

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.

*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.

Table S1 – Low Hazard Potential*

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

Table S2 – Moderate Hazard Potential*

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

Table S3 – High Hazard Potential*

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

Table S4 – Maximum Hazard Potential*

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

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		
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	7.145	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)	7.145(a); 7.161(16)	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 violation--unlabeled 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		
Misrepresentation, deceit, or fraud for the purpose of inducing others to act thereon to their damage	7.161(1)	S4
Operating out of category	7.161(10)	S3
Misrepresentation in any application for license	7.161(2)	S4
Any violation of the label which causes environmental problem	7.161	S4
Working 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	7.161(12)	S3
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 disclosure	7.172(c)	S2
Post-construction treatment at less than label volume/rate	7.172(a)	S3
Failure to post WDIR/Termite Post-Treatment Sticker	7.172(d) and 7.177	S2
Pre-construction treatment made at less than label volume/rate	7.173(b)	S3
Any violation of pre-construction treatment rules including failure to notify	7.173	S3
Failure to provide SPCS/D-4 form	7/174(b)(10)	S2
Incomplete termite treatment disclosure documents/termite disclosure document violations	7.174	S2
Apprentice performing WDI Report	7.175(a)	S3
Failure to provide accurate/incomplete WDIR Inspection	7.175	S2
Any fumigation violation besides label violations	7.178	S3
DIVISION 7—INTEGRATED PEST MANAGEMENT PROGRAM FOR SCHOOL DISTRICTS		
Any violation regarding IPM Program essential elements	7.201	S2
Failure to comply with IPM in schools	7.201	S2
Making a pesticide application inconsistent with pesticide use in schools	7.202	S3
Failure to meet minimum IPM Coordinator continuation education requirements	7.202	S2
OTHER VIOLATIONS		
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
Fraud		S4
Grossly negligent or intentional poisoning of a person or animal		S4
Repetitive or unreasonable refusal to allow the Department to exercise its legal authority to inspect licensees and/or investigate complaints		S4
Violations involving institutional disregard for compliance		S4