

Proposed Administrative Consent Agreement Background Summary

Subject: J.L. Hayes & Company Inc. - Agway
807 Minot Avenue
Auburn, Maine 04210

Date of Incident(s): 2008, 2009, January – April 27, 2010

Background Narrative: Maine statutes require any company that distributes general use pesticides in Maine to be licensed as a General Use Pesticide Dealer. J.L. Hayes & Company Inc. - Agway distributes general use pesticides at their Auburn store and has been licensed with the Board since 2004. A routine marketplace inspection at the store on April 21, 2010, revealed the company failed to renew its license during 2008, 2009, and part of 2010 until prompted to do so by the inspection.

Summary of Violation(s): 22 M.R.S.A. § 1471-W (1) License required. Unless exempted under section 5, no person may distribute general use pesticides without a license.

Rationale for Settlement: A principle tenet of state enforcement philosophy is to ensure there is no economic benefit to non-compliance. Current staff policy to resolve General Use Pesticide Dealer license violations is to establish a base penalty of \$100 plus \$20 for each year the company operated without a license.

Attachments: Proposed Administrative Consent Agreement