## Texas Department of Agriculture Structural Pest Control Service Penalty Matrix

Tables S1, S2, S3, and S4 represent the Hazard or Potential Hazard associated with the noncompliance issues listed throughout the Structural Pest Control Penalty Matrix. Within the tables, the Minor, Moderate, and Major designations take into consideration the Nature, Circumstances, Extent, and Gravity of the situation, which resulted in the noncompliant finding.

Table S1 - Low Hazard Potential\*

	Minor	Moderate	Major
1 <sup>st</sup> Violation	Warning	\$150	\$300
2 <sup>nd</sup> Violation	\$150	\$300	\$450
3 <sup>rd</sup> & subsequent violations	\$300	\$450	\$600

## Table S2 - Moderate Hazard Potential\*

	Minor	Moderate	Major
1 <sup>st</sup> Violation	\$300	\$750	\$1500
2 <sup>nd</sup> Violation	\$500	\$1000	\$2000
3 <sup>rd</sup> & subsequent	\$750	\$1500	\$3000
violations	Revocation/Suspension	Revocation/Suspension	Revocation/Suspension

Table S3 - High Hazard Potential\*

	Minor	Moderate	Major
1 <sup>st</sup> Violation	\$500	\$1000	\$2000
2 <sup>nd</sup> Violation	\$1000	\$2000	\$4000
3 <sup>rd</sup> & subsequent	\$1500	\$3000	\$5000
violations	Revocation/Suspension	Revocation/Suspension	Revocation/Suspension

## Table S4 - Maximum Hazard Potential\*

	Minor	Moderate	Major
1 <sup>st</sup> Violation	\$1000	\$1500	\$2000
2 <sup>nd</sup> Violation	\$2000	\$2500	\$3000
3 <sup>rd</sup> & subsequent	\$3000	\$4000	\$5000
violations	Revocation/Suspension	Revocation/Suspension	Revocation/Suspension

<sup>\*</sup>The tables show the maximum penalties that may be imposed for a given violation. All penalties are up to the designated amount/penalty indicated and shall be determined by the Department at its discretion.

ALL ACTIONS IN RESPONSE TO NONCOMPLIANCE WITH CHAPTER 7, SUBCHAPTER H OF THE TEXAS ADMINISTRATIVE CODE ARE AUTHORIZED UNDER CHAPTER 12 OF THE TEXAS AGRICULTURE CODE.

Violation	Texas Administrative Code Section Number(s)	Table Violation
DIVISION 2—LICENSES		
Operating without a license	7.121	S4
Operating without a responsible certified applicator	7.121(a)	S3
No known address or incorrect address for business/noncommercial	7.122	S1
Insurance lapse/No insurance	7.123	S3
Cheating/unauthorized assistance on exams	7.125	S3
Failure to notify of change of address: Business/Noncommercial	7.127(k); 7.161(17)	S1
Transferring, borrowing, renting, loaning, or leasing a Department license	7.127(j)	S4
Failure to notify change of employers- Certified applicator/technician	7.142	S1
Failure to notify of loss of responsible certified applicator	7.129	S2
Non-commercial doing business as commercial or more than one employer without additional license(s)	7.131	S3
Failure to complete required apprentice training prior to taking the exam and being issued a license	7.132	S3
Refusal to release training records on employment change	7.133(e)	S1
Performing work w/out supervision in a category an apprentice is not properly trained in	7.132(h)	S3
Failure to maintain technician and/or apprentice training records	7.132/7.133	S2
Failure to meet minimum continuing education/technician requirements	7.133(c)/7.134(b)	S2
DIVISION 3—COMPLIANCE AND ENFORCEMENT	7.444	0.4
No TPCL numbers or magnetic numbers on vehicle	7.141	S1
Failure to register an employee within 10 days	7.142(b)	S2
Failure to supervise an employee	7.143	S3
Use records incomplete	7.144	S1
Failure to maintain use records	7.144	S2
No business name, location address or mailing address, business license number (TPCL), or telephone number on contracts		S1
No business name, business license number and letter, location or mailing address, telephone number, or statement that the business is licensed and regulated by the Texas Department of Agriculture on a contract, warranty, termite disclosure document or guarantee (or incomplete/incorrect)		S1
Failure to post/provide a pest control sign	7.146	S1
Failure to provide consumer information sheet	7.147	S1
Failure to make consumer information sheet available upon request	7.147	S1
Failure of school or daycare to notify parents	7.148	S1
Failure to maintain emergency waivers	7.148(d)	S1
Failure of apartment management or employers to post notice and provide consumer information sheets	7.148	S1
Use inconsistent with labeling	7.150	S3
Any FIFRA violationunlabeled container	7.151	S3

Any violation of label instructions regarding storage or disposal	7.151	S3
Advertising violations	7.152	S3
Failure to cooperate/allow inspection or provide information/records or providing false information	7.156	S3

DIVISION 4—UNLAWFUL ACTS AND GROUNDS FOR REVOCATION			
Operating out of category Or. 161(2) S4 Any violation of the label which causes environmental problem 7.161(2) S4 Overking in a manner which could be injurious 7.161(8) S3 Use of cancelled or unregistered pesticides not approved under Texas Agriculture Code §76.041 Failure to surrender license as Department ordered Texas Agriculture Code §76.041 Failure to surrender license as Department ordered Total Code §76.041 Failure to surrender license as Department ordered Total Code §76.041 Failure to surrender license as Department ordered Total Code §76.041 Failure to surrender license as Department ordered Total Code §76.041 Failure to surrender license as Department ordered Total Code §76.041 Failure to post WDIR/Termite Post-Treatment Sticker Total Code §76.041 Failure to post WDIR/Termite Post-Treatment Sticker Total Code §76.041 Failure to post WDIR/Termite Post-Treatment Sticker Total Code §76.041 Failure to post WDIR/Termite Post-Treatment Sticker Total Code §76.041 Failure to provide SPCS/D-4 form Total Code §76.041 Failure to provide SCHOOL DISTRICTS  Any fumigation violation besides label violations Total Code §76.041 Failure to comply with IPM in schools Failure to comply with IPM in schools Failure to meet minimum IPM Coordinator continuation education regarding IPM Program essential elements Total Code §76.041 Failure to meet minimum IPM Coordinator continuation education requirements  Total Code §76.041 Failure to meet minimum IPM Coordinator continuation education requirements  Total Code §76.041 Failure to meet minimum IPM Coordinator continuation education requirements  Total Code §76.041 Failure to meet minimum IPM C	DIVISION 4—UNLAWFUL ACTS AND GROUNDS FOR REVOCATION		
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Any violation of the label which causes environmental problem  7.161	Operating out of category	7.161(10)	S3
Working in a manner which could be injurious   7.161(8)   S3     Use of cancelled or unregistered pesticides not approved under Fexas Agriculture Code §76.041     Failure to surrender license as Department ordered   7.162   S3     DIVISION 5—TREATMENT STANDARDS     Use of an unregistered pesticide for a termite treatment   7.172(a)/7.173(b)   S3     Application/service performed inconsistent with treatment   7.172(a)   S2     Application/service performed inconsistent with treatment   7.172(a)   S3     Fost-construction treatment at less than label volume/rate   7.172(a)   S3     Arrival of post WDIR/Termite Post-Treatment Sticker   7.172(a)   S3     Any violation of pre-construction treatment rules including failure to protife security   S3     Failure to provide SPCS/D-4 form   7.173   S3     Failure to provide SPCS/D-4 form   7.174   S2     Failure to provide securate/incomplete wDIR inspection   7.175   S2     Any fumigation violation besides label violations   7.175   S2     Any fumigation violation besides label violations   7.176   S2     Any violation regarding IPM Program essential elements   7.201   S2     Failure to comply with IPM in schools   7.201   S2     Failure to meet minimum IPM Coordinator continuation education requirements   7.202   S3     Failure to meet minimum IPM Coordinator continuation education requirements   7.202   S2     OTHER VIOLATIONS   S4     First time (and subsequent) offenders that operate without the proper license after a demonstration of prior knowledge of the SPCS requirements. (Not including late renewal)   S4     Repetitive or unreasonable refusal to allow the Department to exercise its legal authority to inspect licensees and/or investigate complaints   S4	Misrepresentation in any application for license	7.161(2)	S4
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