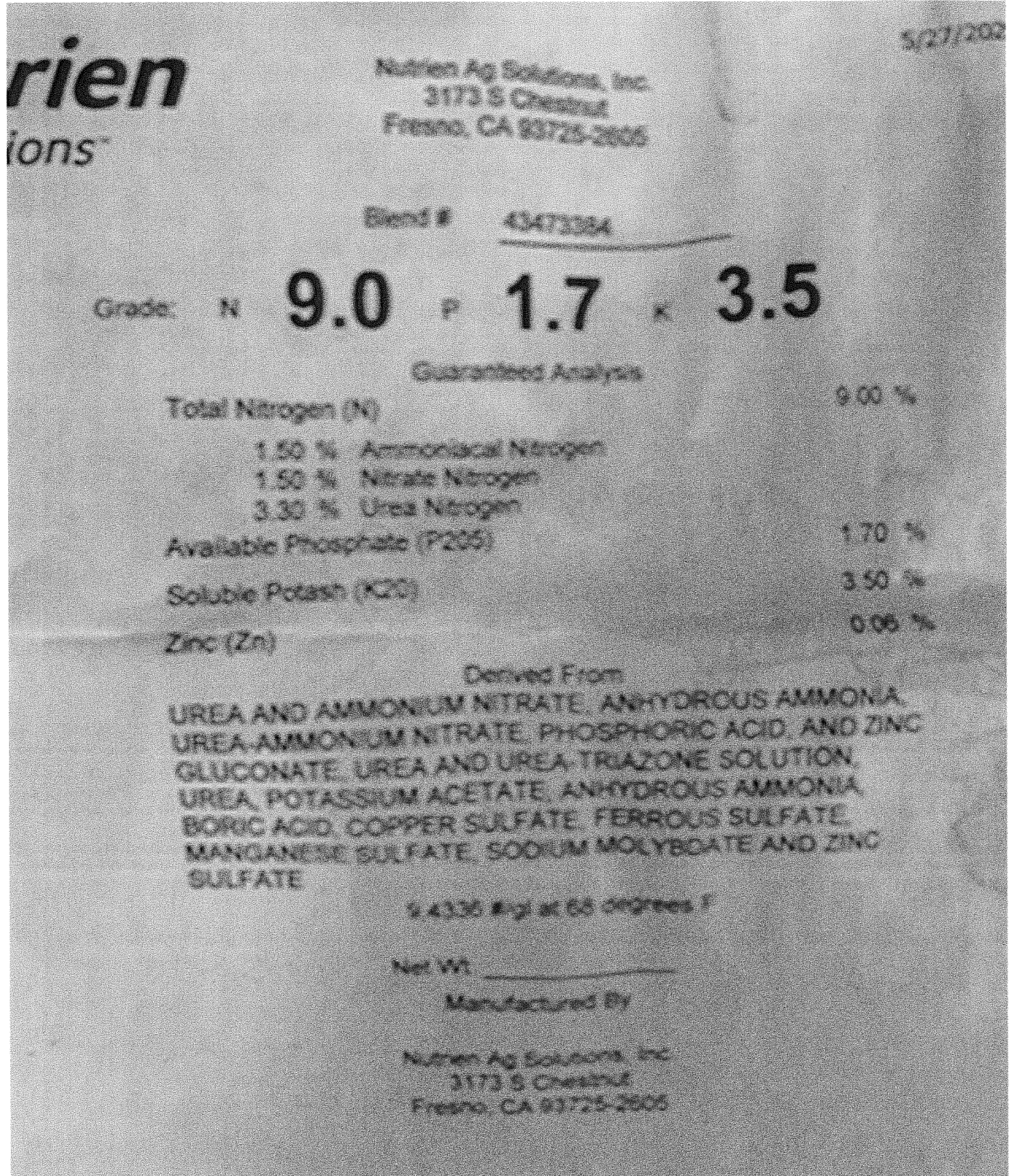
NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12980, and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.



# ATTACHMENT 5

Copy of the Fertilizer Label, provided by ROBERT TROMBETTA for ELITE MAINTENANCE LANDSCAPE SERVICES, via email on August 9, 2021 at 3:07 PM.



# ATTACHMENT 6

**A. Person / Firm Information**

FIRM / PERSON INSPECTED <b>EMTS</b>	TELEPHONE NUMBER <b>(559) 292-2900</b>	COUNTY NAME <b>Fresno</b>
MAILING ADDRESS <b>2972 Larkin Ave</b>	PERMIT/OPERATOR ID NUMBER	VIOLATION NOTICE NUMBER <b>101-817486</b>
CITY <b>Clovis</b>	STATE <b>CA</b> ZIP CODE <b>93612</b>	VIOLATION DATE/TIME <b>August 06, 2021</b>

**B. License Information**

<input type="checkbox"/> Agricultural Pest Control Adviser	<input type="checkbox"/> SPC Business Registration	<input type="checkbox"/> Qualified Applicator License	LICENSE / CERTIFICATE # <b>37177</b>
<input checked="" type="checkbox"/> Pest Control Business	<input type="checkbox"/> Structural Pest Control Operator	<input checked="" type="checkbox"/> Maintenance Gardener	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Private Applicator	<input type="checkbox"/> Other _____ <input type="checkbox"/> Unlicensed
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator Certificate	<input type="checkbox"/> Labor Contractor	<input type="checkbox"/> Not Required

**C. Violation Location**

ADDRESS/PROPERTY LOCATION <b>1300 Minnewawa Ave</b>	CITY <b>Clovis</b>
--	-----------------------

**D. Section(s) Violated**

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	<b>6618(b)(1)</b>
Business and Professions Code (BPC)	
Labor Code (LC)	

**E. Violation Narrative - When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.**

An herbicide application was conducted on August 6, 2021 in a non ag setting, w/out a Notice of Application first being provided to the operator of the property. Speedzone was applied.

**F. Cease and Desist Order - When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.**

You are ordered to cease and desist:

Making applications w/out first providing a Notice of Application

Pursuant to Food and Agricultural Code Section: (Check one box)  11737  11896  11897  13101  13102

**G. Notice**

This information gives notice that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

**H. Notification Information - The "Notified Person's Signature" is not an admission of guilt or a promise to appear (citation).**

NOTIFIED PERSON'S PRINTED NAME <b>Derik Jakusz</b>	TITLE <b>General Manager</b>	SIGNATURE 	DATE <b>8/9/21</b>
ENFORCING OFFICER'S PRINTED NAME <b>Charloe Garcia</b>	TITLE <b>Ag/STD Specialist I</b>	SIGNATURE 	DATE <b>08/09/2021</b>
ISSUING AGENCY <b>Fresno County Department of Agriculture</b>			DATE NOTICE ISSUED <b>08/09/2021</b>
NOTICE DELIVERED TO RESPONSIBLE PERSON: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Fax # _____ <input type="checkbox"/> Certified Mail # _____ <input type="checkbox"/> Regular Mail <input type="checkbox"/> Other _____			DATE DELIVERED <b>08/09/2021</b>