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NEWS RELEASE

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Santa Paula Company Settles Illegal Pesticide Sales Case for \$625,000

VENTURA, California – District Attorney Erik Nasarenko announced today that Fruit Growers Supply (FGS), an agricultural retail supply company located in Santa Paula, settled an unlawful pesticide sales case for \$625,000. FGS sold restricted pesticides to non-permitted users 317 times between January 1, 2019, and November 4, 2020.

Based on FGS invoices obtained during the multi-agency investigation, unlawful sales were made by multiple FGS employees who bypassed an internal computer software program which alerts company personnel that the pesticides being purchased are restricted, and that a copy of the buyer's restricted materials permit must be obtained prior to sale. Existing law requires restricted pesticides only be sold to individuals who are certified commercial or certified private applicators possessing a restricted materials permit issued by the Ventura County Agricultural Commissioner (VCAC).

The investigation revealed FGS sold the following California restricted materials: Fumitoxin (fumigant), Contrac Blox (bromadiolone, second-generation anticoagulant rodenticide) Gramoxone (paraquat dichloride, poisonous herbicide), Martin's Gopher Bait 50 (strychnine, rodenticide) and Amine 4 2,4-d Weed Killer (2, 4-dichlorophenoxyacetic acid). These pesticides require 24-hour notification prior to use to allow the VCAC to evaluate weather conditions and location of sensitive populations such as schools, homes, hospitals, recreation areas and livestock.

From 2014 through 2018, the California Department of Fish & Wildlife (CDFW) found Second Generation Anticoagulant Rodenticides (SGARs) in more than 90 percent of tested deceased mountain lions, 88 percent of tested deceased bobcats, 85 percent of tested deceased protected Pacific fishers, and 70 percent of tested deceased northern spotted owls. SGARs are more persistent in animal tissues, acutely toxic, and require only a single feeding to result in a fatal dose.

FGS has accepted responsibility for breakdowns in its internal control systems related to the sale of the herbicide and rodenticide products in this case. FGS has pledged to work with the VCAC to ensure unlawful pesticides sales do not reoccur in the future.

FGS has agreed to pay \$625,000 to settle the case as follows: \$315,000 to be paid to the California Department of Pesticide Regulation to be used in administering the pesticide regulatory program; \$310,000 in civil penalties for unlawful business practices, which will include \$100,000 to be distributed in the form of a Supplemental Environmental Project to the National Park Service Santa Monica Mountains National Recreation Area. The National Park Service will use these funds to protect wildlife including research, monitoring, and protecting the diminishing mountain lion population and other animals harmed by pesticide poisoning.

The settlement also includes a permanent injunction requiring FGS to comply with all applicable laws related to Pest Control Dealer license requirements and coordinate with VCAC compliance responsibilities as it relates to pesticide laws and regulations.

In regard to this settlement, District Attorney Nasarenko stated, “The protection of wildlife is critical to the preservation of the environment. Our office will continue to hold those accountable who don’t follow the law and consequently put our unique Ventura County environmental communities at risk.”

The investigation was jointly conducted by the VCAC and the District Attorney’s Office Consumer and Environmental Protection Unit, with assistance from the CDFW and the National Parks Service Santa Monica Mountains National Recreation Area.

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The Ventura County District Attorney’s Office is the public prosecutor for the county’s 850,000 residents. The office employs approximately 290 employees including attorneys, investigators, victim advocates, and professional support staff who strive to seek justice, ensure public safety, and protect the rights of crime victims.