

**Proposed Administrative Consent Agreement  
Background Summary**

**Subject:** Green Shield Pest Solutions  
985 Portland Road, Suite 101  
Saco, ME 04072

**Date of Incident(s):** August 9, 2023 & September 14, 2023

**Background Narrative:** On August 9, 2023, a licensed applicator for Green Shield Pest Solutions applied Talstar P Insecticide, EPA Reg. No. 279-3206, to the residential property located at 16 Sea Garden Circle in Kennebunk, Maine for control of mosquitoes and ticks. The property at 16 Garden Circle is within 250 feet of a property listed on the Maine 2023 Pesticide Notification Registry. The 2023 Notification Registry participant informed Board staff that they had not been notified about the application. During the follow-up use inspection, a Company manager acknowledged not checking the 2023 Pesticide Notification Registry for new participants.

On September 14, 2023, a licensed applicator for Green Shield Pest Solutions applied Talstar P Insecticide, EPA Reg. No. 279-3206, to the residential property located at 16 Sea Garden Circle in Kennebunk, Maine for control of mosquitoes and ticks. The property at 16 Garden Circle is within 250 feet of a property listed on the Maine 2023 Pesticide Notification Registry. The 2023 Notification Registry participant informed Board staff that they had not been notified about the application. During the follow-up use inspection, Company office staff acknowledged their failure to contact the registry member prior to this application.

**Summary of Violations:** CMR 01-026, Chapter 28, Section 2 (D) requires commercial applicators to provide advance notification of outdoor pesticide applications made within 250 feet of the property of any participant on the current year Notification Registry.

The violations described above are considered a second and third offense within a four-year period pursuant to 7 M.R.S. § 616-A (2) A (2).

**Rationale for Settlement:** Green Shield Pest Solutions failed to check the 2023 Pesticide Notification Registry for new participants and client application sites that are within 250 feet of the registry members' property resulting in the first violation of failure to notify. That after review of the 2023 Pesticide Notification Registry and acknowledgement of failure to notify in August of 2023, Green Shield Pest Solutions failed to notify the same registrant prior to an outdoor pesticide application to the same property in September of 2023. These violations occurred within a four-year period of a previous violation for a pesticide application made at the incorrect property in 2021.

**Attachments:** Proposed Consent Agreement

NOV 16 2023

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
BOARD OF PESTICIDES CONTROL

CK # 209

CK Amt: \$5500

CK Date: 209

In the Matter of: ) ADMINISTRATIVE CONSENT  
Green Shield Pest Solutions ) AGREEMENT  
985 Portland Rd. Ste. 101 ) AND  
Saco, Maine 04072 ) FINDINGS OF FACT

This Agreement by and between Green Shield Pest Solutions (hereinafter referred to as the "Company") and the State of Maine Board of Pesticides Control (hereinafter referred to as the "Board"), as approved by the Office of the Attorney General ("OAG"), is entered into pursuant to 22 M.R.S. § 1471-M(2)(D) and in accordance with the Enforcement Protocol amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

1. That on August 9, 2023, Tyler Whitten, a licensed commercial applicator employed by the Company, applied Talstar P, EPA Reg. No. 279-3206, to the residential property located at 16 Sea Garden Circle in Kennebunk, Maine for control of mosquitoes and ticks.
2. That 16 Garden Circle is within 250 feet of a property listed on the Maine 2023 Pesticide Notification Registry.
3. That the 2023 Notification Registry participant residing within 250 feet of the application site contacted the Board and informed the Board that they had not been notified about the application described in Paragraph 1.
4. That a Board representative conducted a follow up inspection with Tyler Whitten on August 14, 2023. Whitten stated that he was unaware that the application described in Paragraph 1 was to a property listed on the 2023 Pesticide Notification Registry.
5. That Company manager Gregory England stated that the Company had applied pesticides to the property described in Paragraph 1 in prior years. He further stated that the participant located within 250 feet of their customer was a new participant in 2023, and that he had failed to observe the new addition.
6. That on September 14, 2023, Shayne McIntyre, a licensed commercial applicator employed by the Company, applied Talstar P, EPA Reg. No. 279-3206, to the residential property located at 16 Sea Garden Circle in Kennebunk, Maine for control of mosquitoes and ticks.
7. That 16 Garden Circle is within 250 feet of a property listed on the Maine 2023 Pesticide Notification Registry.
8. That the 2023 Notification Registry participant residing within 250 feet of the application site contacted the Board and informed the Board that they had not been notified about the application described in Paragraph 6.
9. That a Board representative conducted a follow-up inspection with Shayne McIntyre on September 19, 2023. McIntyre stated that he was unaware that the application described in Paragraph 1 was to a property listed on the 2023 Pesticide Notification Registry.
10. That Company Office Manager, Louise Atkinson, and Company Supervisors, Colby Thayer and Brian Nash, were also present during the inspection on September 19, 2023.

11. That Office Manager, Louise Atkinson, is responsible for conducting notifications for the Company. Ms. Atkinson could not recall making notification nor could she find evidence of notification in the call logs for the application described in Paragraph 6.
12. That CMR 01-026, Chapter 28, Section 2 (D) requires commercial applicators to provide advance notification of outdoor pesticide applications made within 250 feet of the property of any participant on the current year Notification Registry.
13. That the Company failed to provide advance notification to a registry participant when conducting an outdoor commercial pesticide application within 250 feet of a listed participant.
14. That the circumstances described in Paragraphs 1 through 11 constitute two violations of CMR 01-026, Chapter 28, Section 2 (D).
15. That the Company entered into an Administrative Consent Agreement and Findings of Fact on February 25, 2022, to resolve a violation of Maine pesticide law which occurred on June 9, 2021.
16. That the violations described in Paragraph 14 are considered a second and third offense within a four-year period pursuant to 7 M.R.S. § 616-A (2).
17. That the Company expressly waives:
  - A. Notice of or opportunity for hearing;
  - B. Any and all further procedural steps before the Board; and
  - C. The making of any further findings of fact before the Board.
18. That this Agreement shall not become effective unless and until the Board accepts it.
19. That in consideration for the release by the Board of the causes of action which the Board has against the Company resulting from the violations referred to in Paragraph 8, the Company agrees to pay a penalty to the State of Maine in the sum of \$5,500.00 by November 21, 2023. (Please make checks payable to Treasurer, State of Maine).
20. The Board and OAG grant a release of their causes of actions against the Company for the specific violations cited in the immediately preceding paragraph (Paragraph 13) on the express condition that all actions listed in Paragraph 13 of this Agreement are completed in accordance with the express terms and conditions of this Agreement and to the satisfaction of the Board and the OAG. The release shall not become effective until the Company has completed its obligations pursuant to Paragraph 13.
21. Any non-compliance with any term or condition of this Agreement, as determined by the Board and OAG in their sole discretion, voids the release set forth in Paragraph 13 of this Agreement and may lead to an enforcement, suspension/revocation, equitable, and/or civil violation action pursuant to Titles 7 and 22 of the Maine Revised Statutes and/or M.R. Civ. P. 80H.
22. Nothing in this Agreement shall be construed to be a relinquishment of the Board's or OAG's powers under Titles 7 and 22 of the Maine Revised Statutes against the Company for any other violations other than those expressly listed in this Agreement.

23. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by the parties and indorsed on this Agreement.

24. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement of three pages.

GREEN SHIELD PEST SOLUTIONS

By: Colby Thayer Date: 11/13/23

Type or Print Name: Colby Thayer

BOARD OF PESTICIDES CONTROL

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John Pietroski, Acting Director

APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Carey Gustanski, Assistant Attorney General