

Proposed Administrative Consent Agreement Background Summary

Subject: TruGreen Lawncare
2 Delta Drive
Westbrook, Maine 04092

Date of Incident(s): August 2025

Background Narrative: On August 4, 2025, the Board received a complaint from a resident of Berwick, Maine, who reported that TruGreen applied pesticides on their lawn even though they did not have a contract for any lawn services. In response to the complaint, a Board inspector conducted a follow-up inspection on August 5, 2025, which revealed that TruGreen made the application to the wrong address and did not utilize a system to positively identify the proper treatment site in this instance.

On August 17, 2025, the Board received a complaint from a former TruGreen employee who had worked for the company from August of 2024 through June of 2025. The former employee stated that, “there are no verification processes for making sure techs are at the correct house.” In response to the complaint, a Board inspector conducted a follow-up inspection with the branch supervisor on September 24, 2025. The inspection revealed that the branch had not implemented an effective and comprehensive system intended to positively identify the proper treatment site.

This was not the first time this TruGreen branch has received a complaint of this nature. As part of a Consent Agreement entered into by the branch in December 2019 and ratified by the Board on February 9, 2020, TruGreen provided an addendum titled “Compliance Policies to Avoid Violations Pursuant to The Administrative Consent Agreement Between the Maine Board of Pesticides Control and TruGreen.” The addendum outlined the technology that the branch was planning to establish as a system to positively identify the treatment site. However, based on the 2025 inspections, it is clear that the technology was not utilized by TruGreen employees, despite many years having elapsed since TruGreen provided BPC with their plan to prevent this type of incident.

Summary of Violations: The unauthorized application is violation of 01-026 C.M.R. ch. 20, Section 6(D)(2). The failure to implement a system, based on Board-approved methods, to positively identify the property of their customers is a violation of 01-026 C.M.R. ch. 20, Section 7(A).

Rationale for Settlement: BPC received an email the TruGreen Northeast Regional Manager clarifying that (1) all of their vehicles are equipped with GPS and all of their applicators have tablets that direct them to the correct location, (2) they train their applicators to verify they are at the correct location by confirming the street name, house number and knocking on the door before treating, (3) their GPS routing system has been in place for over 8 years and all new and old customers have GPS coordinates in their routing system, and (4) he believes their system was

working on August 4, 2025 but the applicator mistakenly treated the neighboring property by not verifying the house number or speaking with the homeowner. To avoid expensive and prolonged court proceedings, BPC staff with the guidance of the Office of the Attorney General negotiated this settlement with TruGreen Westbrook.

Attachments: Proposed Administrative Consent Agreement

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

In the Matter of:)	ADMINISTRATIVE CONSENT
TruGreen Lawncare)	AGREEMENT
2 Delta Drive)	AND
Westbrook, Maine 04092)	FINDINGS OF FACT

This Agreement by and between TruGreen Lawncare (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, as amended by the Board on December 13, 2013.

The parties to this Agreement agree as follows:

- 1) That the Company asserts it is the nation’s largest lawn company. It provides residential pest management services in Maine and 48 other states across the country. Common services include pesticide applications for turf pests, mosquitoes and ticks.
- 2) That on August 4, 2025, the Board received a complaint from a resident of Berwick, Maine, who reported that a Company employee applied pesticides on his lawn. The caller does not contract for any lawn services.
- 3) That in response to the complaint described in Paragraph 2, a Board inspector conducted a follow up inspection with Company personnel on August 5, 2025.
- 4) That during the course of the follow-up inspection described in Paragraph 3, the Board inspector ascertained that a Company employee applied the pesticides Change Up, EPA Reg. No. 228-445, and Drive XLR8, EPA Reg. No. 7969-272, at 13 Haflinger Lane instead of the intended customer at 9 Haflinger Lane.
- 5) That during the course of the follow-up inspection described in Paragraph 3, the Board inspector ascertained that the Company did not utilize a system to positively identify the proper treatment site in this instance.
- 6) That 01-026 C.M.R. ch. 20, Section 6(D)(2) prohibits the application of pesticides to the property of another without prior authorization the owner, manager or legal occupant.
- 7) That the Company did not have prior authorization from the owner or legal occupant to apply pesticides at 13 Haflinger Lane in Berwick, Maine.

- 8) That the circumstance described in Paragraphs 4, 6 and 7 constitute a violation of 01-026 C.M.R. ch. 20, Section 6(D)(2).
- 9) That 01-026 C.M.R. ch. 20, Section 7(A) requires commercial applicators making outdoor treatments to residential properties to implement a system, based on Board-approved methods, to positively identify the property of their customers.
- 10) That on August 17, 2025, the Board received a complaint from a former Company employee who had worked for the Company from August of 2024 through June of 2025. The former Company employee stated that, "there are no verification processes for making sure techs are at the correct house."
- 11) That in response to the complaint described in Paragraph 10, a Board inspector conducted a follow-up inspection with branch supervisor John Tripp on September 24, 2025.
- 12) That during the course of the inspection described in Paragraph 11, the inspector ascertained that the Company has not implemented an effective and comprehensive system intended to positively identify the proper treatment site. Company branch supervisor Tripp stated that the branch has electrical meter numbers for some of the older clients but not for the newer clients.
- 13) That the Company provided an addendum to an Administrative Consent Agreement and Findings of Fact entered into by the Company in December 2019 and ratified by the Board on February 9, 2020. In the addendum, titled "Compliance Policies to Avoid Violations Pursuant to The Administrative Consent Agreement Between the Maine Board of Pesticides Control and TruGreen", the Company stated, "TruGreen has expended significant resources in the purchase and installation of the Telogis software in our service trucks. This system is a GPS based system that directs trucks to the correct address. All customer addresses are geocoded at the time of sale, and Telogis routes the truck to the address. We have found that this system is very accurate, but like any system, there are occasional errors resulting in trucks being routed to the wrong address. TruGreen continues to refine this system and look for enhancements to improve accuracy. Our IT Department is working on improvements on several fronts, including technology to photograph and store photographs of the home onto the customer's account which will be available on the service technician's tablet. Our IT department has been working with a major information systems vendor to adapt this technology to TruGreen's operation."
- 14) That the circumstance described in Paragraphs 5, 9 through 12 constitute a violation of 01-026 C.M.R. ch. 20, Section 7(A).
- 15) That based on the information obtained by the Board's staff during the course of inspections cited in Paragraphs 3 and 11, the Westbrook branch is not using the system that the Company stated would be used in the Administrative Consent Agreement and Findings of Fact ratified by the Board on February 9, 2020, described in Paragraph 13.

- 16) That the Company expressly waive:
- 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.
- 17) That this Agreement shall not become effective unless and until the Board accepts it.
- 18) That in consideration for the release by the Board of the cause of action which the Board has against the Company resulting from the violations referred to in Paragraphs 8 and 14, the Company agrees to pay a penalty to the State of Maine in the sum of \$4,000 with all defenses waived by the Company, including any defenses related to the enforcement of any stipulated penalty payment as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138. (Please make checks payable to Treasurer, State of Maine.)
- 19) The Board and OAG grant a release of their causes of actions against the Company for the specific violations cited in Paragraph 18 on the express condition that all actions listed in Paragraph 18 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 18 and the Board approves this Agreement at a public meeting.
- 20) 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 19 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, as well as the pursuit of other remedies, including those pursuant to 14 M.R.S. § 3138.
- 21) By signing and executing this Agreement, the Company knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses related to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138, and expressly agrees that it will not assert:
- a) Any claim or defense that the Company's obligations under this Agreement are illegal, invalid, or otherwise unenforceable;
 - b) Any claim or defense pertaining to any payment obligation;
 - c) Any claim or defense pertaining to the timing and efficacy of notice and/or process regarding this Agreement and the Board's enforcement of the terms of this Agreement; and/or
 - d) Any other circumstance which might otherwise constitute a defense available to, or a discharge of any obligation of, the Company with respect to this Agreement.

- 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 four pages.

TRUGREEN LAWCARE

By:  Date: 5/26/2026

Type or Print Name: Mark Miller Region Technical Manager

BOARD OF PESTICIDES CONTROL

By: _____ Date: _____
Alexander Peacock, Director

APPROVED:

By: _____ Date: _____
Carey Gustanski, Assistant Attorney General



JANET MILLS
GOVERNOR

STATE OF MAINE
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
BOARD OF PESTICIDES CONTROL
28 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0028

ALEXANDER PEACOCK
DIRECTOR

Compliance Verification Statement

May 14, 2026

Individual Company or Store Name	TruGreen Lawncare – Westbrook	Inspection Numbers Inspection Dates	RC-146809, RC-149834, RC-149835, RC-150807 <hr/> 8/5/2025, 9/24/2025, 10/27/2025 <hr/>
Address	2 Delta Dr.		
Town	Westbrook	State	ME Zip 04092

I verify that I have taken steps to correct the violations of:

- 01-026 C.M.R. ch. 20, Section 6(D)(2) prohibits the application of pesticides to the property of another without prior authorization the owner, manager or legal occupant.
- 01-026 C.M.R. ch. 20, Section 7(A) requires commercial applicators making outdoor treatments to residential properties to implement a system, based on Board-approved methods, to positively identify the property of their customers.

Owner or Company Representative Signature

May 14, 2026

Date:

Zachary Jordan, Senior Counsel

Print Name

The above **Compliance Verification Statement** should be signed and returned with the signed **Proposed Administrative Consent Agreement** to verify that steps have been taken to prevent violations in the future.