

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 13.—Pesticides

4-13-63. Criteria to determine dollar amount of proposed civil penalty.

In determining the amount of any proposed civil penalty, the gravity of the violation shall be considered by the secretary or the secretary's designee. Factors to be considered shall include:

(a) The potential of the act to injure humans, pets, domestic animals, wildlife or the environment;

(b) the severity of potential injuries;

(c) the extent to which injury actually occurred;

(d) the respondent's history of compliance with state and federal pesticide laws and regulations promulgated thereunder;

(e) any action taken by respondent to remedy the specific violation or to mitigate any adverse health effects or environmental effects which were the result of the violation;
and

(f) whether or not the violation involved any misrepresentation or fraud.

(Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2440e; effective Jan. 1, 1989; amended Jan. 25, 1993.)

***** Authenticated Kansas Administrative Regulation *****