



## Daily News Archives From January 11, 2005

### EPA Sues Clarke Mosquito Control For Endangering Health of Sprayers

(*Beyond Pesticides*, January 11, 2005) The U.S. Environmental Protection Agency (EPA) has filed a complaint against Clarke Environmental Mosquito Management for violating federal pesticide law between May and November of 2000, according to [EPA Region 2](#). During that period, Clarke applied pesticides throughout the five boroughs under a contract with the New York City Department of Health to control mosquitoes potentially infected with West Nile virus (WNV).

EPA is seeking penalties of \$742,500 against the company for having pesticide applicators use the registered pesticides [Anvil](#) (a [synthetic pyrethroid](#)) and [Vectolex](#) in a manner not permitted by the labeling. Clarke was already fined \$800,000 by New York State for inadequately training and protecting its workers from the pesticides by using proper equipment and practices during the 2000 spraying.

"In an atmosphere of heightened concern about the spread of West Nile Virus, Clarke Environmental sent its employees out into the neighborhoods of New York City to apply mosquito control sprays with disregard for their health," said Kathleen C. Callahan, Acting EPA Region 2 Administrator. "By failing to comply with label precautions, the company allowed the workers to be exposed daily to the potentially harmful effects of the chemical ingredients of these products, clearly violating federal pesticide rules."

Clarke Environmental, headquartered in Roselle, Illinois, has the opportunity to plead its case before an administrative law judge or to contact EPA to negotiate an informal settlement of the matter. According to a [Newsday article](#), company spokeswoman Laura McGowan denied the charges and said it will contest them.

"Clarke has endangered not only its workers but the general public as well by assigning workers to spray hazardous chemicals without adequate training and without the proper equipment," said Joel Shufro, Executive Director of the New York Committee for Occupational Safety and Health (NYCOSH) when the first fine was levied.

Newsday also reports that EPA's complaint under the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA) includes a charge against Clarke for choosing routes for its ground-based spraying of Anvil that at least nine times 'made it impossible not to spray into the water.' Anvil's safety label prohibits it from being sprayed over water. That EPA is making an issue of mosquito sprays being deposited into waterways is a positive but surprising move since the agency has been pushing to allow mosquito sprays into water regardless of toxicities to fish and aquatic organisms. (See [overview](#) and *Beyond Pesticides* public comments to EPA regarding [mosquito pesticides and the Clean Water Act](#) and [proposed label changes for adulticides](#).)

Since 2000, New York City has not hired Clarke for mosquito control ground-spraying, but it did use the company in 2004 to do aerial spraying, McGowan told Newsday.

The 2000 spraying for WNV in New York City has served as a pinnacle example of what not to do. The City of New York is still facing a federal lawsuit for its mosquito-control pesticide-spray program which environmentalists contend violated federal and state environmental statutes. For more information on the pending lawsuit against New York State for its handling of the 2000 WNV pesticide spraying, see the [Daily News story](#).

**TAKE ACTION:** Spraying for WNV (or nuisance) mosquitoes is ineffective and hazardous way to protect public health. Learn more about the issue and how to prevent adulticiding in your community and advocate for it to be replaced with effective, intelligent mosquito management. For help see *Beyond Pesticides* [Tools for Activists](#) page. For more information on West Nile Virus and mosquito management see [The Truth About Mosquitoes, Pesticides, and West Nile Virus](#).