A Summary of Cases

August 9, 2022, IPRB Meeting

PS21-0099 Complainant stated that she observed an aerial application being made to a wheat field adjacent to her property on May 6, 2021, complainant is concerned the pesticides may have drifted onto her property.

Disposition
Milhon Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

Dustin P Starlin was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill.

The pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, Dustin Starlin was put on probation and the suspension will not be assessed provided Dustin Starlin commits no further drift violations for one year from the date of this notice.

PS21-0130 Complainant stated Miravis Ace fungicide was applied to a wheat field adjacent to his pond by Ed Air on May 19, 2021. The fish in his pond died soon after the application.

Disposition
Ed Air Inc. was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of $250.00 was assessed for this violation. However, the civil penalty was reduced to $188.00. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

Edward A. Huddleston was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

PS21-0144 Complainant stated that all of his 15-year-old Norway spruces that order the interstate are dying from a right-of-way application.

Disposition
Deangelo Contracting SVCS LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Terry S. Mccance was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way.

PS21-0180 Complainant stated unknown applicator treated a neighboring farm field that has adversely affected his ornamentals

Disposition
Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS19-0155.

PS21-0204 Complainant stated his non-dicamba soybeans are injured as the result of an application Sterling blue herbicide to corn.

Disposition
Fred Timothy Alexander was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Based on the evidence collected in this investigation, it has been determined that Mr. Alexander failed to comply with the drift management restrictions on the label for the atrazine herbicide. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

PS21-0211 Complainant stated he has dicamba injury to his Enlist soybeans.

Disposition
Mr. Wathen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding mandatory annual dicamba training for the year 2021. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. It should be noted that OISC was not able to determine whether the

herbicide moved off-target as a result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

PS22-0220 Complainant stated Mosquito Authority made a mosquito control application on July 7, 2021. The following day after a substantial rain the koi in their fish pond were found dead.

Disposition
No More Bites DBA Mosquito Authority was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Nancy J Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

Caleb Andrew Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

The $1,000.00 civil penalty was held in abeyance and will not be assessed provided No More Bites DBA Mosquito Authority commits no further violations of similar nature.

No More Bites DBA Mosquito Authority was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

Nancy J Stainbrook was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

PS21-0253 Complainant stated a herbicide application made to the highway right of way has injured his soybeans, corn and alfalfa.

Disposition
Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.

PS21-0280 Complainant stated an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

Disposition
Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

PS21-0285 Complainant stated he observed the Muncie Sanitary District making a mosquito application at 4:30 pm thereby endangering pollinators.

Disposition
Michael Fisher was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-11-2, for making a community-wide mosquito control pesticide application without having a category license or permission from his certified supervisor. A civil penalty in the amount of $250.00 was assessed for this violation.

PS21-0295 Complainant wrote the fence row next to his property was sprayed when the wind was blowing 2 miles per hour from the south. Complainant wrote he has a video of the application drifting onto his property.

Disposition
William G. Oren was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing contact with desirable vegetation. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $400.00. Consideration was given to the fact Mr. Oren cooperated during the investigation. Consideration was also given to the fact this was his second violation of similar nature. See case number PS20-0146.

PS21-0317 Complainant stated a lawn care application made to a neighboring lawn injured his lawn through drift and direct overspray.

Disposition
Trugreen, Brian Bohn and Casey Cooper were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $250.00 was assessed to certified applicator Brian Bohn. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0090.

PS21-0323 Complainant stated an aerial application made on August 17, 2021, to an adjacent corn field drifted onto her, her horse and hay field.

Disposition
Bluebird Ag LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

Henry T. Phillips was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

PS21-0341 Complainant stated a herbicide application made to an adjacent farm field approximately three to four weeks ago killed the lawn on a property they own in the country.

Disposition
Douglas William Morrow was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. Consideration was also given to the fact this was his fifth (5th) violation of similar nature. See case numbers 2018/0657, 2018/0715, PS19-0386 and PS19-0393.

Douglas William Morrow was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for refusing to supply application records. A civil penalty in the amount of $1,000.00 was assessed for this violation.

PS21-0347 Failed to renew their 2021 pesticide business license.

Disposition
Expert Home Inspections was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business.

Adam Moeshberger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business. A civil penalty in the amount of $1,000.00 was assessed for this violation.

The $1,000.00 civil penalty was held in abeyance and not assessed provided Adam Moeshberger commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

PS21-0357 Complainant stated runoff from a right-of-way application made to an American Electric Power substation had injured and killed his soybeans.

Disposition
G & T SVCS Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

Bryan A Comito was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

PS22-0012 Affordable Pest Control's only certified applicator, Timothy Blackman, certification expired.

Disposition
Affordable Pest Control Inc was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Timothy D Blackman was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $200.00. Consideration was given to the fact Timothy D Blackman cooperated during the investigation; corrective action was taken and this was his first violation of similar nature.

PS22-0014 Classic Cuts only certified applicator, Greg Cripe's, certification expired at the end of 2020.

Disposition
Classic Cuts Lawn & Property LLC was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Greg Cripe was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of $1,000.00 was assessed for this violation.

PS22-0023 R.P. Home and Harvest selling Golden Malrin, an Indiana Restricted Use Pesticide, without a Restricted Use Pesticide Dealer license.

Disposition
R.P. Home & Harvest was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for distributing a restricted use pesticide without a dealer registration. A civil penalty in the amount of $500.00 was assessed for this violation.

PS22-0026 Complainant stated he believes Co-Alliance sprayed a neighboring corn field and the herbicide drifted onto his greenhouse.

Disposition
Doug Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

PS22-0036 Unregistered Pesticide Product located for sale at Menards in Muncie, IN.

Disposition
Menards was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana.

Instant Power Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana. A civil penalty in the amount of $500.00 was assessed for this violation.

Instant Power Corporation was warned for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that makes claims different from that registered.

Instant Power Corporation was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

PS22-0046 Complainant stated unknown applicator treated a neighboring farm field that has adversely affected his ornamentals.

Disposition
Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil

penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature (See case number PS19-0155) and a restricted use pesticide was involved.

Instant Power Corporation was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that is in violation of the Federal Insecticide, Fungicide Rodenticide Act (FIFRA). A civil penalty in the amount of $1,000.00 was assessed for this violation.

However, the full penalty in the amount of $1,500.00 assessed to Instant Power Corporation will be held in abeyance and not assessed provided Instant Power Corporation removes the product from Indiana marketplace, blocks sales on online distribution sites and provides confirmation these actions were completed required within 60 days of receipt of letter.

PS22-0049 On February 1, 2022, I contacted Austin Henderson and requested a copy of his RUP sales records. Upon review, I discovered a RUP sale to an unlicensed applicator.

Disposition
Henderson Ag Advantage Inc was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

PS22-0054 This was a routine RUP Dealer inspection that showed RUP sales to unlicensed applicators.

Disposition
Henderson Farm Service was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

However, $500.00 of the assessed civil penalty will be held in abeyance and not assessed provided Henderson Farm Service commits no further violations of the Indiana Pesticide Registration Law within two (2) years from the date of this notice.

PS22-0057 During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered a RUP sales to unlicensed, Karl Eshelman.

Disposition
Karl Grant Eshelman was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a person certified, licensed or permitted. A civil penalty in the amount of $500.00 was assessed for this violation.

However, the civil penalty was held in abeyance and not assessed provided Karl Grant Eshelman commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

PS22-0059 During the course of a routine Restricted Use Dealer records check, I discovered an unlicensed sale of Permethrin to Richard Yoder.

Disposition
Richard W Yoder was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being certified or having a person who is certified, licensed or permitted under IC 15-16-5 conducting the use. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $300.00. Consideration was given to the fact Mr. Yoder cooperated with the investigation and corrective action was taken.

PS22-0061 Brian Hatfield advertises on his Facebook page that he provides fertilization services in the Greenfield Indiana area.

Disposition
Brian Hatfield was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 (2 counts x $250.00 per count) was assessed.

However, the civil penalty was held in abeyance and will not be assessed provided Brian Hatfield does not commit further violations of the Indiana Pesticide Use and Application Law within the next two (2) years.

PS22-0083 IDEM notified EPA that a lab sample of waste water from Eco-Pak LLC in Selma, Indiana dectected Dieldrin, a cancelled pesticide. EPA Region 5 issued an investigation referral to OISC to conduct an establishment inspection under the authorities of sections 8 and 9 of FIFRA.

Disposition
This case was a referral from EPA. The completed case was forwarded back to EPA for their review.

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER
Protecting Indiana's Agriculture and Environment
Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
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www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 08:39 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0099

Department	Pesticide
Originated	05/06/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	**Ginger Russell** Newburgh, IN 47630	
Respondent	**Milhon Air Inc** Martinsville, IN 46151	Licensed Business
Respondent	**Dustin P Starlin** Martinsville, IN 46151	Certified Applicator

Overviews

10/15/2021 **Investigation Summary**

The complainant advised she was concerned an aerial pesticide application made to a wheat field to the south of her residence may have drifted onto her property. During my on-site investigation I found one potential source of pesticide application in the area. The target field is located to the south of the complainant's property. I did not observe any injury symptoms consistent with herbicide exposure on the complainant's property. I collected swap and vegetation samples from the target field. Collected swab and vegetation samples from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

The OISC Residue Laboratory analysis detected the active ingredients propiconazole and pydiflumetofen in all the off-target swabs and off-target composite vegetation sample.

The application record and wind data indicate the wind was out of the south blowing towards the complainant's residence at the time of the application. The OISC Residue Laboratory Report detected the active ingredients propiconazole and pydiflumetofen in all the off-target swab and vegetation samples at levels consistent with off-target movement. The playground, patio furniture, and grill were all points of potential human exposure to the active ingredients propiconazole and pydiflumetofen after the application was made. The label for *Miravis Ace, EPA Reg.# 100-1645, Active Ingredients = propiconazole and pydiflumetofen* states: **"Do not apply in a manner that will result in exposure to humans or animals"**. Further, the Indiana Pesticide Drift Rule states: **"A person may not apply a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a nontarget site"**.

Submitted By: Nathan J. Davis
Role: Investigator
Drift: Confirmed

10/21/2021 **Disposition Summary**

Milhon Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

Dustin P Starlin was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill.

The pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, Dustin Starlin was put on probation and the suspension will not be assessed provided Dustin Starlin commits no further drift violations for one year from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/06/2021 **Intake Referral Filed**

Complainant stated that she observed an aerial application being made to a wheat field adjacent to her property on May 6, 2021, complainant is concerned the pesticides may have drifted onto her property.

Original Event:	Intake Referral (Pesticide) #1937
Complainant:	Ginger Russell
Respondent:	Milhon Air Inc
Entered By:	Nathan J. Davis
Submitted By:	Joseph D. Becovitz

05/06/2021 **Investigator Called Farmer Communication**

On May 6, 2021 I contacted the farmer of the wheat field to the south of the complainant's property Albert Durchholz. I advised Mr. Durchholz I was a Pesticide Investigator for OISC and of the complaint I was investigating. Mr. Durchholz advised he contracted Superior Ag Resources in Boonville, Indiana to complete the aerial pesticide application to his wheat field.

Original Event:	Investigation Activity (Pesticide) #3015
Subject:	Albert E Durchholz
Submitted By:	Nathan J. Davis

05/06/2021 **Investigator Called Business Communication**

On May 6, 2021 I contacted Superior Ag Resources located in Booneville, Indiana via telephone. I spoke with operations manager Mark Jackson. I advised Mr. Jackson I was a Pesticide Investigator for OISC and of the complaint I was investigating. Mr. Jackson advised Superior Ag Resources contracted Milhon Air located in Martinsville, Indiana to complete the aerial pesticide application to Mr. Durchholz wheat field.

Original Event:	Investigation Activity (Pesticide) #3016
Subject:	Superior Ag Resources Co Op
Submitted By:	Nathan J. Davis

05/06/2021 **Case Created**

Original Event:	Case PS21-0099
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis

05/07/2021 **Investigator Called Business Communication**

On May 7, 2021 I contacted Milhon Air located in Martinsville, Indiana. I spoke with office manager Anna. I advised Anna I was a pesticide Investigator for OISC and of the complaint I was investigating. I advised Anna I would send her an email containing the location of the complaint and a pesticide investigation activity to be completed for the aerial application made to the wheat field to the south of the complainants property.

Original Event:	Investigation Activity (Pesticide) #3017
Subject:	Milhon Air Inc
Submitted By:	Nathan J. Davis

05/18/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #334
Client:	Ginger Russell
Firm Representative:	Ginger Russell
Submitted By:	Nathan J. Davis

05/18/2021 **Investigator Met with Complainant Interaction**

On May 18, 2021 I met with the complainant at her residence. The complainant advised she was concerned an aerial pesticide application made to a wheat field to the south of her residence may have drifted onto her property.

During my on-site investigation I did the following:

Looked for and found one potential sources of pesticide application in the area. The target field is located to the south of the complainant's property.

I did not observe any injury symptoms consistent with herbicide exposure on the complainant's property.

Purdue Plant & Pest Diagnostic Laboratory samples were not collected due to not observing any injury symptoms consistent with herbicide exposure on the complainant's property.

Collected swap and vegetation samples from the target field. Collected swab and vegetation samples from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #3031
Subject: Ginger Russell
Submitted By: Nathan J. Davis

05/18/2021 **Investigator Met with Complainant**

Photographs

Photographs taken during the on-site investigation.

Attachments


File 68152


File 68153


File 68154


File 68155

Original Event: Investigation Activity (Pesticide) #3033
Subject: Ginger Russell
Submitted By: Nathan J. Davis

05/18/2021 **Residue Samples Collected**

Original Event: Residue Collection #178436 (21-4-0027 4)
Client: Ginger Russell
Submitted By: Nathan J. Davis
Sample: 21-4-0027 4 | Swab (Acetone); Trip Blank
Sample: 21-4-0028 8 | Swab (Acetone); Ctrl; Window; OFF-T, N
Sample: 21-4-0029 0 | Swab (Acetone); Grab; Playground; OFF-T, S
Sample: 21-4-0030 0 | Swab (Acetone); Grab; Window; OFF-T, S
Sample: 21-4-0031 6 | Swab (Acetone); Grab; Grill; OFF-T, S
Sample: 21-4-0032 8 | Swab (Acetone); Grab; Patio Furniture; OFF-T, S
Sample: 21-4-0033 7 | Swab (Acetone); Grab; Target, S
Sample: 21-4-0034 4 | Veg; Comp; Target, S
Sample: 21-4-0035 9 | Veg; Comp; OFF-T, S
Sample: 21-4-0036 3 | Veg; Ctrl; OFF-T, N

05/18/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #421
Submitted By: Nathan J. Davis
Target Analyte: Miravis Ace ``
Target Analyte: Grizzly Too
PPLS Labels: 000100-01295-20141113.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01295-20141113.pdf

000100-01645-20201002.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01645-20201002.pdf

05/21/2021 **New Respondent Identified**

Original Event: Investigation Change #40
Respondent: Dustin P Starlin
Submitted By: Nathan J. Davis

05/21/2021 **Investigator Sent Fax/Email to Business**

Investigation Inquiry

On May 21, 2021 I received a completed pesticide investigation inquiry from Milhon Air Inc for the application which indicated the following.

Inquiry Overview

Certified Applicator Dustin Starlin
Company Milhon Air Inc
Application Type Commercial
Target Field 6144 Oakgrove Road

Tank Mix

Product	EPA	Rate
Grizzly Too	100-1295-1381	1.28oz/acre
Miravis Ace	100-1645	13.7oz/acre

Application Date

Date	Start	End
05/06/2021	8:00am	10:00am

Air Conditions

Time	Temp	Direction	Speed
Start	50°F	SSE	4mph
End	50°F	SSE	4mph

Attachments

File 68723; PS21-0099 Milhon Air.pdf

Original Event: Investigation Activity (Pesticide) #3082
Subject: Milhon Air Inc
Submitted By: Nathan J. Davis
PPLS Labels: 000100-01295-20141113.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01295-20141113.pdf

000100-01645-20201002.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01645-20201002.pdf

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06/25/2021 **Received Residue Lab Report**

Lab Remarks

Released 6/25/21

Investigatory Summary

The OISC Residue Laboratory analyzed the swab and vegetation samples collected for the active ingredients propiconazole and pydiflumetofen and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients propiconazole and pydiflumetofen in all of the off-target swabs and off-target composite vegetation sample.

First Page of Lab Report

OCM Collection #	178436	Investigator	DAVISN
Collection Date	05/18/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0027 4	Swab (Acetone); Trip Blank	Swab (Acetone)	Propiconazole	BDL ng/swab	4 ng/swab
			Pydiflumetofen	BDL ng/swab	0.4 ng/swab
21-4-0028 8	Swab (Acetone); Ctrl; Window; OFF-T, N	Swab (Acetone)	Propiconazole	7.31 ng/swab	4 ng/swab
			Pydiflumetofen	118 ng/swab	0.4 ng/swab
21-4-0029 0	Swab (Acetone); Grab; Playground; OFF-T, S	Swab (Acetone)	Propiconazole	97.8 ng/swab	4 ng/swab
			Pydiflumetofen	3640 ng/swab	0.4 ng/swab
21-4-0030 0	Swab (Acetone); Grab; Window; OFF-T, S	Swab (Acetone)	Propiconazole	23.8 ng/swab	4 ng/swab
			Pydiflumetofen	926 ng/swab	0.4 ng/swab
21-4-0031 6	Swab (Acetone); Grab; Grill; OFF-T, S	Swab (Acetone)	Propiconazole	33.7 ng/swab	4 ng/swab
			Pydiflumetofen	499 ng/swab	0.4 ng/swab
21-4-0032 8	Swab (Acetone); Grab; Patio Furniture; OFF-T, S	Swab (Acetone)	Propiconazole	83.4 ng/swab	4 ng/swab
			Pydiflumetofen	301 ng/swab	0.4 ng/swab

Original Event: Residue Lab Report #182442 (178436-R379)
Submitted By: SYSTEM
Lab Report: Lab Report 178436-R379.pdf

10/13/2021 **Wind Data Researched**

The wind data from the Evansville Regional Airport (KEVV) ASOS, Owensboro-Daviess County Regional Airport (KOWB) AWOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between 5 and 14 mph with no gusts constantly out of the south and varied from east and west.

Evansville Regional Airport (KEVV) ASOS

Evansville, Indiana (10 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
7:54 am	52	SW	5	0
8:54 am	57	S	7	0
9:54 am	60	SSW	13	0

Owensboro-Daviess County Regional Airport (KOWB) AWOS

Owensboro, Kentucky (20 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
7:56 am	53	SSW	5	0
8:56 am	57	SSE	8	0
9:56 am	60	S	10	0

Lawrenceville-Vincennes International Airport (KLWV) ASOS

Lawrenceville , Illinois (55 miles NNW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
7:53 am	54	S	10	0
8:53 am	56	S	10	0
9:53 am	60	S	14	0

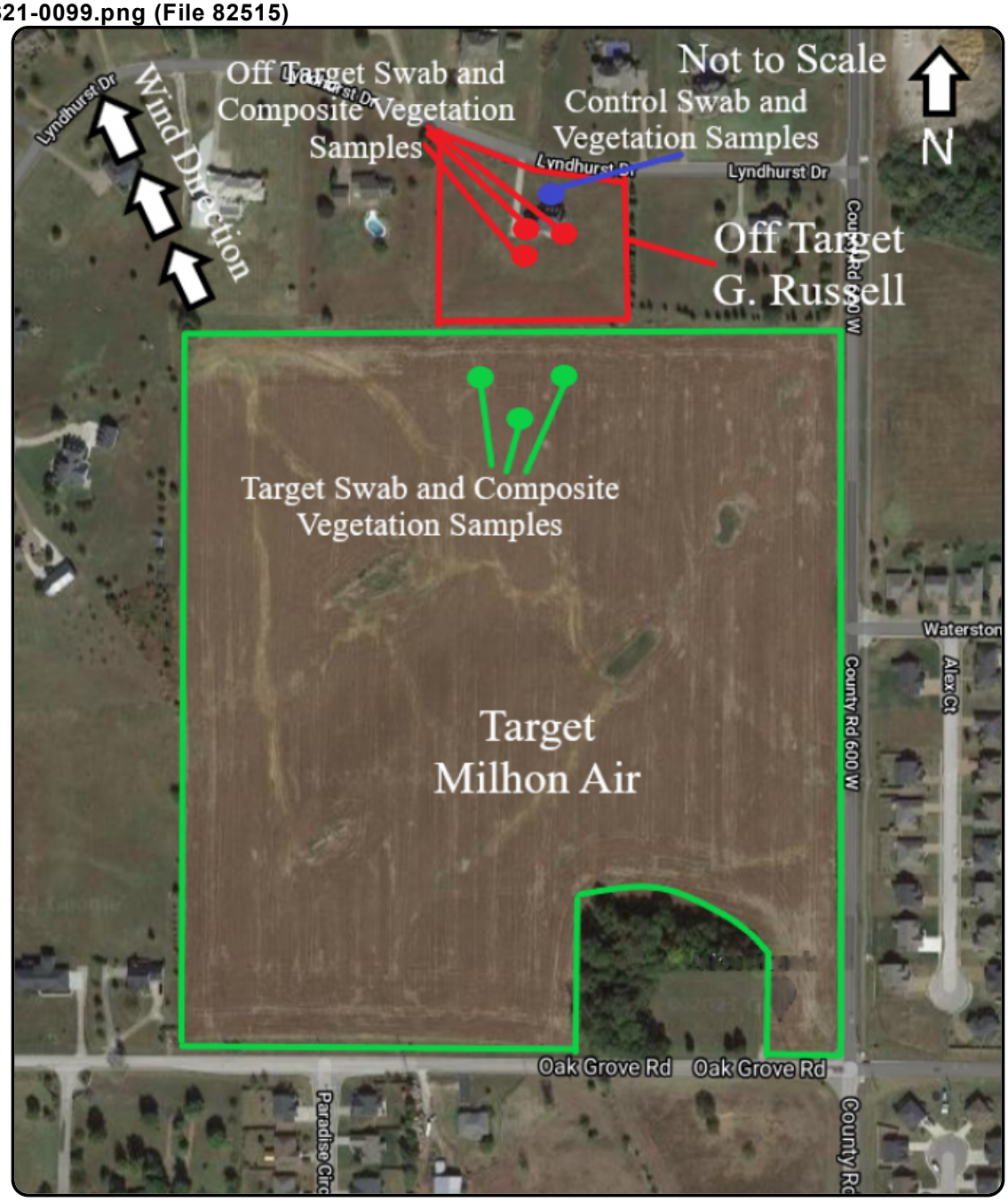
Original Event: Wind Data #55
Submitted By: Nathan J. Davis
Date of Weather: 05/06/2021

10/14/2021 **Investigation Activity**

Photographs

An aerial diagram including property lines, and where swab and vegetation samples were taken from.

PS21-0099.png (File 82515)



Original Event: Investigation Activity (Pesticide) #3991
Submitted By: Nathan J. Davis

10/15/2021 **Investigation Activity**

Activity

The application record and wind data indicate the wind was out of the south blowing towards the complainant's residence at the time of the application. The OISC Residue Laboratory Report detected the active ingredients propiconazole and pydiflumetofen in all the off-target swab and vegetation samples at levels consistent with off-target movement. The playground, patio furniture, and grill were all points of potential human exposure to the active ingredients propiconazole and pydiflumetofen after the application was made. The label for *Miravis Ace, EPA Reg.# 100-1645, Active Ingredients = propiconazole and pydiflumetofen* states: **"Do not apply in a manner that will result in exposure to humans or animals"**. Further, the Indiana Pesticide Drift Rule states: **"A person may not apply a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a nontarget site"**.

Original Event: Investigation Activity (Pesticide) #4003
Subject: Dustin P Starlin
Submitted By: Nathan J. Davis

10/21/2021 **Judgement; License Suspension**

Citation

Dustin P Starlin was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill.

Civil Penalty

Milhon Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

License Suspension

The pesticide certification of Dustin Starlin was suspended for a period of one year from the date of this notice. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

Original Event:	Judgement #800
Primary:	Milhon Air Inc
Secondary:	Dustin P Starlin
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-12-2
Penalty Amount:	1000

11/03/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #900
To:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6865
Enclosed:	Notice of Enforcement
Attachments:	File 83560; PS21-0099EL CP-LIC SUSP ~ Milhon Air - Dustin Starlin.docx

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11/12/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1263
Subject:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6865
Received:	11/12/2021
Attachments:	File 85799; CM 7019 0140 0000 6113 6865 ~ PS21-0099.pdf

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12/09/2021 **Compliance Activity**

Dustin Starlin sent an email requesting a formal hearing in this matter. David Scott, Secretary to the IPRB also received the email request as notification to the Board.
On 12/10/2021, Dustin Starlin hand-delivered letters, requesting a formal hearing, to OISC. Jill Davis scanned and emailed George Saxton his letter. The second letter was a copy of the same request letter addressed to David Scott.

Original Event:	Compliance Activity #1107
Primary:	Dustin P Starlin
Submitted By:	George Saxton
Attachments:	File 84774; Dustin Starlin formal request.pdf File 85729; PS21-0099 Hearing Request Letter from Milhon Air - Dustin Starlin.pdf

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01/10/2022 **Compliance Activity**

Dustin Starlin sent an email outlining the steps he was going to take to ensure no further drift complaints. Mr. Starlin requested leniency on his enforcement.

Original Event:	Compliance Activity #1124
Primary:	Dustin P Starlin
Submitted By:	George Saxton
Attachments:	File 85446; Dustin Starlin 1-10-2022.pdf

01/12/2022 **Amended Judgement; Probation**

Citation

Dustin P Starlin was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill.
Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123. In addition, the pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, the suspension was put on hold and not assessed provided Dustin Starlin commits no further drift violations for two (2) years from the date of this notice.

Civil Penalty

Milhon Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

Probation

The pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, Dustin Starlin was put on probation and the suspension will not be assessed provided Dustin Starlin commits no further drift violations for two (2) years from the date of this notice.

Original Event:	Judgement #873
Primary:	Milhon Air Inc
Secondary:	Dustin P Starlin
Submitted By:	George Saxton
Level:	Informal Review
Legal Citation:	357 IAC 1-12-2
Penalty Amount:	1000

01/21/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event:	Outgoing Mail #959
To:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0477
Enclosed:	Notice of Amended Enforcement
Attachments:	File 86122; PS21-0099EL CP-LIC PROBATION-Mitigated LIC SUSP ~ Milhon Air - Dustin Starlin.docx

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02/10/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1367
Subject:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0477
Received:	02/10/2022
Attachments:	File 88539; CM 7019 1640 0001 2427 0477 ~ PS21-0099.pdf

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02/21/2022 **Hearing Requested**

OISC received a letter of appeal from attorneys Bray, Bray & Bray requesting a formal hearing in this matter. The Secretary for the IPRB was notified. A phone message was left with the Bray law firm.

Original Event:	Compliance Activity #1170
Primary:	Milhon Air Inc
Submitted By:	George Saxton
Stage:	Informal Review
Attachments:	File 87630; Case-PS21-0099-MilhonAir-AppealLetter-02.21.2022.pdf File 87631; PS21-0099 letter to Mr. Scott.pdf

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03/08/2022 **Compliance Activity**

I called and left a message for attorney Richard Bray regarding this case and his request for a formal hearing.

Original Event:	Compliance Activity #1180
Primary:	Milhon Air Inc
Submitted By:	George Saxton

03/08/2022 **Informal Review Occurred**

Attorney Richard Bray called asking about the charges against Milhon Air and Dustin Starlin. He stated he would talk to his client and get back with OISC the first of the week.

Original Event:	Compliance Activity #1184
Primary:	Milhon Air Inc
Submitted By:	George Saxton
Stage:	Informal Review

03/15/2022 **Informal Review Occurred**

Attorney Richard Bray called requesting the license suspension probation be reduced to one year instead of two.

Original Event:	Compliance Activity #1191
Primary:	Superior Ag Resources Co Op
Secondary:	Dustin P Starlin
Submitted By:	George Saxton
Stage:	Informal Review

03/15/2022 **Amended Judgement; Probation**

Citation

Dustin P Starlin was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill.

The pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, Dustin Starlin was put on probation and the suspension will not be assessed provided Dustin Starlin commits no further drift violations for one year from the date of this notice.

Civil Penalty

Milhon Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site, i.e., playground equipment, patio furniture and a grill. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, and this was Dustin P. Starlin's fourth violation of similar nature. See case numbers 2017/1099, PS18-0735 and PS20-0123.

Probation

The pesticide certification of Dustin Starlin was suspended for a period of six (6) months. However, Dustin Starlin was put on probation and the suspension will not be assessed provided Dustin Starlin commits no further drift violations for one year from the date of this notice.

Original Event:	Judgement #979
Primary:	Milhon Air Inc
Secondary:	Dustin P Starlin
Submitted By:	George Saxton
Level:	Informal Review
Legal Citation:	357 IAC 1-12-2
Penalty Amount:	1000

03/18/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1046
To:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9163
Enclosed:	Notice of Amended Enforcement
Attachments:	File 90554; PS21-0099EL CP-Mitigated LIC PROBATION-Mitigated LIC SUSP ~ Milhon Air - Dustin Starlin.docx

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03/23/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1440
Subject:	Milhon Air Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9163
Received:	03/23/2022
Attachments:	File 92880; CM 7019 0140 0000 6113 9163.pdf

04/04/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1458
Subject:	Milhon Air Inc
Submitted By:	Joni Herman
Payment Expected:	$1,000.00
Payment Received:	$1,000.00
Attachments:	File 93608; PS21-0099 Milhon Air - Dustin Starlin ~ CP Received.pdf

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04/14/2022 **Compliance Activity**

I left a message or attorney Richard Bray to see if they wanted to accept the plea agreement or wanted a hearing.

Original Event:	Compliance Activity #1213
Primary:	Milhon Air Inc
Submitted By:	George Saxton

04/28/2022 **Informal Review Occurred**

OISC received written notice dated April 21, 2022, from attorney Richard Bray that they would not contest the enforcement action and would not need to go to a formal hearing.

Original Event:	Compliance Activity #1225
Primary:	Dustin P Starlin
Submitted By:	George Saxton
Stage:	Informal Review
Attachments:	File 92970; Bray letter 21-0099.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **May 9, 2022, 08:39 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER
Protecting Indiana's Agriculture and Environment
Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 08:42 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0130

Department	Pesticide
Originated	06/03/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	**Larry Thatcher** Coal City, IN 47247
Business	**Ed Air Inc** Oaktown, IN 47561
Applicator	**Edward A Huddleston** Oaktown, IN 47561

Overviews

12/17/2021 **Investigation Summary**

On June 2, 2021, Mr. Thatcher reported that many fish in his pond died soon after an aerial fungicide application to a wheat field adjacent to his pond by Ed Air on May 19, 2021.

On June 3, 2021, I met with Mr. Thatcher to conduct my on-site investigation, where I observed the remnants of dead fish in and around Mr. Thatcher's pond. I identified a wheat field to the south and a corn field to the southwest of the pond as the possible origins of pesticide contamination. I collected several samples from the pond and fields for analysis by the OISC Residue Lab.

I later identified Edward Huddleston with Ed Air, Inc. had made the fungicide application to the wheat field while the wind was blowing towards the pond. The applicator to the corn field was also identified (see case #PS22-0038).

The OISC Residue Lab results found the analytes applied by Mr. Huddleston in the samples collected from the pond at levels that would have caused a fish kill event. No label violations were found but I concluded that Mr. Huddleston's application had moved off-target and caused harm to Mr. Thatcher's fish and pond.

Submitted By: James M. Trimble
Role: Investigator
Drift: Confirmed

12/20/2021 **Disposition Summary**

Ed Air Inc. was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of $250.00 was assessed for this violation. However, the civil penalty was reduced to $188.00. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

Edward A. Huddleston was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/02/2021 **Intake Referral Filed**

Complainant stated Miravis Ace fungicide was applied to a wheat field adjacent to his pond by Ed Air on May 19, 2021. The fish in his pond died soon after the application.

Original Event:	Intake Referral (Pesticide) #1974
Complainant:	Larry Thatcher
Respondent:	Ed Air Inc
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/03/2021 **Investigator Met with Complainant**
Photographs

On June 3, 2021, I met with Mr. Thatcher at his address to conduct my on-site investigation. Mr. Thatcher reported that he had hired Ceres Solutions, who contracted Ed Air Inc., to make a aerial fungicide application to his wheat fields. Mr. Thatcher stated the aerial fungicide application occurred on May 19, 2021 with the fungicide **Miravis Ace** *(EPA Reg. #100-1645, active ingredients of Pydiflumetofen and Propiconazole)*. Mr. Thatcher stated he witnessed the aerial application on the above date from the barn at his residence. Mr. Thatcher stated he observed that the plane flew in a north to south pattern during the field's application as opposed to previous years, when it was a east to west pattern. Mr. Thatcher also noted that he observed the plane to be applying a blue spray that had "hung" in the air for a long period of time. Mr. Thatcher provided me with the invoice and application report he received from Ceres Solutions.

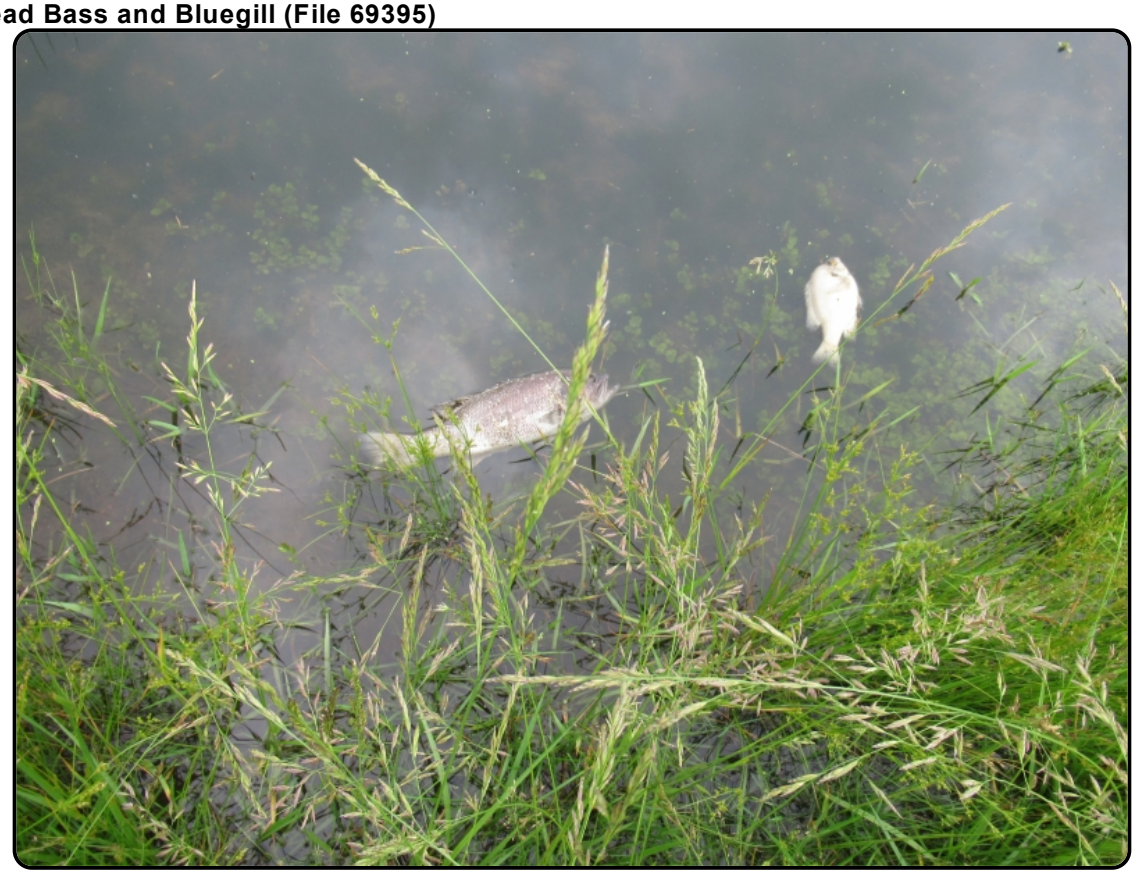
Mr. Thatcher and I then traveled to his pond where the reported fish kill had taken place. Mr. Thatcher stated the first observation of dead and/or dying fish in the pond occurred on approximately May 29, 2021. Mr. Thatcher stated the pond's surface area was approximately three acres and was approximately 10'- 12' deep in its deepest end (north end). Mr. Thatcher stated he observed all sizes of Bluegill and Bass to have died but he had not found signs that any other aquatic life had been negatively impacted. Mr. Thatcher stated he never observed the fish to be swimming near the surface of the pond or jumping onto the banks.

During my on-site investigation, I observed and photographed Mr. Thatcher's pond and surrounding areas. I observed the pond to still have dead Bass and Bluegill floating at its surface and around its banks. I observed the dead fish to be in varied states of decay but did not locate any that were fresh enough for collection. I observed aquatic life in the pond and did not find anything dead other than the fish. I did not observe fish to be swimming near the surface or to be swimming erratic and/or slow. Mr. Thatcher stated that there had been many more dead fish in the previous days but wild animals had been eating them out of the pond.

I looked for potential sources of herbicide drift. I observed Mr. Thatcher's pond to be immediately surrounded by a small hay field. Past the hay field, I observed soybean fields to the pond's east, north, and west. Mr. Thatcher stated that he owns the soybean fields and hay field surrounding the pond and there hasn't been any type of pesticide application made to those fields this year. I observed a wheat field to the pond's south, which was also owned by Mr. Thatcher and identified by him as the target field for the fungicide aerial application (Field #1). Lastly, I observed a corn field to the pond's southwest (Field #2). Mr. Thatcher stated he believed the corn field was farmed by the Cooprider family and that the field had a drainage tile that drained directly into his pond. I observed the corn field to show signs of a recent herbicide application by its dead noxious weeds throughout. (See case #PS21-0130 regarding Ed Air, Inc. & Field #1, case #PS22-0038 regarding Cooprider & Field #2)

I then collected four muck/soil samples from the pond, vegetation samples from the hay field and wheat field, a control soil sample from Mr. Thatcher's northwest soybean field, and a soil sample from the corn field for analysis by the OISC Residue Lab.

Dead Bass and Bluegill (File 69395)



Multiple dead fish (File 84733)



Attachments


File 69383


File 69384


File 69385


File 69386


File 69387


File 69388


File 69389


File 69390


File 69391


File 69392


File 69393


File 69394


File 69396


File 69397


File 69398


File 69399


File 69400

File 70071; ThatcherDocs.pdf

Original Event:	Investigation Activity (Pesticide) #3117
Subject:	Larry Thatcher
Submitted By:	James M. Trimble

06/03/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #381
Client:	Larry Thatcher
Firm Representative:	Larry Thatcher
Submitted By:	James M. Trimble
Attachments:	File 70062; thatcherNOI.pdf

06/03/2021 **Residue Samples Collected**

Original Event:	Residue Collection #180255 (21-4-1141 6)
Client:	Larry Thatcher
Submitted By:	James M. Trimble
Sample:	21-4-1141 6 | Soil; Grab; 0-2"; Pond; OFF-T, E
Sample:	21-4-1142 8 | Soil; Grab; 0-2"; Pond; OFF-T, N
Sample:	21-4-1143 7 | Soil; Grab; 0-2"; Pond; OFF-T, W
Sample:	21-4-1144 4 | Soil; Grab; 0-2"; Pond; OFF-T, S
Sample:	21-4-1145 9 | Veg; Comp; OFF-T, 15yd E
Sample:	21-4-1146 3 | Veg; Comp; Target, SE
Sample:	21-4-1147 1 | Soil; Comp; 2-4"; Target, SW
Sample:	21-4-1148 5 | Soil; Comp; 2-4"; OFF-T, SW

06/03/2021 **Investigator Called Business**
Communication

On June 3, 2021, I called and left a message with Lisa at Ed Air, Inc., to inquire about the wheat fields they had treated. Shortly thereafter, Eddie Huddleston called me back and confirmed he had made the aerial pesticide application to Mr. Thatcher's wheat fields. I advised Mr. Huddleston of the PII and that I would email him the form later that day.

Original Event: Investigation Activity (Pesticide) #3121
Subject: Ed Air Inc
Submitted By: James M. Trimble

06/03/2021 **New Respondent Identified**
Respondent Identified

On June 3, 2021, Mr. Huddleston confirmed that he had made the aerial application to Mr. Thatcher's wheat fields.

Original Event: Investigation Change #48
Respondent: Edward A Huddleston
Submitted By: James M. Trimble

06/03/2021 **Investigator Sent Fax/Email to Business**
Communication

On June 3, 2021, I sent Ed Air Inc. an email containing the PII and its instructions.

Attachments
File 70074; 6-3-21edair email.pdf

Original Event: Investigation Activity (Pesticide) #3202
Subject: Ed Air Inc
Submitted By: James M. Trimble

06/03/2021 **Case Created**

Original Event: Case PS21-0130
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

06/03/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #431
Submitted By: James M. Trimble
Target Analyte: Miravis Ace
Target Analyte: Mesocore
Target Analyte: Keystone NXT
Target Analyte: Atrazine 90 DF
Target Analyte: Imitator Plus
PPLS Labels: 000100-01645-20201002.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01645-20201002.pdf

019713-00526-20151026.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/019713-00526-20151026.pdf

035915-00003-20200113.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/035915-00003-20200113.pdf

042750-00342-20191001.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/042750-00342-20191001.pdf

062719-00671-20131126.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00671-20131126.pdf

Attachments: File 79123; Trimble 180255.pdf

06/09/2021 **Online Investigation Activity**
Activity

On June 9, 2021, I created a collection map of my sample collection on June 3, 2021.

Attachments



File 69526

Original Event: Investigation Activity (Pesticide) #3163
Submitted By: James M. Trimble

06/15/2021 **Investigator Received Fax/Email from Applicator**

Investigation Inquiry

On June 15, 2021, I received the completed PII from Mr. Huddleston, which stated he completed his application of Miravis Ace to the wheat fields on May 19, 2021 while the wind was blowing from 160 degrees (south-southeast), which was towards Mr. Thatcher's pond.

Note: Mr. Huddleston listed the wind speed as "less than 3". I had to list the wind speed as "3" MPH. Mr. Huddleston also provided a letter explaining his application to the fields.

Inquiry Overview

Certified Applicator	Edward A. Huddleston
Company	Ed-Air, Inc.
Application Type	Commercial
Target Field	Larry Thatcher, wheat

Tank Mix

Product	EPA	Rate
Miravis Ace	100-1645	13.5 oz/ac

Application Date

Date	Start	End
05/19/2021	1:30 PM	2:50 PM

Air Conditions

Time	Temp	Direction	Speed
Start	75°F	SSE	3mph
End	75°F	SSE	3mph

Attachments

File 70607; OISC 51921.pdf

Original Event:	Investigation Activity (Pesticide) #3253
Subject:	Edward A Huddleston
Submitted By:	James M. Trimble
PPLS Labels:	000100-01645-20201002.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01645-20201002.pdf

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09/03/2021 **Received Residue Lab Report**

Investigatory Summary

On September 3, 2021, I received the lab report from the OISC Residue Lab, which detected trace amounts of Atrazine in the soil samples collected from Mr. Thatcher's pond (sample #21-4-1141 to #21-4-1144), but were well below the EPA aquatic life benchmarks of the acute limit of 2650 parts per billion (ppb) & chronic limit of 5 ppb. Atrazine was also detected in Field #1 (#21-4-1146) and in the control soil sample (#21-4-1148), but were found below its environmental baseline of approximately 20 ppb. The results showed that Atrazine may have moved off-target by runoff but was found in such low levels that it was not a factor in the pond's fish kill event or to have caused harm to any other off-target area.

Positive detects of Pydiflumetofen were found in the soil samples collected from Mr. Thatcher's pond (sample #21-4-1141 to #21-4-1144), the vegetation sample collected from the hay field (#21-4-1145), and the soil sample collected from Field #2 (#21-4-1147). The OISC Residue Lab advised that Pydiflumetofen is very deadly to fish and that the levels detected in samples #21-4-1141 to #21-4-1144 showed it was a factor in the death of the fish in Mr. Thatcher's pond. Additionally, the positive amounts of Pydiflumetofen and/or Propiconazole found in samples #21-4-1145 & #21-4-1147 further showed that the pesticide application to Field #1 had moved off-target and onto the pond, hay field, and corn field.

First Page of Lab Report

OCM Collection #	180255	Investigator	TRIMBLEJ
Collection Date	06/03/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1141 6	Soil; Grab; 0-2"; Pond; OFF-T, E	Soil	Atrazine	1.10 ppb	0.07 ppb
			Propiconazole	BDL ppb	3 ppb
			Pydiflumetofen	0.397 ppb	0.07 ppb
21-4-1142 8	Soil; Grab; 0-2"; Pond; OFF-T, N	Soil	Atrazine	1.45 ppb	0.07 ppb
			Propiconazole	BDL ppb	3 ppb
			Pydiflumetofen	1.18 ppb	0.07 ppb
21-4-1143 7	Soil; Grab; 0-2"; Pond; OFF-T, W	Soil	Atrazine	3.63 ppb	0.07 ppb
			Propiconazole	BDL ppb	3 ppb
			Pydiflumetofen	2.22 ppb	0.07 ppb
21-4-1144 4	Soil; Grab; 0-2"; Pond; OFF-T, S	Soil	Atrazine	0.400 ppb	0.07 ppb
			Propiconazole	BDL ppb	3 ppb
			Pydiflumetofen	0.613 ppb	0.07 ppb

Original Event: Residue Lab Report #188823 (180255-R412)
Submitted By: SYSTEM
Lab Report: Lab Report 180255-R412.pdf

12/09/2021 **Case Created** (Pending)
Original Event: Case PS22-0038
Submitted By: George Saxton
Assigned To: James M. Trimble

12/13/2021 **Wind Data Researched**

On December 13, 2021, I retrieved and reviewed the weather data from the weather stations surrounding Coal City on the date and time of Mr. Huddleston's aerial application to Mr. Thatcher's wheat field. I found the wind direction listed from the three above weather stations (Terre Haute: east-southeast, Indianapolis: south, and Vincennes: south-southeast) were consistent with Mr. Huddleston's listed wind direction on the PII (south-southeast). The above weather data showed that Mr. Huddleston's application was completed while the wind was blowing towards Mr. Thatcher's pond.

Terre Haute International Airport Station

Terre Haute, Indiana (20 miles NW of site)

Time	Direction	Speed (mph)
1:53 PM	ESE	7

Indianapolis International Airport Station

Indianapolis, Indiana (52 miles NE of site)

Time	Direction	Speed (mph)
1:54 PM	S	12

Vincennes International Station

Lawrenceville, Illinois (44 miles SW of site)

Time	Direction	Speed (mph)
1:53 PM	SSE	14

Attachments


File 84758


File 84756


File 84757

Original Event: Wind Data #87
Submitted By: James M. Trimble
Date of Weather: 05/19/2021

12/13/2021 **Online Investigation Activity**

Label Use

On December 13, 2021, I reviewed the **Miravis Ace** *(EPA Reg. #100-1645, active ingredients of Pydiflumetofen & Propiconazole)* label for Mr. Huddleston's May 19, 2021 application to Mr. Thatcher's wheat fields and found no label violations.

Although I did not find a violation of the above pesticide's label, I observed that the label had cautioned *"Pydiflumetofen is toxic to fish, aquatic invertebrates, and oysters and shrimp. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated area."*

Due to the levels of Pydiflumetofen that was detected by the OISC Residue Lab in the samples I collected from Mr. Thatcher's pond and that the wind was blowing towards the pond at the time of application, I found that Mr. Huddleston had applied the above pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a nontarget site (Mr. Thatcher's pond & fish).

Original Event:	Investigation Activity (Pesticide) #4191
Subject:	Edward A Huddleston
Submitted By:	James M. Trimble
PPLS Labels:	000100-01645-20201002.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01645-20201002.pdf

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12/20/2021 **Judgement; Civil Penalty Assessed**

Citation

Edward A. Huddleston was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

Civil Penalty

Ed Air Inc. was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of $250.00 was assessed for this violation. However, the civil penalty was reduced to $188.00. Consideration was given to the fact that Mr. Huddleston cooperated during the investigation.

Original Event:	Judgement #863
Primary:	Ed Air Inc
Secondary:	Edward A Huddleston
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-12-2
Penalty Amount:	188

02/23/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #984
To:	Ed Air Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0200
Enclosed:	Notice of Enforcement
Attachments:	File 87861; PS21-0130EL CP ~ Ed Air, Inc. - Edward A. Huddleston.docx

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03/04/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1408
Subject:	Ed Air Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0200
Received:	03/04/2022
Attachments:	File 92800; CM 7019 1640 0001 2427 0200.pdf

03/16/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1391
Subject:	Ed Air Inc
Submitted By:	Joni Herman
Payment Expected:	$188.00
Payment Received:	$188.00
Attachments:	File 91078; PS21-0130 Ed Air, Inc. - Edward A. Huddleston ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0144

Department	Pesticide
Originated	06/08/2021
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant	**Bruce Beever** Remington, IN 47977	
Respondent	**Deangelo Contracting SVCS LLC** Fremont, OH 43420	Licensed Business contracted by INDOT
Respondent	**Terry S Mccance** Fremont, OH 43420	Certified Applicator for Deangelo Contracting SVCS.
Respondent	**Matthew Scott Kraushar** Indianapolis, IN 46204	Public Applicator INDOT Roadside Maintenance Specialist

Overviews

06/15/2021 **Investigation Summary**

The complainant Bruce Beever stated a few weeks ago he saw the road crew spray the vegetation along I65 that is adjacent to his trees. Mr. Beever stated over 1000 feet of his trees are now showing signs and symptoms of significant vegetation damage.

During my investigation, I (Investigator Rosch) obtained pesticide application records from Deangelo Contracting Svcs. for two (2) applications to the right-of-way (ROW) area adjacent to Mr. Beever's property. Deangelo Contracting Svcs. is a company that was hired by INDOT to make ROW pesticide applications. The applications were made on March 17, 2021 and May 8, 2021. While I was on site, I saw significant tree damage including discoloration, stem curling, and needle loss. The Office of Indiana State Chemist (OISC) Pesticide Residue Laboratory report states there was significant off-target movement from the pesticide application made on March 17, 2021. All of the off-target residue sample locations tested positive for at least one of the active ingredients in the tank mix. The off-target residue levels detected were consistent with direct application/site error.

The ROW ditch target area is approximately 65 feet across in width, with a downward sloping angle depth varying approximately three to five (3-5) feet. The midpoint of the ditch is approximately 30 feet from the roadway. Mr. Beever's trees are located on the furthest side of the ditch from the roadway, and at almost the same elevation as the roadway. Mr. Beever's trees are immediately adjacent to the ROW trees, brush vegetation, and root systems. One example of the extensive off-target movement in this case involves the active ingredient in the tank mix (Triclopyr). This active ingredient was detected as far as 110 feet onto Mr. Beever's property (control sample).

The Purdue Plant and Pest Diagnostic Lab (PPPDL) visual report states in part the damage of the tree vegetation is from herbicide damage and not plant disease.

Submitted By: Melissa D. Rosch
Role: Investigator

02/28/2022 **Disposition Summary**

Deangelo Contracting SVCS LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Terry S. Mccance was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/07/2021 **Intake Referral Filed**

Complainant stated that all of his 15 year old norway spruces that order the interstate are dying from a right-of-way application.

Original Event: Intake Referral (Pesticide) #1988
Complainant: Bruce Beever
Respondent: Deangelo Brothers LCC
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

06/08/2021 **Case Created**

Original Event: Case PS21-0144
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

06/14/2021 **Investigator Called Complainant Communication**

Left vm for complainant.

Original Event: Investigation Activity (Pesticide) #3216
Subject: Bruce Beever
Submitted By: Melissa D. Rosch

06/14/2021 **Complainant Called Investigator Communication**

Spoke with complainant. He stated approximately 3 weeks to a month ago he saw INDOT crew walking along the spray trucks on I65 spraying the vegetation. He stated his Norway Spruce trees are now dying.

Original Event: Investigation Activity (Pesticide) #3217
Subject: Bruce Beever
Submitted By: Melissa D. Rosch

06/14/2021 **Investigator Sent Fax/Email to Target Communication**

Emailed the target company for application information/records.

Original Event: Investigation Activity (Pesticide) #3219
Subject: Deangelo Brothers LCC
Submitted By: Melissa D. Rosch

06/15/2021 **Investigator Called Complainant Communication**

Spoke with complainant and scheduled site visit.

Original Event: Investigation Activity (Pesticide) #3224
Subject: Bruce Beever
Submitted By: Melissa D. Rosch

06/15/2021 **Investigator Called Target Communication**

Called number for target and secretary gave me another number to get spray records.

Original Event: Investigation Activity (Pesticide) #3225
Subject: Deangelo Brothers LCC
Submitted By: Melissa D. Rosch

06/15/2021 **Investigator Called Unknown Subject Communication**

Called additional number and spoke to susan. She advised the first contact subject sent an email to her and the crew manager Terry and he would be in contact with me soon.

Original Event: Investigation Activity (Pesticide) #3226
Submitted By: Melissa D. Rosch

06/15/2021 **Investigator Received Fax/Email from Unknown Subject Communication**

I received an email from the director of risk management asking for which specific records we needed for our investigation.

Original Event: Investigation Activity (Pesticide) #3229
Submitted By: Melissa D. Rosch

06/15/2021 **Investigator Met with Complainant**

Photographs

I photographed the complainant's property.

Attachments


File 87762


File 87756


File 87757


File 87758


File 87759


File 87760


File 87761


File 87769


File 87770


File 87763


File 87764


File 87765


File 87766


File 87767


File 87776


File 87777


File 87778


File 87779


File 87780


File 87781


File 87771


File 87772


File 87773


File 87774


File 87775


File 87786


File 87787


File 87788


File 87789

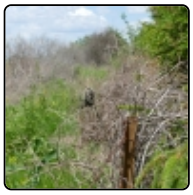

File 87790


File 87791


File 87782


File 87783


File 87784


File 87785


File 88128


File 88129


File 88130


File 88131


File 88132


File 87768


File 88133


File 88134


File 88138


File 87754


File 87755


File 88137


File 88135


File 88136


File 88139

File 88140; Sample Map.png

Original Event: Investigation Activity (Pesticide) #4294
Subject: Bruce Beever
Submitted By: Melissa D. Rosch

06/15/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #201678 (X22-62BAAA)
Client: Bruce Beever
Submitted By: Melissa D. Rosch
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X22-62BAAA | Tree Vegetation
Attachments: File 88110; 2632 N 900 W Tipton, Indiana 11 est 2021-06-15 03_02_10 PM.pdf

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06/16/2021 **Residue Samples Collected**

Original Event: Residue Collection #181768 (21-4-0818 5)
Client: Bruce Beever
Submitted By: Melissa D. Rosch
Sample: 21-4-0818 5 | Soil; Ctrl; 4-6"; adjacent to pond; OFF-T
Sample: 21-4-0819 2 | Veg; Ctrl; adjacent to pond; OFF-T
Sample: 21-4-0820 5 | Veg; Grab; North location 1; Tree line
Sample: 21-4-0821 4 | Soil; Grab; 4-6"; between tree fence; north location 1
Sample: 21-4-0822 2 | Veg; Grab; Middle Tree Location 2; Tree line
Sample: 21-4-0823 3 | Soil; Grab; 4-6"; between tree fence; Middle Tree location 2
Sample: 21-4-0824 6 | Veg; Grab; tree line; South location 3
Sample: 21-4-0825 1 | Soil; Grab; 4-6"; between tree fence; South location 3
Sample: 21-4-0826 7 | Veg; Grab; east ditch bank adj to complainant; Target
Sample: 21-4-0827 9 | Soil; Grab; 4-6"; east ditchbank adj to complainant; Target
Photos:


File 70604


File 70605


File 70606


File 70608


File 70609


File 70610


File 70612


File 70611


File 70602


File 70603

06/18/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #455
Submitted By: Melissa D. Rosch
Target Analyte: Milestone
Target Analyte: Garlon 4 Ultra
Target Analyte: Stalker
Target Analyte: Method
Target Analyte: Escort
PPLS Labels: 000241-00398-20110428.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000241-00398-20110428.pdf

000432-01549-20210224.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf

000432-01565-20200928.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01565-20200928.pdf

062719-00519-20210204.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf

062719-00527-20190923.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf

Photos:


File 72718

06/22/2021 **Received External Lab Report**

The pattern of injury and symptoms is consistent with herbicide runoff from the application site followed by herbicide uptake by the injured trees.
Herbicides such as Garlon 4 Ultra (triclopyr), Stalker (imazapyr), Escort (metsulfuron), Method 240 SL (aminocyclopyrachlor), and Milestone (aminopyralid) can runoff from the application site and move offtarget, causing injury to susceptible vegetation.
The labels of these products also warn applicator to the potential for injury to non-target vegetation due to herbicide runoff.
Symptoms include tree decline, chlorosis, epinasty (twisting and curling) of the shoot and tips of pine trees.
Because of the spiral pattern of the vascular system in many conifers, damage from herbicide uptake will often appear as a spiral in the tree, especially when the tree is adjacent to treated areas. There was no evidence of significant disease, mites or insect damage on the sample.

Original Event: External Lab Report #201679 (X22-62BAAA)
Submitted By: Melissa D. Rosch
Sample: X22-62BAAA

Attachments: File 88111; FinalReport_Melissa Rosch (006).pdf

06/23/2021 **Investigator Received Fax/Email from Target Investigation Inquiry**

Received paperwork from target. This is for the March 17, 2021 application using the following products: Garlon 4 Ultra Specialty Herbicide EPA Reg#62719-527, active ingredient Triclopyr; Milestone EPA Reg# 62719-519, active ingredient Aminopyralid; Stalker Herbicide EPA Reg# 241-398, active ingredient Imazapyr.

Attachments

File 72729; Basal Trigger.pdf
File 72728; Form 80 Rev. 05 PII 5.11.2021 Filleable.pdf

Original Event: Investigation Activity (Pesticide) #3396
Subject: Deangelo Brothers LCC
Submitted By: Melissa D. Rosch

06/24/2021 **Investigator Received Fax/Email from Target Investigation Inquiry**

Received the investigation inquiry. This is for the May 8, 2021 application using the following pesticides: Method 240 SL EPA Reg# 432-1565, active ingredient Aminocyclopyrachlor; Escort VM EPA Reg# 432-1549, active ingredient Metsulfuron.

Attachments

File 72732; Form 80 Rev. 05 PII 5.11.2021 Filleable.pdf
File 72733; Roadside app..pdf

Original Event: Investigation Activity (Pesticide) #3397
Subject: Deangelo Brothers LCC
Submitted By: Melissa D. Rosch

12/08/2021 **Received Residue Lab Report Lab Remarks**

Scheduled additional analysis for Method 240sl/aminocyclopyrachlor 12/15/21

Original Event: Residue Lab Report #196529 (181768-R502)
Submitted By: SYSTEM
Lab Report: Lab Report 181768-R502.pdf

01/13/2022 **Received Residue Lab Report**

First Page of Lab Report

OCM Collection #	181768	Investigator	ROSCHM
Collection Date	06/16/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0818 5	Soil; Ctrl; 4-6"; adjacent to pond; OFF-T	Soil	Aminopyralid	BDL ppb	4 ppb
			Triclopyr	BDL ppb	2 ppb
			Aminocyclopyrachlor	BDL ppb	0.008 ppb
			Metsulfuron-methyl	BDL ppb	0.1 ppb
			Imazapyr	BDL ppb	0.3 ppb
21-4-0819 2	Veg; Ctrl; adjacent to pond; OFF-T	Veg	Aminopyralid	BDL ppb	6 ppb
			Triclopyr	9.21 ppb	2 ppb
			Aminocyclopyrachlor	BDL ppb	0.07 ppb
			Metsulfuron-methyl	BDL ppb	0.3 ppb
			Imazapyr	BDL ppb	0.3 ppb

Original Event: Residue Lab Report #197883 (181768-R524)
Submitted By: SYSTEM
Lab Report: Lab Report 181768-R524.pdf

02/25/2022 **Online Investigation Activity Label Use**

This product used in tank mix.

Attachments
File 88141; Garlon 4a.pdf

Label Use

Milestone: On Page 15 of the master label it states, "Do not apply Milestone within the root zone of desirable trees unless such injury can be tolerated." The soil sample for the middle sample location (M) was taken adjacent to the tree trunk where the tree root zone is located.

Attachments
File 88152; Milestone.pdf

Label Use

Stalker: I did not identify any label violations with this product. Nevertheless, the label does state advisory precautions for possible root uptake. It states in part, not to apply directly to the soil because it increases the potential for root uptake causing damage or death. Injury or loss of desirable trees or other plants may result if Stalker is applied on or near desirable trees or other plants, on areas where their roots extend, or in locations where the treated soil may be washed or moved into contact with their roots.

Attachments
File 88153; Stalker.pdf

Original Event:	Investigation Activity (Pesticide) #4296
Submitted By:	Melissa D. Rosch
PPLS Labels:	000241-00398-20110428.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000241-00398-20110428.pdf 062719-00527-20190923.pdf https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf

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02/25/2022 **Wind Data Researched**

Wind was blowing away from the complainant's property at the time of application.

Purdue University Station

West Lafayette, Indiana (30 miles SE of site)

Time	Direction	Speed (mph)
8:54	ESE	10

Attachments

File 88297; 3-17 West Lafayette, IN Weather History _ Weather Underground.pdf

Original Event:	Wind Data #104
Submitted By:	Melissa D. Rosch
Date of Weather:	03/17/2021

02/26/2022 **New Respondent Identified**

Original Event:	Investigation Change #140
Respondent:	Deangelo Contracting SVCS LLC
Submitted By:	Melissa D. Rosch

02/26/2022 **New Respondent Identified**

Original Event:	Investigation Change #141
Respondent:	Terry S Mccance
Submitted By:	Melissa D. Rosch

02/26/2022 **New Respondent Identified**

Original Event:	Investigation Change #142
Respondent:	Matthew Scott Kraushar
Submitted By:	Melissa D. Rosch

02/28/2022 **Judgement; Civil Penalty Assessed**

Citation

Terry S. Mccance was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way.

Civil Penalty

Deangelo Contracting SVCS LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless/negligent manner by applying a pesticide to an area that was not part of the right-of-way. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Original Event:	Judgement #908
Primary:	Deangelo Contracting SVCS LLC
Secondary:	Terry S Mccance
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(5)
Penalty Amount:	1000

02/28/2022 INCIDENTAL **Online Investigation Activity**

Activity

Linked residue collection identifies active ingredients used in the tank mixes for target area. These were done on the same day and same application time.

Original Event:	Investigation Activity (Pesticide) #4300
Linked From:	Residue Collection #181768 (21-4-0818 5)
Submitted By:	Melissa D. Rosch

03/11/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1018
To:	Deangelo Contracting SVCS LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0453
Enclosed:	Notice of Enforcement
Attachments:	File 89352; PS21-0144EL CP ~ Deangelo Contracting Svcs. - Terry S. McCance.docx

03/18/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1424
Subject:	Deangelo Contracting SVCS LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0453
Received:	03/18/2022
Attachments:	File 92816; CM 7019 1640 0001 2427 0453.pdf

04/11/2022 **Compliance Activity**

Received a letter from attorney for DeAngelo Contracting Services indicating they would pay the civil penalty but they only purchased the assets from DeAngelo Brothers and were not pleading guilty of anything.

Original Event:	Compliance Activity #1210
Primary:	Deangelo Contracting SVCS LLC
Submitted By:	George Saxton
Attachments:	File 91515; PS21-0144-DeAngeloContractingSvcs-LetterPayment-04.11.2022.pdf

04/11/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1474
Subject:	Deangelo Contracting SVCS LLC
Submitted By:	Joni Herman
Payment Expected:	$1,000.00
Payment Received:	$1,000.00
Attachments:	File 96354; PS21-0144 DeAngeloContractingSvcs-Terry S. McCance ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0180

Department	Pesticide
Originated	06/25/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Respondent	**Dennis Green** Chrisney, IN 47611	
Respondent	**Donald E Head** Rockport, IN 47635	Private Applicator

Overviews

02/02/2022 **Investigation Summary**

The complainant advised he had injury symptoms to Maple trees, Red Oak trees, Pear Trees, Dogwood trees, and grape vines throughout his property. During my on-site investigation I did the following: Looked for and found two potential sources of pesticide application in the area. The target fields are located to the northeast and south of the complainant's property. The target field for this particular case is located to the south of the complainant's property. Regarding the other potential source of pesticide application in the area see case PS22-0046 and PS22-0047. Observed and photographed Maple trees, Red Oak trees, and Grape vines with cupped and curled leaves. Injury symptoms were observed throughout the complainant's property. Collected samples of injured trees and grape vines from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL). Collected composite soil samples from the target fields. Collected composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Purdue Plant and Pest Diagnostic Lab Final Report indicated the following: Multiple plants in the landscape show leaf deformation (curling or strapping) that is characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, or others. Leaf curling and deformation is characteristic of growth regulator exposure. Some anthracnose is present on the maples and powdery mildew on the dogwood, but these would not be causing the symptoms observed.

The OISC Residue Laboratory analyzed the vegetation samples collected for the active ingredient's atrazine, chlorimuron, mesotrione, and metribuzin and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients atrazine and metribuzin in the off-target composite vegetation sample.

The wind data from the Owensboro-Daviess County Regional Airport (KOWB) AWOS, Evansville Regional Airport (KEVV) ASOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between 10 and 14 mph with gusts up to 20 mph, out of the south and west.

The evidence in this case of the application record and wind data indicate at the time of the application the wind was blowing towards the complainant's property. According to the Google Maps measuring tool the north end of the target field is located 130 feet from the complainant's residence. The label for *Salvo, EPA Reg.# 34704-609, Active Ingredient = 2,4-D* states: **"Only apply this product if the wind directions favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind"**.

Submitted By: Nathan J. Davis
Role: Investigator

02/02/2022 **Disposition Summary**

Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS19-0155.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/25/2021 **Intake Referral Filed**

Complainant stated unknown applicator treated a neighboring farm field that has adversely affected his ornamentals

Original Event:	Intake Referral (Pesticide) #2026
Complainant:	Dennis Green
Respondent:	Unknown
Submitted By:	George Saxton
Assigned To:	Nathan J. Davis

06/25/2021 **Case Created**

Original Event:	Case PS21-0180
Submitted By:	George Saxton
Assigned To:	Nathan J. Davis

06/29/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #418
Client:	Dennis Green
Firm Representative:	Dennis Green
Submitted By:	Nathan J. Davis

06/29/2021 **Investigator Met with Complainant**

Interaction

On June 29, 2021 I met with complainant at his property. The complainant advised he had injury symptoms to Maple trees, Red Oak trees, Pear Trees, Dogwood trees, and grape vines throughout his property.

During my on-site investigation I did the following:

Looked for and found two potential sources of pesticide application in the area. The target fields are located to the northeast and south of the complainant's property. The target field for this particular case is located to the south of the complainants property. Regarding the other potential source of pesticide application in the area see case PS22-0046 and PS22-0047

Observed and photographed Maple trees, Red Oak trees, and Grape vines with cupped and curled leaves. Injury symptoms were observed throughout the complainant's property.

Collected samples of injured trees and grape vines from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL).

Collected composite soil samples from the target fields. Collected composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event:	Investigation Activity (Pesticide) #3361
Subject:	Dennis Green
Submitted By:	Nathan J. Davis

06/29/2021 **Investigator Met with Complainant**

Photographs

Photographs taken during the on-site investigation.

Attachments


File 72108


File 72109


File 72110


File 72111


File 72112


File 72113


File 72114


File 72115


File 72116


File 72099


File 72100


File 72101


File 72102


File 72103


File 72104


File 72105


File 72106


File 72107

Original Event:	Investigation Activity (Pesticide) #3362
Subject:	Dennis Green
Submitted By:	Nathan J. Davis

06/29/2021 **Residue Samples Collected**

Original Event:	Residue Collection #182876 (21-4-0066 8)
Client:	Dennis Green
Submitted By:	Nathan J. Davis
Sample:	21-4-0066 8 | Soil; Comp; 2-4"; Target, N
Sample:	21-4-0067 5 | Soil; Comp; 2-4"; Target, S
Sample:	21-4-0068 1 | Veg; Comp; OFF-T
Sample:	21-4-0069 9 | Veg; Ctrl; OFF-T, NW

06/29/2021 **External Lab Sample Collected**

Original Event:	External Lab Sample Collection #182879 (X21-6DE159)
Client:	Dennis Green
Submitted By:	Nathan J. Davis
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-6DE159 | Maple, Oak, Pear, Dogwood, and Grape

06/30/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #468
Submitted By:	Nathan J. Davis
Target Analyte:	SALVO
Target Analyte:	BUCCANEER 5 EXTRA HERBICIDE
Target Analyte:	BOUNDARY 6.5EC
Target Analyte:	MES-O-SATE
Target Analyte:	STATUS
Target Analyte:	ATRAZINE 4L
Target Analyte:	ROUNDUP POWERMAX
Target Analyte:	AUTHORITY MAXX
Target Analyte:	2,4-D LV6
PPLS Labels:	000100-01162-20200902.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf 000100-00497-20121121.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-00497-20121121.pdf 001381-00250-20171213.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf 019713-00694-20200211.pdf https://www3.epa.gov/pesticides/chem_search/ppls/019713-00694-20200211.pdf 000279-09560-20210224.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000279-09560-20210224.pdf

034704-00609-20121023.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00609-20121023.pdf

000524-00549-20200225.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf

055467-00015-20180920.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf

007969-00242-20210402.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00242-20210402.pdf

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07/02/2021 **Received External Lab Report**

Diagnosis and Recommendations
Host/Habitat Mixed Plant material (unspecified)
List of Diagnosis/ID(s) Suspected for Herbicide injury; Exposure (Abiotic disorder)

Final Report

Multiple plants in the landscape show leaf deformation (curling or strapping) that is characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, or others.

Leaf curling and deformation is characteristic of growth regulator exposure. Some anthracnose is present on the maples and powdery mildew on the dogwood, but these would not be causing the symptoms observed.

Original Event:	External Lab Report #183664 (X21-6DE159)
Submitted By:	Nathan J. Davis
Sample:	X21-6DE159

07/08/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #667
Client:	Donald E Head
Firm Representative:	Donald Head
Submitted By:	Nathan J. Davis

07/08/2021 **Investigator Called Applicator**
Communication

On July 8, 2021, I contacted private applicator Donald Head. I advised Mr. Head I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Head advised he made a pre-plant and a post-plant application to the field to the north of the complainant's property. I advised Mr. Head I would be sending him via email a pesticide investigation inquiry to complete for the applications and return to me.

Original Event:	Investigation Activity (Pesticide) #4266
Subject:	Donald E Head
Submitted By:	Nathan J. Davis

07/22/2021 **New Respondent Identified**

Original Event:	Investigation Change #137
Respondent:	Donald E Head
Submitted By:	Nathan J. Davis

07/22/2021 **Investigator Received Mail from Applicator**
Investigation Inquiry

On July 22, 2021 I received a completed pesticide investigation inquiry from Mr. Head for the application which indicated the following:

Inquiry Overview

Certified Applicator	Donald Head
Application Type	Farmer
Target Field	2 West

Tank Mix

Product	EPA	Rate
Salvo	34704-609	20oz/acre
Buccaneer 5 Extra	55467-15	32oz/acre
Boundary 6.5 EC	100-1162	1.5pt/acre

Application Date

Date	Start	End
04/06/2022	10:05am	11:45am

Air Conditions

Time	Temp	Direction	Speed
Start	68°F	SSW	7mph
End	74°F	SSW	10mph

Attachments

File 86280; BOUNDARY 6.5EC HERBICIDE.pdf
File 86281; Buccaneer 5 Extra.pdf
File 86278; PII Head Pre.pdf
File 86279; SALVO POSTEMERGENCE BROADLEAF HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #4268
Subject: Donald E Head
Submitted By: Nathan J. Davis
PPLS Labels: 000100-01162-20200902.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf

034704-00609-20121023.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00609-20121023.pdf

055467-00015-20180920.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf

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10/27/2021 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Laboratory analyzed the vegetation samples collected for the active ingredient's atrazine, chlorimuron, mesotrione, and metribuzin and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients atrazine and metribuzin in the off-target composite vegetation sample.

First Page of Lab Report

OCM Collection #	182876	Investigator	DAVISN
Collection Date	06/29/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0066 8	Soil; Comp; 2-4"; Target, N	Soil	No Analysis Required	Done	
21-4-0067 5	Soil; Comp; 2-4"; Target, S	Soil	No Analysis Required	Done	
21-4-0068 1	Veg; Comp; OFF-T	Veg	Atrazine	38.6 ppb	1 ppb
			Chlorimuron-ethyl	BDL ppb	0.3 ppb
			Mesotrione	BDL ppb	6 ppb
			Metribuzin	4.74 ppb	1 ppb
21-4-0069 9	Veg; Ctrl; OFF-T, NW	Veg	Atrazine	29.2 ppb	1 ppb
			Chlorimuron-ethyl	BDL ppb	0.3 ppb
			Mesotrione	BDL ppb	6 ppb
			Metribuzin	BDL ppb	1 ppb

Original Event: Residue Lab Report #193182 (182876-R471)
Submitted By: SYSTEM
Lab Report: Lab Report 182876-R471.pdf

02/01/2022 **Wind Data Researched**

The wind data from the Owensboro-Daviess County Regional Airport (KOWB) AWOS, Evansville Regional Airport (KEVV) ASOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between 10 and 14 mph with gusts up to 20 mph, out of the south and west.

Owensboro-Daviess County Regional Airport (KOWB) - AWOS

Owensboro , Kentucky (18 miles S of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
9:56am	73	SW	13	0
10:56am	76	SW	12	18
11:56am	79	SW	10	0

Evansville Regional Airport (KEVV) - ASOS

Evansville , Indiana (25 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
9:54am	74	SSW	13	0
10:54am	79	SSW	12	0
11:54am	81	SW	12	20

Lawrenceville-Vincennes International Airport (KLWV) - ASOS

Lawrenceville , Illinois (60 miles NW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
9:53am	72	SSW	12	0
10:53am	76	SSW	14	0
11:53am	78	SW	13	0

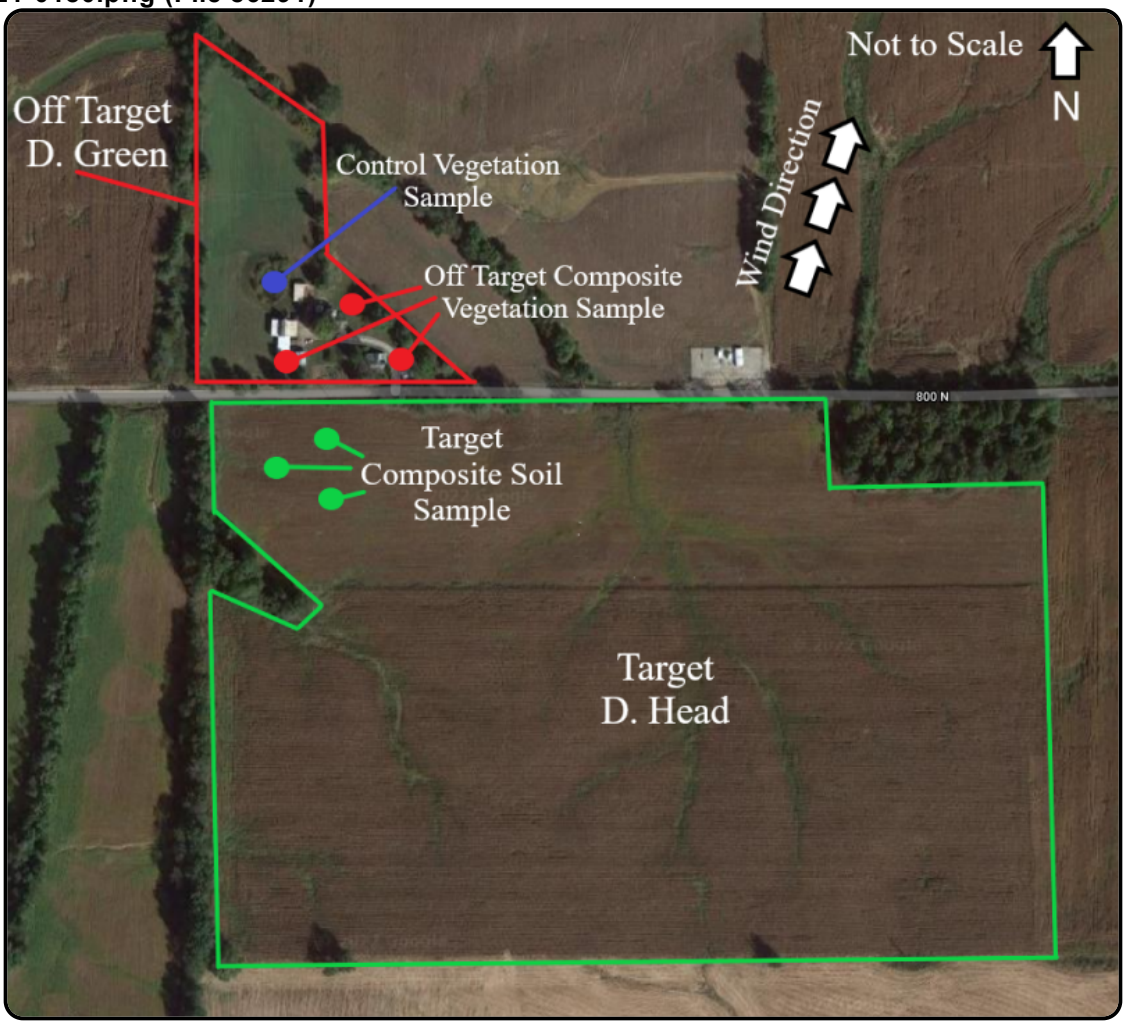
Original Event: Wind Data #101
Submitted By: Nathan J. Davis
Date of Weather: 04/06/2021

02/01/2022 **Investigation Activity**

Photographs

An aerial diagram including property lines, wind direction and where soil and vegetation samples were taken from.

PS21-0180.png (File 86291)



Original Event: Investigation Activity (Pesticide) #4271
Submitted By: Nathan J. Davis

02/01/2022 **Investigation Activity**

Activity

The evidence in this case of the application record and wind data indicate at the time of the application the wind was blowing towards the complainant's property. According to the Google Maps measuring tool the north end of the target field is located 130 feet from the complainant's residence. The label for **Salvo, EPA Reg.# 34704-609, Active Ingredient = 2,4-D** states: *"Only apply this product if the wind directions favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind"*.

Original Event:	Investigation Activity (Pesticide) #4275
Submitted By:	Nathan J. Davis

02/02/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS19-0155.

Original Event:	Judgement #893
Primary:	Donald E Head
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

03/11/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1023
To:	Donald E Head
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0392
Enclosed:	Notice of Enforcement
Attachments:	File 89387; PS21-0180EL CP ~ Donald E. Head.docx

03/17/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1421
Subject:	Donald E Head
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0392
Received:	03/17/2022
Attachments:	File 92813; CM 7019 1640 0001 2427 0392.pdf

03/23/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1444
Subject:	Donald E Head
Submitted By:	Joni Herman
Payment Expected:	$100.00
Payment Received:	$100.00
Attachments:	File 92914; PS21-0180 Donald E. Head ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **May 9, 2022, 08:48 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 08:49 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0204

Department	Pesticide
Originated	07/08/2021
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant	**Brian Miller** Star City, IN 46985	
Respondent	**Fred Timothy Alexander** Winamac, IN 46996	Private Applicator
-	**Ceres Solutions Cooperative Inc** Star City, IN 46985	Pesticide Business/Mixed/Loaded/Delivered

Overviews

03/14/2022 **Investigation Summary**

On July 7, 2021 the complainant Brian Miller contacted the Office of Indiana State Chemist (OISC) to report possible drift onto his soybeans.

While I was on site, I photographed the area, took vegetation for residue analysis, and vegetation samples for the Purdue Plant and Pest Diagnostic Lab (PPPDL) visual analysis.

The OISC Pesticide Residue Laboratory report shows minimal amounts of off-target atrazine which is consistent with atmospheric deposition and not drift.

The Purdue Plant and Pest Diagnostic Lab (PPPDL) report states, "Soybean plants show cupped leaves with whitish tips; These symptoms are characteristic of exposure to dicamba; Symptoms show leaf deformation, including cupped leaves and white leaf tips, which is suggestive of growth regulator exposure. No significant disease observed.

There appears to be a label violation in this case. The applicator stated on the investigation inquiry the wind was coming from the NW which is blowing towards the complainant's sensitive area/crop.

Submitted By: Melissa D. Rosch
Role: Investigator

03/18/2022 **Disposition Summary**

Fred Timothy Alexander was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Based on the evidence collected in this investigation, it has been determined that Mr. Alexander failed to comply with the drift management restrictions on the label for the atrazine herbicide. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/07/2021 **Intake Referral Filed**

Complainant stated his non-dicamba soybeans are injured as the result of an application Sterling blue herbicide to corn.

Original Event:	Intake Referral (Pesticide) #2060
Complainant:	Brian Miller
Respondent:	Fred Timothy Alexander
Submitted By:	Joseph D. Becovitz
Assigned To:	Melissa D. Rosch

07/08/2021 **Case Created**

Original Event:	Case PS21-0204
Submitted By:	Joseph D. Becovitz
Assigned To:	Melissa D. Rosch

07/12/2021 **Investigator Met with Complainant**

Communication

Called complainant and left vm.

Original Event:	Investigation Activity (Pesticide) #3440
Subject:	Brian Miller
Submitted By:	Melissa D. Rosch

07/15/2021 **Residue Samples Collected**

Original Event:	Residue Collection #184927 (21-4-0848 6)
Client:	Brian Miller
Submitted By:	Melissa D. Rosch
Sample:	21-4-0848 6 | Veg; Ctrl; weeds n of location 1; OFF-T
Sample:	21-4-0849 3 | Veg; Grab; bean; OFF-T, Grad1
Sample:	21-4-0850 4 | Veg; Grab; weeds; OFF-T, Grad1
Sample:	21-4-0851 5 | Veg; Grab; beans; OFF-T, Grad2
Sample:	21-4-0852 7 | Veg; Grab; weeds; OFF-T, Grad2
Sample:	21-4-0853 6 | Veg; Grab; beans; OFF-T, Grad3
Sample:	21-4-0854 3 | Veg; Grab; weeds; OFF-T, Grad3
Sample:	21-4-0855 8 | Veg; Grab; Target, N
Sample:	21-4-0856 2 | Veg; Grab; Target, S

07/15/2021 **Investigation Activity**

Photographs

I photographed the site areas.

Attachments


File 77007


File 77008


File 77009


File 77011


File 77012


File 77013


File 77014


File 77016


File 77017


File 77018


File 77019


File 76980


File 76982


File 76983


File 76985


File 76986


File 76988


File 76989


File 76990


File 76992


File 76994


File 76996


File 76998


File 76999


File 77000


File 77002

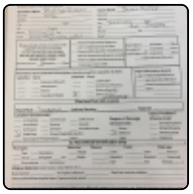

File 77004


File 77005

Original Event: Investigation Activity (Pesticide) #3667
Submitted By: Melissa D. Rosch

07/15/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #203294 (X22-2C25BF)
Client: Brian Miller
Submitted By: Melissa D. Rosch
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X22-2C25BF | Mixed vegetation
Photos:


File 89073

07/17/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #487
Submitted By: Melissa D. Rosch
Target Analyte: Atrazine
Target Analyte: Sterling Blue
Target Analyte: Armezon
PPLS Labels: 000100-00497-20121121.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-00497-20121121.pdf

007969-00262-20190701.pdf

07/19/2021 **Investigator Called Target**
Communication

Called number for target, not able to leave message.

Original Event:	Investigation Activity (Pesticide) #3509
Subject:	Fred Timothy Alexander
Submitted By:	Melissa D. Rosch

07/19/2021 **Target Called Investigator**
Communication

I spoke to Mr. Alexander. I will email him the pesticide investigation inquiry.

Original Event:	Investigation Activity (Pesticide) #3510
Subject:	Fred Timothy Alexander
Submitted By:	Melissa D. Rosch

07/19/2021 **Investigator Sent Fax/Email to Target**
Communication

Emailed pii to Mr. Alexander.

Original Event:	Investigation Activity (Pesticide) #3519
Subject:	Fred Timothy Alexander
Submitted By:	Melissa D. Rosch

07/19/2021 **Received External Lab Report**

The Purdue Plant and Pest Diagnostic Lab (PPPDL) report states, "Soybean plants show cupped leaves with whitish tips; These symptoms are characteristic of exposure to dicamba; Symptoms show leaf deformation, including cupped leaves and white leaf tips, which is suggestive of growth regulator exposure. No significant disease observed."

Original Event:	External Lab Report #203295 (X22-2C25BF)
Submitted By:	Melissa D. Rosch
Sample:	X22-2C25BF
Attachments:	File 89074; FinalReport_Melissa Rosch.pdf

07/22/2021 **Investigator Received Fax/Email from Target**
Investigation Inquiry

I received the pesticide investigation inquiry.

Attachments

File 89392; U.S. EPA, Pesticides, Label, CLARITY HERBICIDE, 4_1_2011.pdf
File 89391; Xerox Scan_03142022120434.pdf
File 76967; 45 North Field Application 2021_06_15.pdf
File 76968; 45 South Application 2021_06_15.pdf
File 76969; Ceres Invoice.pdf
File 76970; Form 80 Rev. 05 PII 5.11.2021 two.pdf
File 76972; Form 80 Rev. 05 PII OISC one.pdf

Original Event:	Investigation Activity (Pesticide) #3666
Subject:	Ceres Solutions Cooperative Inc
Submitted By:	Melissa D. Rosch

10/19/2021 **Received Residue Lab Report**

Original Event:	Residue Lab Report #192644 (184927-R454)
Submitted By:	SYSTEM
Lab Report:	Lab Report 184927-R454.pdf

01/07/2022 **Received Residue Lab Report**

First Page of Lab Report

OCM Collection #	184927	Investigator	ROSCHM
Collection Date	07/15/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0848 6	Veg; Ctrl; weeds n of location 1; OFF-T	Veg	2,4-D	BDL ppb	3 ppb
			5OH-Dicamba	BDL ppb	3 ppb
			DCSA	BDL ppb	3 ppb
			Dicamba	BDL ppb	3 ppb
			Atrazine	12.8 ppb	1 ppb
			Topramezone	BDL ppb	6 ppb
21-4-0849 3	Veg; Grab; bean; OFF-T, Grad1	Veg	2,4-D	BDL ppb	3 ppb
			5OH-Dicamba	BDL ppb	3 ppb
			DCSA	BDL ppb	3 ppb
			Dicamba	BDL ppb	3 ppb
			Atrazine	7.87 ppb	1 ppb
			Topramezone	BDL ppb	6 ppb

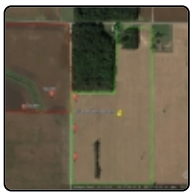
Original Event: Residue Lab Report #197488 (184927-R515)
Submitted By: SYSTEM
Lab Report: Lab Report 184927-R515.pdf

03/10/2022 **Online Investigation Activity**

Activity

I attached map of the area.

Attachments



File 89393

Original Event: Investigation Activity (Pesticide) #4326
Submitted By: Melissa D. Rosch

03/14/2022 **Wind Data Researched**

The time of application was 2:28-3:09pm. All three triangulated weather stations show the wind was exceeding 10mph during the time of application.

Purdue University Station KLAF

West Lafayette, Indiana (42 miles SW of site)

Time	Direction	Speed (mph)	Gust (mph)
2:54	N	8	21

White County Station KMCX

Monticello, Indiana (19 miles S of site)

Time	Direction	Speed (mph)	Gust (mph)
2:35	NNW	14	20
2:55	NNW	14	22

Jasper County Station KRZL

Rensselaer, Indiana (34 miles E of site)

Time	Direction	Speed (mph)	Gust (mph)
2:35	N	9	16
2:55	N	12	

Attachments

File 89418; Monticello, IN Weather History _ Weather Underground.pdf
File 89421; Rensselaer, IN Weather History _ Weather Underground.pdf
File 89417; West Lafayette, IN Weather History _ Weather Underground.pdf

Original Event: Wind Data #107
Submitted By: Melissa D. Rosch
Date of Weather: 06/15/2021

03/14/2022 **Online Investigation Activity**

Label Use

The atrazine label states, "Sensitive Areas The pesticide must only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, nontarget crops) is minimal (e.g., when wind is blowing away from the sensitive areas)." The applicator stated on the investigation inquiry the wind direction was from the NW which is blowing towards the complainant's soybean crop/sensitive area.

Attachments

File 89422; US EPA, Pesticide Product Label, ATRAZINE 4L,11_10_2021.pdf

Original Event: Investigation Activity (Pesticide) #4333
Subject: Fred Timothy Alexander
Submitted By: Melissa D. Rosch
PPLS Labels: 033270-00010-20211110.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/033270-00010-20211110.pdf

03/18/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Fred Timothy Alexander was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Based on the evidence collected in this investigation, it has been determined that Mr. Alexander failed to comply with the drift management restrictions on the label for the atrazine herbicide. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Original Event: Judgement #994
Primary: Fred Timothy Alexander
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 100

03/18/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1049
To: Fred Timothy Alexander
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9194
Enclosed: Notice of Enforcement
Attachments: File 90557; PS21-0204EL CP ~ Fred T. Alexander.docx

03/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1442
Subject: Fred Timothy Alexander
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9194
Received: 03/23/2022
Attachments: File 92882; CM 7019 0140 0000 6113 9194.pdf

03/28/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1452
Subject: Fred Timothy Alexander
Submitted By: Joni Herman
Payment Expected: $100.00
Payment Received: $100.00
Attachments: File 92999; PS21-0204 Fred T. Alexander ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0211

Department	Pesticide
Originated	07/09/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	**Chris Buente** Evansville, IN 47711	
Respondent	**Christopher D Wathen** Evansville, IN 47715	Private Applicator

Overviews

01/13/2022 **Investigation Summary**

The complainant advised on or around June 20, 2021, he noticed what he believed to be dicamba injury symptoms to his non-DT soybeans. During my on-site investigation I Looked for and found two potential sources of pesticide application in the area. The target fields are located to the north and west of the complainant's non-DT soybean field. The target field for this case is located to the north of the complainant's non-DT soybean field. Regarding the other potential source of pesticide application in the area see case PS22-0041. Observed and photographed mostly uniform cupping of leaves and whitish/yellow leaf tips on non-DT soybean plants across the north end of complainant's soybean field. Symptoms were notably more severe on the north end of the complainant's field. Collected samples of injured soybean plants from the complainant's non-DT soybean fields for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL). Collected a composite soil sample from the target field. Collected gradient vegetation samples from the complainant's non-DT soybean fields. The residue samples were submitted to the OISC Residue Laboratory for analysis.

I contacted private applicator Chris Wathen. I advised Mr. Wathen I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Wathen advised he made a pesticide application to the field to the north of the complainant's property.

I was contacted by the farmer of the target field Mr. Wathen. Mr. Wathen advised he had a question about completing the pesticide investigation inquiry I had sent him. Mr. Wathen advised on or around January 21, 2021, he contacted Superior Ag in Evansville, Indiana to inquiry about completing his mandatory dicamba training for 2021. Superior Ag advised Mr. Wathen they were unsure if they would have a dicamba training due to the ongoing pandemic. Mr. Wathen advised he did not complete his mandatory dicamba training for 2021 due to Superior Ag not having a dicamba training. I advised Mr. Wathen to document this in the section of the pesticide investigation inquiry for additional information or comments.

The Purdue Plant and Pest Diagnstic lab final report indicated the following: Soybean plants show leaf cupping/strapping. Affected leaves also have whitish tips. These symptoms are characteristic of exposure to dicamba.

The OISC Residue Laboratory analyzed the soil and vegetation samples collected for the active ingredients dicamba, glyphosate, and pyroxasulfone and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredient dicamba in all three of the off target vegetation gradient samples. The OISC Residue Laboratory analysis detected the active ingredient glyphosate in the off target vegetation gradient #1 and gradient #2, glyphosate was also detected in gradient #3, but was below quantification limits.

The evidence in this case indicates Mr. Wathen failed to complete the mandatory annual dicamba training for the year 2021. The label for *Engenia, EPA Reg.# 7969-472, Active Ingredient = dicamba* states: **"Prior to applying this product, all applicators must complete dicamba specific training on an annual basis"**. It should be noted that OISC was not able to determine whether the herbicide moved off-target as a result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Submitted By: Nathan J. Davis
Role: Investigator

01/18/2022 **Disposition Summary**

Mr. Wathen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding mandatory annual dicamba training for the year 2021. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. It should be noted that OISC was not able to determine whether the herbicide moved off-target as a result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Submitted By:	George Saxton
Role:	Compliance Officer

Chronology of Events

07/08/2021 **Intake Referral Filed**

Complainant stated he has dicamba injury to his Enlist soybeans.

Original Event:	Intake Referral (Pesticide) #2067
Complainant:	Chris Buente
Respondent:	Christopher D Wathen
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis

07/09/2021 **Case Created**

Original Event:	Case PS21-0211
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis

07/12/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #437
Client:	Chris Buente
Firm Representative:	Chris Buente
Submitted By:	Nathan J. Davis
Attachments:	File 73294; NOI-Complainant 7-12-2021 .pdf

07/12/2021 **Investigator Met with Complainant**
Interaction

On July 12, 2021, I met with the complainant at his soybean fields located near the intersection of Old Green River Road and Lynn Road in Evansville, Indiana. The complainant advised on or around June 20, 2021 he noticed what he believed to be dicamba injury symptoms to his non-DT soybeans.

During my on-site investigation I did the following:

Looked for and found two potential sources of pesticide application in the area. The target fields are located to the north and west of the complainant's non-DT soybean field. The target field for this case is located to the north of the complainant's non-DT soybean field. Regarding the other potential source of pesticide application in the area see case PS22-0041.

Observed and photographed mostly uniform cupping of leaves and whitish/yellow leaf tips on non-DT soybean plants across the north end of complainant's soybean field. Symptoms were notably more severe on the north end of the complainant's field.

Collected samples of injured soybean plants from the complainant's non-DT soybean fields for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL)

Collected a composite soil sample from the target field. Collected gradient vegetation samples from the complainant's non-DT soybean fields. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event:	Investigation Activity (Pesticide) #3446
Subject:	Chris Buente
Submitted By:	Nathan J. Davis

07/12/2021 **Investigator Met with Complainant**
Photographs

Photographs taken during the on-site investigation.

Attachments


File 73307


File 73308


File 73309


File 73297


File 73298


File 73299


File 73300


File 73301


File 73302


File 73303


File 73304


File 73305


File 73306

Original Event:	Investigation Activity (Pesticide) #3448
Subject:	Chris Buente
Submitted By:	Nathan J. Davis

07/12/2021 **Residue Samples Collected**

Original Event:	Residue Collection #184480 (21-4-0077 3)
Client:	Chris Buente
Submitted By:	Nathan J. Davis
Sample:	21-4-0077 3 | Soil; Comp; 2-4"; Target, N
Sample:	21-4-0078 7 | Soil; Comp; 2-4"; Target, SW
Sample:	21-4-0079 4 | Soil; Comp; 2-4"; Target, W
Sample:	21-4-0080 4 | Soil; Comp; 2-4"; Target, E
Sample:	21-4-0081 5 | Veg; Grab; OFF-T, Grad1
Sample:	21-4-0082 7 | Veg; Grab; OFF-T, Grad2
Sample:	21-4-0083 6 | Veg; Grab; OFF-T, Grad3
Sample:	21-4-0084 3 | Veg; Ctrl; OFF-T, S

07/12/2021 **External Lab Sample Collected**

Original Event:	External Lab Sample Collection #184482 (X21-4A7ECD)
Client:	Chris Buente
Submitted By:	Nathan J. Davis
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-4A7ECD | Enlist Soybean

07/12/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #480
Submitted By:	Nathan J. Davis
Target Analyte:	Roundup Powermax
Target Analyte:	Engenia
Target Analyte:	Honcho K6
Target Analyte:	Engenia
Target Analyte:	Zidua SC
PPLS Labels:	000100-00818-20210326.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-00818-20210326.pdf 034704-00864-20200207.pdf https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20200207.pdf 034704-00909-20210305.pdf https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf 000524-00539-20200224.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00539-20200224.pdf 000524-00549-20200225.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf

007969-00345-20181102.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00345-20181102.pdf

007969-00374-20200507.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf

007969-00448-20191125.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20191125.pdf

007969-00472-20201105.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20201105.pdf

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07/15/2021 **Received External Lab Report**

Diagnosis and Recommendations
Host/Habitat: Soybean (Glycine max); Cultivar: Enlist
List of Diagnosis/ID(s): Suspected for Herbicide injury; Exposure (Abiotic disorder)

Final Report
Soybean plants show leaf cupping/strapping.
Affected leaves also have whitish tips.
These symptoms are characteristic of exposure to dicamba.

Symptoms show leaf deformation including leaf cupping and white leaf tips, characteristic of growth regulator exposure. Some other kind of injury was observed on the foliage, which is likely associated with a chemical burn. No significant disease observed.

Original Event:	External Lab Report #184994 (X21-4A7ECD)
Submitted By:	Nathan J. Davis
Sample:	X21-4A7ECD

07/19/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #644
Client:	Christopher D Wathen
Firm Representative:	Chris Wathen
Submitted By:	Nathan J. Davis

07/19/2021 **Investigator Called Farmer**
Communication

On July 19, 2021, I contacted private applicator Chris Wathen. I advised Mr. Wathen I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Wathen advised he made a pesticide application to the field to the north of the complainant's property. I advised Mr. Wathen I would be sending him via email a pesticide investigation inquiry to complete for the application and return to me.

Original Event:	Investigation Activity (Pesticide) #4233
Subject:	Christopher D Wathen
Submitted By:	Nathan J. Davis

07/21/2021 **Farmer Called Investigator**
Communication

On July 21, 2021 I was contacted by the farmer of the target field Mr. Wathen. Mr. Wathen advised he had a question about completing the pesticide investigation inquiry I had sent him. Mr. Wathen advised on or around January 21, 2021 he contacted Superior Ag in Evansville, Indiana to inquiry about completing his mandatory dicamba training for 2021. Superior Ag advised Mr. Wathen they were unsure if they would have a dicamba training due to the ongoing pandemic. Mr. Wathen advised he did not complete his mandatory dicamba training for 2021 due to Superior Ag not having a dicamba training. I advised Mr. Wathen to document this in the section of the pesticide investigation inquiry for additional information or comments.

Original Event:	Investigation Activity (Pesticide) #4241
Subject:	Christopher D Wathen
Submitted By:	Nathan J. Davis

07/22/2021 **Investigator Received Fax/Email from Farmer**
Investigation Inquiry

On July 22, 2021 I received a completed pesticide investigation inquiry from Mr. Wathen for the application which indicated the following:

Inquiry Overview

Certified Applicator	Chris Wathen
Application Type	Farmer
Target Field	Wathen Soybeans

Tank Mix

Product	EPA	Rate
Roundup Powermax	524-549	32oz/acre
Engenia	7969-472	12.8oz/acre
Kay Leaf		1pt/acre
Class Act Rideon		2qt/100gal

Application Date

Date	Start	End
06/04/2021	7:30am	12:00pm

Air Conditions

Time	Temp	Direction	Speed
Start	71°F	SW	4mph
End	75°F	SW	6mph

Attachments

File 85487; ENGENIA HERBICIDE.pdf
File 85455; PII- Wathen Completed.docx
File 85488; Roundup_PowerMax.pdf

Original Event: Investigation Activity (Pesticide) #4235
Subject: Christopher D Wathen
Submitted By: Nathan J. Davis
PPLS Labels: 000524-00549-20200225.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf

007969-00472-20201105.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20201105.pdf

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11/04/2021 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Laboratory analyzed the soil and vegetation samples collected for the active ingredients dicamba, glyphosate, and pyroxasulfone and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredient dicamba in all three of the off target vegetation gradient samples. The OISC Residue Laboratory analysis detected the active ingredient glyphosate in the off target vegetation gradient #1 and gradient #2, glyphosate was also detected in gradient #3, but was below quantification limits.

First Page of Lab Report

OCM Collection #	184480	Investigator	DAVISN
Collection Date	07/12/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0077 3	Soil; Comp; 2-4"; Target, N	Soil	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	9.08 ppb	2 ppb
			Dicamba	0.716 ppb	0.4 ppb
			AMPA	105 ppb	80 ppb
			Glyphosate	35.6 ppb	4 ppb
			Pyroxasulfone	2.26 ppb	0.07 ppb
21-4-0078 7	Soil; Comp; 2-4"; Target, SW	Soil	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	2.22 ppb	2 ppb
			Dicamba	BQL ppb	0.4 ppb
			AMPA	161 ppb	80 ppb
			Glyphosate	71.8 ppb	4 ppb
			Pyroxasulfone	20.6 ppb	0.07 ppb

Original Event: Residue Lab Report #193771 (184480-R475)
Submitted By: SYSTEM
Lab Report: Lab Report 184480-R475.pdf

01/12/2022 **Wind Data Researched**

The wind data from the Evansville Regional Airport (KEVV) ASOS, Owensboro-Daviess County Regional Airport (KOWB) AWOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between calm and 8 mph with no gust out of the south and west.

Evansville Regional Airport (KEVV) - ASOS

Evansville , Indiana (8 miles NW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:54am	67	SW	5	0
7:54am	72	VAR	3	0
8:54am	77	CALM	0	0
9:54am	78	SW	5	0
10:54am	80	W	6	0
11:54am	82	W	7	0

Owensboro-Daviess County Regional Airport (KOWB) - AWOS

Owensboro , Kentucky (22 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:56am	68	SW	3	0
7:56am	73	SW	5	0
8:56am	77	CALM	0	0
9:56am	79	WSW	6	0
10:56am	81	VAR	6	0
11:56am	83	VAR	7	0

Lawrenceville-Vincennes International Airport (KLWV) - ASOS

Lawrenceville, Illinois (57 miles N of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:53am	69	WSW	6	0
7:53am	73	CALM	0	0
8:53am	77	VAR	5	0
9:53am	81	WNW	5	0
10:53am	82	WSW	8	0
11:53am	83	WSW	5	0

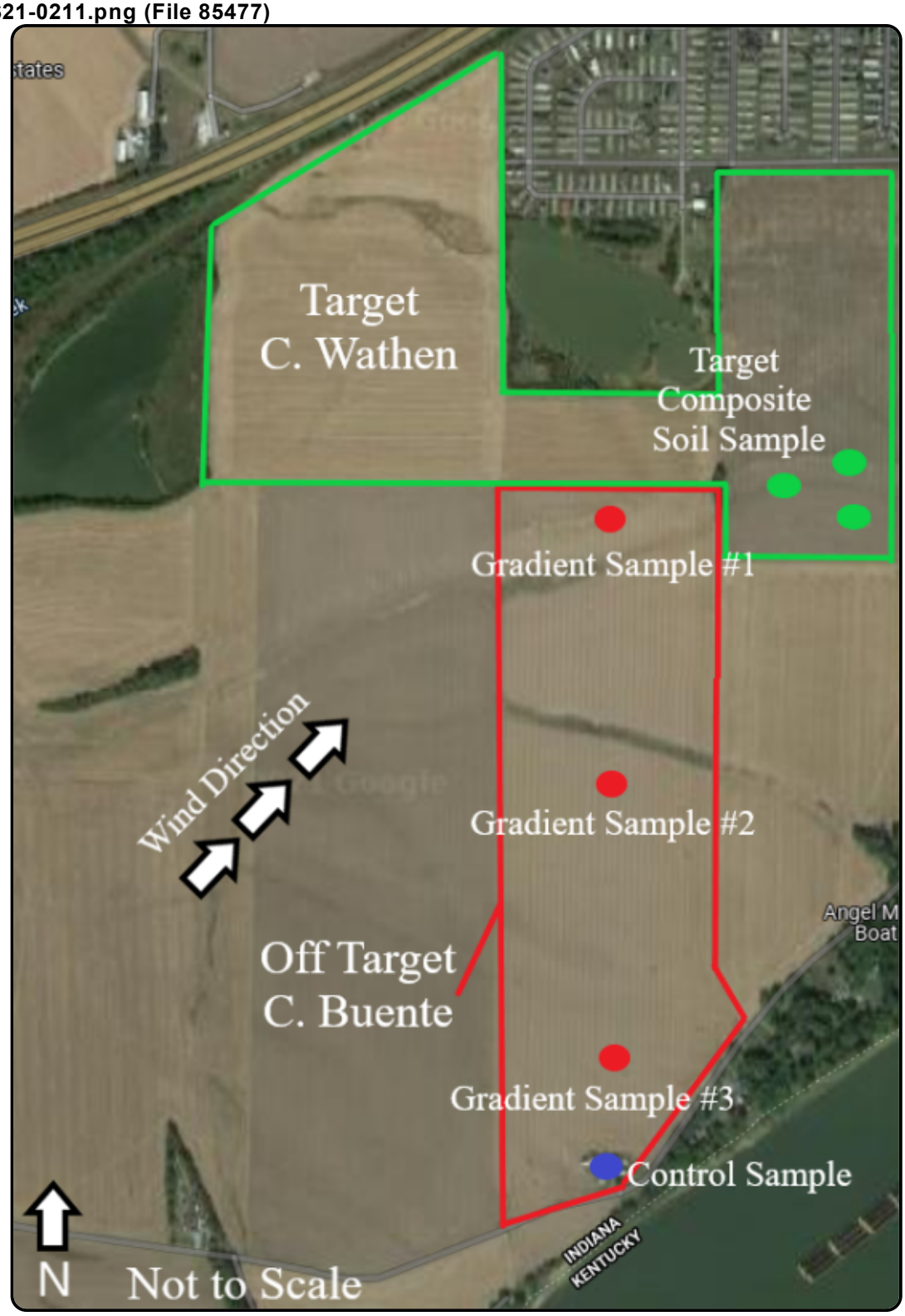
Original Event: Wind Data #97
Submitted By: Nathan J. Davis
Date of Weather: 06/04/2021

01/13/2022 **Investigation Activity**

Photographs

An aerial diagram including property lines, wind direction and where soil and vegetation samples were taken from.

PS21-0211.png (File 85477)



Original Event: Investigation Activity (Pesticide) #4237
Submitted By: Nathan J. Davis

01/13/2022 **Investigation Activity**

Activity

The evidence in this case indicates Mr. Wathen failed to complete the mandatory annual dicamba training for the year 2021. The label for *Engenia, EPA Reg.# 7969-472, Active Ingredient = dicamba* states: **"Prior to applying this product, all applicators must complete dicamba specific training on an annual basis"**.

It should be noted that OISC was not able to determine whether the herbicide moved off-target as a result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Original Event:	Investigation Activity (Pesticide) #4242
Subject:	Christopher D Wathen
Submitted By:	Nathan J. Davis

01/18/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Mr. Wathen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding mandatory annual dicamba training for the year 2021. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. It should be noted that OISC was not able to determine whether the herbicide moved off-target as a result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Original Event:	Judgement #878
Primary:	Christopher D Wathen
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

03/08/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1001
To:	Christopher D Wathen
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0125
Enclosed:	Notice of Enforcement
Attachments:	File 89204; PS21-0211EL CP ~ Christopher D. Wathen.docx

03/17/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1405
Subject:	Christopher D Wathen
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0125
Received:	03/17/2022
Attachments:	File 92797; CM 7019 1640 0001 2427 0125.pdf

03/30/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1453
Subject:	Christopher D Wathen
Submitted By:	Joni Herman
Payment Expected:	$100.00
Payment Received:	$100.00
Attachments:	File 93000; PS21-0211 Christopher D. Wathen ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0220

Department	Pesticide
Originated	07/12/2021
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	**Kellee Griggs** New Palestine, IN 46163
Respondent	**No More Bites DBA Mosquito Authority** Shelbyville, IN 46176
Respondent	**Caleb Andrew Stainbrook** Greenfield, IN 46140
Respondent	**Nancy J Stainbrook** Greenfield, IN 46140

Overviews

11/18/2021 **Investigation Summary**

The report from the OISC residue lab shows that the ingredients from Mr. Mckinney's application were found, in significant amounts, in the water sample collected from Mrs. Griggs's koi tank. Based on the evidence, Mr. Mckinney's application caused the fish kill that Mrs. Griggs experienced. Mrs. Stainbrook failed to properly supervise Mr. Mckinney who is a non-certified applicator.

Submitted By: Aaron P. Kreider
Role: Investigator

11/18/2021 **Disposition Summary**

No More Bites DBA Mosquito Authority was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Nancy J Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

Caleb Andrew Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

The $1,000.00 civil penalty was held in abeyance and will not be assessed provided No More Bites DBA Mosquito Authority commits no further violations of similar nature.

No More Bites DBA Mosquito Authority was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

Nancy J Stainbrook was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/09/2021 **Intake Referral Filed**

Complainant stated Mosquito Authority made a mosquito control application on July 7, 2021. The following day after a substantial rain the koi in their fish pond were found dead.

Original Event: Intake Referral (Pesticide) #2076
Complainant: Kellee Griggs
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/12/2021 **Case Created**

Original Event: Case PS21-0220
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/12/2021 **Investigator Called Complainant**
Communication

On July 12, 2021, I spoke with Kellee Griggs regarding her complaint. Mrs. Griggs stated that when she returned home on July 8, 2021 she noticed the koi in one of her tanks were floating on their sides. Mrs. Griggs believed it may have been due to a mosquito control application made by Mosquito Authority. She stated that she had been in contact with Mosquito Authority and they had been there to inspect and take pictures. Mrs. Griggs stated the affected tank was under a tree and that her nearby koi pond was unaffected.

Original Event: Investigation Activity (Pesticide) #4082
Subject: Kellee Griggs
Submitted By: Aaron P. Kreider

07/12/2021 **Investigator Called Target**
Communication

On July 12, 2021, I spoke with Nancy Stainbrook of Mosquito Authority regarding Mrs. Griggs's complaint. Mrs. Stainbrook stated that she was aware of the complaint and that she and other employees had been in contact with the Griggs's. She stated that she had told the Griggs's that Mosquito Authority would replace the fish injured from the application. Mrs. Stainbrook informed me that the application consisted of Bifen I/T and Mosquito Bits Larvicide (bacillus thuringiensis).

Original Event: Investigation Activity (Pesticide) #4093
Subject: No More Bites DBA Mosquito Authority
Submitted By: Aaron P. Kreider

07/14/2021 **Investigator Met with Complainant**
Interaction

On July 14, 2021, I met with Mrs. Griggs and her husband David at their residence. I had them show me the tank where the suspected fish kill took place. The tank was sitting under a tree in the Griggs's back yard. Mr. Griggs had covered the tank to prevent evidence contamination. The tank was approximately 3/4 full and had what appeared to be oily patches floating on the surface. The Griggs's koi pond was approximately 15' away from the tank and appeared to be unaffected. Mrs. Griggs provided me with an application notification that was left by Mosquito Authority. Mr. Griggs provided me with a frozen sample of the injured fish.

Attachments
File 83357; Application Notification (M. Authority).pdf

Original Event: Investigation Activity (Pesticide) #4091
Subject: Kellee Griggs
Submitted By: Aaron P. Kreider

07/14/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #609
Client: Kellee Griggs
Firm Representative: Kellee Griggs
Submitted By: Aaron P. Kreider
Attachments: File 83358; PS21-0220 NOI (K. Griggs).pdf

07/14/2021 **Investigator Collected Photographs**
Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows the tank where the suspected fish kill took place.

Figure 1 (File 83371)



Original Event:	Investigation Activity (Pesticide) #4094
Submitted By:	Aaron P. Kreider

07/14/2021 **Residue Samples Collected**

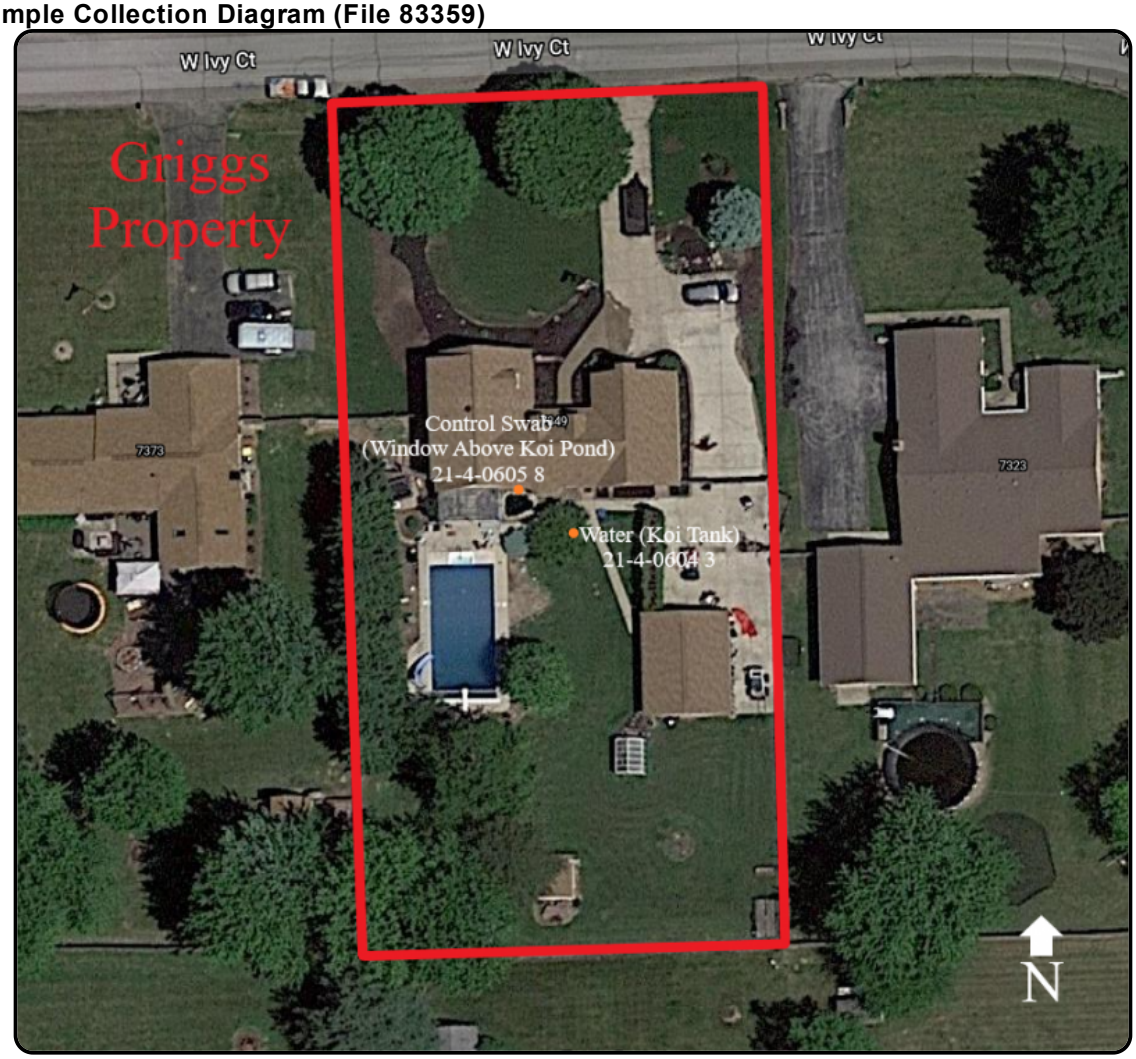
Original Event:	Residue Collection #184647 (21-4-0604 3)
Client:	Kellee Griggs
Submitted By:	Aaron P. Kreider
Sample:	21-4-0604 3 | Surface Water; Grab; Koi Tank; Back Yard
Sample:	21-4-0605 8 | Swab (Acetone); Ctrl; Window Above Koi Pond; Back Yard
Sample:	21-4-0606 2 | Fish; Grab; Complainant Collected; Back Yard
Sample:	21-4-0607 0 | Swab (Acetone); Trip Blank

07/14/2021 **Sample Collection Diagram**

Activity

This diagram shows the locations where samples were collected.

Sample Collection Diagram (File 83359)



Original Event: Investigation Activity (Pesticide) #4092
Submitted By: Aaron P. Kreider

07/14/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #482
Submitted By: Aaron P. Kreider
Target Analyte: Bifen I/T

07/16/2021 **Investigator Received Fax/Email from Target Investigation Inquiry**

On July 16, 2021, I received a Pesticide Investigation Inquiry (PII) from Mrs. Stainbrook. The information provided shows that Caleb Stainbrook, a registered technician, was supervising Kelly Mckinney, a non-certified applicator.

Inquiry Overview

Non-Certified Applicator	Kelly Mckinney
Registered Technician	Caleb Stainbrook
Application Type	Commercial
Target Field	Griggs Property

Tank Mix

Product	EPA	Rate
Bifen I/T	53883-118	.96 oz/gal water

Application Date

Date	Start	End
07/07/2021	10:57 AM	11:26 AM

Air Conditions

Time	Temp	Direction	Speed
Start	81°F	W	4mph
End	81°F	W	4mph

Label Use

The attachments section contains the label referenced during the investigation.

Attachments

File 83374; Bifen I-T Label.pdf
File 83373; PS21-0220 PII (Mosquito Authority).pdf

Original Event: Investigation Activity (Pesticide) #4095
Subject: No More Bites DBA Mosquito Authority
Submitted By: Aaron P. Kreider
PPLS Labels: 053883-00118-20180222.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf

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09/15/2021 **Received Residue Lab Report**

First Page of Lab Report

OCM Collection #	184647	Investigator	KREIDERA
Collection Date	07/14/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0604 3	Surface Water; Grab; Koi Tank; Back Yard	Surface Water	Bifenthrin	19.6 ppb	0.5 ppb
21-4-0605 8	Swab (Acetone); Ctrl; Window Above Koi Pond; Back Yard	Swab (Acetone)	Bifenthrin	BDL ng/swab	5 ng/swab
21-4-0606 2	Fish; Grab; Complainant Collected; Back Yard	Fish	No Analysis Performed	Done	
21-4-0607 0	Swab (Acetone); Trip Blank	Swab (Acetone)	Bifenthrin	BDL ng/swab	5 ng/swab

Original Event: Residue Lab Report #189645 (184647-R423)
Submitted By: SYSTEM
Lab Report: Lab Report 184647-R423.pdf

11/18/2021 **Investigator Called Target**

Communication

On November 18, 2021, I spoke with Mrs. Stainbrook regarding the information on the PII. Mrs. Stainbrook confirmed that Mr. Stainbrook was on-site training/supervising Mr. Mckinney. I informed Mrs. Stainbrook that Mr. Mckinney has to be supervised by a certified applicator. Mrs. Stainbrook stated that she was unaware of this and that she is certified supervisor and is the one responsible for the application. Mrs. Stainbrook stated that she has attempted to contact the Griggs's to make things right but has not received a response.

Original Event: Investigation Activity (Pesticide) #4138
Subject: No More Bites DBA Mosquito Authority
Submitted By: Aaron P. Kreider

11/18/2021 **Wind Data Researched**

This weather data shows the conditions during the application made by Mosquito Authority. It confirms the wind conditions reported on the PII.

Indianapolis International Airport (KIND)

Indianapolis, Indiana (18.26 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
10:54 AM	83	WSW	7	0
11:54 AM	85	SW	9	0

Attachments

File 83790; NOAA Data 7.7.21 (KIND).pdf

Original Event: Wind Data #77
Submitted By: Aaron P. Kreider
Date of Weather: 07/07/2021

11/18/2021 **Judgement; Civil Penalty Assessed**

Warning

No More Bites DBA Mosquito Authority was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

Warning

Nancy J Stainbrook was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual (Kelly McKinney).

Citation

Nancy J Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

Citation

Caleb Andrew Stainbrook was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner.

Civil Penalty

No More Bites DBA Mosquito Authority was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Abeyance

The $1,000.00 civil penalty was held in abeyance and will not be assessed provided No More Bites DBA Mosquito Authority commits no further violations of similar nature.

Original Event:	Judgement #845
Primary:	No More Bites DBA Mosquito Authority
Secondary:	Nancy J Stainbrook
Additional:	Caleb Andrew Stainbrook
Submitted By:	George Saxton
Legal Citations:	IC 15-16-5-65(5); 355 IAC 4-2-3
Penalty Amount:	1000

01/12/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #957
To:	No More Bites DBA Mosquito Authority
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8596
Enclosed:	Notice of Enforcement
Attachments:	File 85647; PS21-0220EL CP Abeyance ~ No More Bites dba Mosquito Authority -- Nancy J. Stainbrook - Caleb A. Stainbrook.docx

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01/22/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1346
Subject:	No More Bites DBA Mosquito Authority
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8596
Received:	01/22/2022
Attachments:	File 86591; CM 7019 1640 0001 2601 8596.pdf

Chain of Custody

No electronic chain of custody found

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www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **July 22, 2022, 01:45 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0253

Department	Pesticide
Originated	07/19/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	**Andrew William Bruns** Brookville, IN 47012
Respondent	**Unknown**
-	**Indiana Dept of Transportation** Indianapolis, IN 46204
Respondent	**Jeffrey Lynn Williams** Fremont, OH 43420
Respondent	**Deangelo Brothers LLC** Fremont, OH 43420
Agency	**Purdue Receivables & Collections** West Lafayette, IN 47907

Overviews

12/14/2021 **Investigation Summary**

Andy Bruns reported DOT hired a company DBI to make pesticide applications to the ROW in Laurel, IN.

Mr. Bruns stated his dicamba soybeans and corn appear to be impacted by "overspray" from a pesticide application.

Soybean and corn plants are stunted. Corn plants are brown and dying. Soybeans have stunted, curled leaves.

PPDL reported soybeans and corn appear (visual inspection) to be impacted by Milestone and Escort.

Jeff Williams of DBI made and application with Milestone and Escort.

OISC Residue lab found A. I. of Milestone in corn vegetation sample.

OISC Residue Lab indicated levels are more in line with direct application or overspray.

Submitted By: Paul Jay Kelley
Role: Investigator

12/15/2021 **Disposition Summary**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/16/2021 **Intake Referral Filed**

Complainant stated a herbicide application made to the highway right of way has injured his soybeans, corn and alfalfa.

Original Event:	Intake Referral (Pesticide) #2109
Complainant:	Andrew William Bruns
Respondent:	Unknown
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

07/19/2021 **Case Created**

Original Event:	Case PS21-0253
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

07/20/2021 **Complainant Called Investigator**
Communication

On July 20, 2021, I spoke with Andy Bruns. Mr. Bruns stated Indiana Department of Transportation (INDOT) hire a company to spray the right of way (ROW) on state road 121 in Laurel, Indiana. Mr. Bruns stated the application appeared to be more of a direct application to soybeans, corn, and alfalfa than drift.

Original Event:	Investigation Activity (Pesticide) #3531
Subject:	Andrew William Bruns
Submitted By:	Paul Jay Kelley

07/28/2021 **Investigator Called Subject**
Communication

On July 28, 2021, I spoke with Matt Kraushar from the Indiana Department of Transportation (INDOT). Mr. Kraushar stated he was aware of the complete and had passed the information along to their Right of Way (ROW) contractor DeAngelo Brothers. Mr. Kraushar stated he would provided me with the contact information for DeAngelo Brothers.

Original Event:	Investigation Activity (Pesticide) #3582
Subject:	Indiana Dept of Transportation
Submitted By:	Paul Jay Kelley

07/29/2021 **Investigator Sent Fax/Email to Target**
Records

On July 29, 2021, I received an email from Terry McCance, Project Manager for DBI Services. The email contained works orders from DBI Services for applications made on June 23 and June 24, 2021, along State road 121 around Laurel, Indiana. The work orders indicted Jeffrey Williams, Certified Applicator made a ROW application using Milestone (EPA Reg. #62719-519, active ingredient Aminopyralid-tripromine) and Escort VM (EPA Reg. #432-1549, active ingredient metsulfuron). Wind direction was listed as out of the east at .89mph blowing toward Mr. Bruns fields.

Attachments

- File 75472; 6-23-21 DAILY.pdf
- File 75473; 6-24-21 DAILY.pdf
- File 75475; RE Application info..msg.pdf
- File 75476; RE Application info..msg.pdf

Original Event:	Investigation Activity (Pesticide) #3597
Subject:	Jeffrey Lynn Williams
Submitted By:	Paul Jay Kelley

07/29/2021 **Investigation Activity**
Activity

On July 29, 2021, I added Deangelo Brothers LLC as the target business.

Original Event:	Investigation Activity (Pesticide) #3598
Subject:	Deangelo Brothers LLC
Submitted By:	Paul Jay Kelley

07/29/2021 **Investigator Met with Complainant**
Photographs

On July 29, 2021, I met with Andy Bruns. Mr. Bruns stated a right of way (ROW) applications has impacted his dicamba soybeans and corn along State Road 121 in Laurel, Indiana. Mr. Bruns stated the first 2-5 rows closes to SR121 are completely dead or have deformed, stunt leaves. Mr. Brun stated the first few rows of corn along the same stretch are dead in section or have speckled leaves.

I collected vegetation samples to be visually analyzed by Purdue's Plant and Pest Diagnostic Lab (PPDL). furthermore I collected investigative samples for OISC's Residue Lab

Screenshots

Site Diagram of impacted area.

Attachments


File 75478


File 75479


File 75480


File 75481


File 75482


File 75483


File 75484


File 75485


File 75486


File 75487


File 75488


File 75489


File 75490


File 75491


File 75492

File 84841; Site Diagram.pdf

Original Event:	Investigation Activity (Pesticide) #3599
Subject:	Andrew William Bruns
Submitted By:	Paul Jay Kelley

07/29/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #475
Client:	Andrew William Bruns
Firm Representative:	Andy Bruns
Submitted By:	Paul Jay Kelley
Attachments:	File 75494; noi.pdf

07/29/2021 **External Lab Sample Collected**

Original Event:	External Lab Sample Collection #185773 (X21-EBBE53)
Client:	Andrew William Bruns
Submitted By:	Paul Jay Kelley
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-EBBE53 | Misc. vegetation
Attachments:	File 75496; PPDL Bruns ps21-0253.pdf

07/29/2021 **Residue Samples Collected**

Original Event:	Residue Collection #185776 (21-4-0493 3)
Client:	Andrew William Bruns
Submitted By:	Paul Jay Kelley
Sample:	21-4-0493 3 | Soil; Grab; 0-2"; Target
Sample:	21-4-0494 6 | Veg; Comp; Target
Sample:	21-4-0495 1 | Soil; Grab; 0-2"; OFF-T
Sample:	21-4-0496 7 | Veg; Comp; OFF-T
Sample:	21-4-0497 9 | Soil; Grab; 0-2"; OFF-T
Sample:	21-4-0498 0 | Veg; Comp; OFF-T
Sample:	21-4-0499 8 | Veg; Comp; OFF-T, 10yd
Sample:	21-4-0500 0 | Veg; Comp; OFF-T

07/29/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #505
Submitted By:	Paul Jay Kelley
Target Analyte:	Milestone
Target Analyte:	escort VM
PPLS Labels:	000432-01549-20210224.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf 062719-00519-20210204.pdf https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf
Attachments:	File 75497; Escort.pdf File 79353; Kelley 185776.pdf File 75498; Milestone.pdf

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08/05/2021 **Received External Lab Report**

PPDL indicates the symptoms visually observed on the corn are characteristic of exposure to Milestone + Escort.

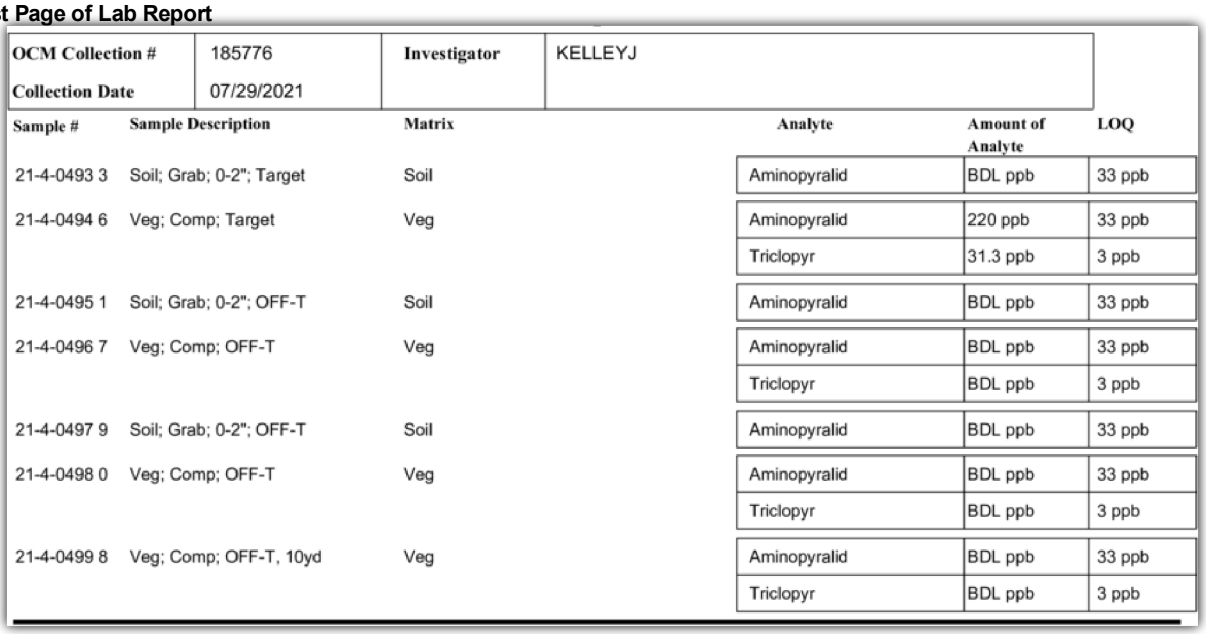
Original Event: External Lab Report #186423 (X21-EBBE53)
Submitted By: Paul Jay Kelley
Sample: X21-EBBE53
Attachments: File 76085; ConsolidatedReport_Jay Kelley (003).pdf
File 76086; FinalReport_Jay Kelley.pdf

12/13/2021 **Received Residue Lab Report**

Investigatory Summary

On December 13, 2021, OISC's Residue Lab reported no detections of pesticide residues on soybean samples. However, after consultation with OISC's Residue Lab Director, sample # 21-4-0500 0 (vegetation sample of corn plants) detected 556 parts per billion of aminopyralid (Active ingredient in Milestone). Further discussion indicates the levels detected are likely direct application or "overspray" of the pesticide.

First Page of Lab Report



OCM Collection #	185776	Investigator	KELLEYJ
Collection Date	07/29/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0493 3	Soil; Grab; 0-2"; Target	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0494 6	Veg; Comp; Target	Veg	Aminopyralid	220 ppb	33 ppb
			Triclopyr	31.3 ppb	3 ppb
21-4-0495 1	Soil; Grab; 0-2"; OFF-T	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0496 7	Veg; Comp; OFF-T	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb
21-4-0497 9	Soil; Grab; 0-2"; OFF-T	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0498 0	Veg; Comp; OFF-T	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb
21-4-0499 8	Veg; Comp; OFF-T, 10yd	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb

Original Event: Residue Lab Report #196585 (185776-R507)
Submitted By: SYSTEM
Lab Report: Lab Report 185776-R507.pdf

12/15/2021 **Judgement; Civil Penalty Assessed**

Citation

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.

Civil Penalty

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Original Event: Judgement #861
Primary: Deangelo Brothers LLC
Secondary: Jeffrey Lynn Williams
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(5)
Penalty Amount: 1000

02/23/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #986
To: Deangelo Brothers LLC
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0187
Enclosed: Notice of Enforcement
Attachments: File 87863; PS21-0253EL CP ~ Deangelo Brothers LLC - Jeffrey L. Williams.docx

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02/28/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1409
Subject: Deangelo Brothers LLC
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0187
Received: 02/28/2022

Attachments: File 92801; CM 7019 1640 0001 2427 0187.pdf

07/13/2022 **Penalty Payment Not Received for Target**

As of July 13, 2022, Deangelo Brothers LLC has not paid the $1,000.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1532
Subject:	Deangelo Brothers LLC
Submitted By:	Joni D. Herman
Payment Expected:	$1,000.00
Payment Received:	$0

07/13/2022 **Sent to Collections**

As of July 13, 2022, Deangelo Brothers LLC had not paid the $1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1300
Primary:	Deangelo Brothers LLC
Agency:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman

07/13/2022 **Collections Referral Mailed to Collections Agency**

A copy of the case summary, enforcement letter, and certified mail documentation was sent via email to the Business Office.

Original Event:	Outgoing Mail #1139
To:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman
Enclosed:	Collections Referral
Attachments:	File 101630; Email to Sherry Honn_RE_Collection ~ OISC Case #PS21-0253 _ Deangelo Brothers LLC - Civil Penalty Non-Payment.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0280

Department	Pesticide
Originated	07/28/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	**Patrick J Sparks** Shirley, IN 47384	
Business	**Deangelo Contracting SVCS LLC** South Point, OH 45680	
-	**Steve Rust** New Castle, IN 47362	Henry County Surveyor
Applicator	**Jeffrey Lynn Williams** Fremont, OH 43420	
Agency	**Purdue Receivables & Collections** West Lafayette, IN 47907	

Overviews

01/03/2022 **Investigation Summary**

On July 28, 2021, Mr. Sparks reported an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

On August 3, 2021, I met with Mr. Sparks, where I observed and photographed injury to his corn and soybean fields along SR 234 that was in close proximity to the road's right-of-way. I collected several soil and vegetation samples for analysis by the OISC Residue Lab and PPDL.

Later that day, I found that DBi Services (aka DeAngelo Brothers, aka DeAngelo Contracting), was contracted by INDOT to make herbicide applications along SR 234 and that Mr. Williams had made an application to the road adjacent to Mr. Spark's fields on June 27, 2021.

After I reviewed the OISC Residue Lab results and other evidence collected, I found Mr. Williams' right-of-way application along SR 234 had moved off-target, which contacted and injured Mr. Sparks' field corn.

Submitted By: James M. Trimble
Role: Investigator

01/03/2022 **Disposition Summary**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/28/2021 **Intake Referral Filed**

Complainant stated an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

Original Event:	Intake Referral (Pesticide) #2137
Complainant:	Patrick J Sparks
Respondent:	Deangelo Brothers LLC
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

07/28/2021 **Case Created**

Original Event:	Case PS21-0280
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

08/03/2021 **Investigator Met with Complainant**
Photographs

On August 3, 2021, I met with Mr. Sparks on SR 234 to conduct my on-site investigation. Mr. Sparks reported that a herbicide application to the right-of-way on both sides of the road had moved off-target and injured his corn and soybean plants. Mr. Sparks believed the right-of-way application had occurred between 6/15/21 and 6/25/21. Mr. Sparks stated that he observed his corn to stop growing and turned yellow approximately one week after the right-of-way application. Mr. Sparks stated that he had observed the injury to his soybeans plants at the same time, which included stunted growth and cupped leaves. Mr. Sparks stated he had applied a fungicide to his corn fields approximately eight days prior to my visit and had applied Round-Up and Liberty to his soybean fields in the middle of June. Mr. Sparks had made a report about the same type of incident in 2020 (see case #PS20-0332), where DeAngelo Brothers LLC. was contracted by the Indiana Department of Transportation (INDOT) to make their right-of-way applications. Mr. Sparks stated that he believed the right-of-way ended at the back of the utility poles that were set along the roadway.

While on-site, I observed and photographed symptoms of what I believed to be herbicide exposure injury to Mr. Sparks soybean plants and field corn. I observed approximately the first two rows of Mr. Sparks' corn field on the north side of S.R. 234 to show injury symptoms that included stunted growth, yellow & brown stalks and leaves, and to be dead and/or dying. I observed Mr. Sparks soybean field on the south side of S.R. 234 to show injury symptoms that included stunted growth, severely curled and/or twisted stems, leaves and bean pods, and strapped leaves. I observed a pattern of injury on the soybean field where the field's grade was much lower than the roads, which could have contributed to a direct overspray, drift, or pesticide run-off pooling. The corn field's injury was very consistent and showed a pattern of injury along the field's south border. I observed the corn field's first one to three rows of corn along the field's south edge to show the same type of injury, along with a slight gradient from south to north, which was consistent with a direct application or heavy drift event from the road.

I observed the wooden utility poles along the road to be set approximately 2-3' from the roadside, leaving a very small right-of-way and margin of error for a pesticide application. I observed Mr. Sparks' fields to be approximately 3'-5' from the rear of the utility poles.

I then collected soil and vegetation samples from Mr. Sparks' soybean & corn field, as well as from the north and south target areas of the right-of-way, which I submitted to the OISC Residue Lab for analysis. I also collected and submitted samples of the soybean and corn plants that exhibited symptoms of injury to the Purdue Plant and Pest Diagnostic Lab.

Injury to corn (File 75977)



Corn injury along right-of-way (File 75980)



Attachments


File 76003


File 75974


File 75975


File 75978


File 75979


File 75981


File 75982


File 75983


File 75984


File 75985


File 75986


File 75987


File 75988


File 75989


File 75990


File 75991


File 75992


File 75993


File 75994


File 75995


File 75996


File 75997


File 75998


File 76000


File 76001


File 76002

Original Event:	Investigation Activity (Pesticide) #3619
Subject:	Patrick J Sparks
Submitted By:	James M. Trimble

08/03/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #480
Client:	Patrick J Sparks
Firm Representative:	Patrick Sparks
Submitted By:	James M. Trimble
Attachments:	File 76004; SparksNOI.pdf

08/03/2021 **Residue Samples Collected**

Original Event:	Residue Collection #186199 (21-4-1211 1)
Client:	Patrick J Sparks
Submitted By:	James M. Trimble
Sample:	21-4-1211 1 | Soil; Grab; 4-6"; Target, N
Sample:	21-4-1212 4 | Soil; Grab; 2-4"; OFF-T, 10ft N
Sample:	21-4-1213 0 | Veg; Comp; OFF-T, 10ft N
Sample:	21-4-1214 8 | Soil; Ctrl; 2-4"; OFF-T, N
Sample:	21-4-1215 3 | Soil; Grab; 2-4"; Target, N
Sample:	21-4-1216 9 | Veg; Comp; OFF-T, Grad1, 25ft S
Sample:	21-4-1217 6 | Veg; Comp; OFF-T, Grad2, 10ft S
Sample:	21-4-1218 2 | Veg; Ctrl; OFF-T, S

08/03/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #186412 (X21-59F25E)
Client: Patrick J Sparks
Submitted By: James M. Trimble
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-59F25E | Corn and soybean plants exhibiting symptoms of herbicide injury.
Attachments: File 76053; ResponseSummary (36).pdf

08/03/2021 **Investigator Called Business**

Communication

On August 3, 2021, I called and left a message for Terry McCance with DeAngelo Brothers LLC. (DBi). Mr. McCance called me back shortly thereafter and advised me that he believed DBi had made right-of-way applications on SR 234 and would email me their application records for any applications they had made in the area.

Original Event: Investigation Activity (Pesticide) #3621
Subject: Deangelo Brothers LLC
Submitted By: James M. Trimble

08/03/2021 **Investigator Sent Fax/Email to Business**

Records

Shortly after speaking with Mr. McCance, he emailed me DBi's application records for the right-of-way pesticide applications they had made along SR 234 on June 27, 2021 and July 11, 2021. The records I received provided the following information:

- **Application #1**

  Date/Time - June 27, 2021, 5:30 PM-7:00 PM
  Location - Henry County, SR 234, Mile Marker 69 to Mile Marker 80, eastbound and westbound
  Applicator - Jeffrey L. Williams
  Pesticides - Milestone (EPA Reg. #62719-519, active ingredient of Aminopyralid-tripromine) and Escort XP (EPA Reg. #432-1549,
  active ingredient of Metsulfuron)
  Wind Speed/Direction - South @ 1.34 MPH

- **Application #2**

I determined their July 11, 2021 application did not occur in the area of the complainant's fields.

Attachments
File 76008; 6-27-21.pdf
File 76009; 7-11-21.pdf
File 76035; Escort.pdf
File 76034; MILESTONE SPECIALTY HERBICIDE.pdf
File 76033; Milestone.pdf

Original Event: Investigation Activity (Pesticide) #3624
Subject: Deangelo Brothers LLC
Submitted By: James M. Trimble

08/03/2021 **Investigator Called Subject**

Communication

On August 3, 2021, I called and spoke with the Henry County Surveyor, Steve Rust, to inquire about the location of the county's right-of-ways. Mr. Rust advised me that most of the right-of-ways along the roads in the county end at the back of the utility poles but he could not say for sure and was unable to look it up due to S.R. 234 being owned and maintained by the State of Indiana.

Original Event: Investigation Activity (Pesticide) #4212
Subject: Steve Rust
Submitted By: James M. Trimble

08/03/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #512
Submitted By: James M. Trimble
Target Analyte: Milestone
Target Analyte: Escort XP
PPLS Labels: 000432-01549-20210224.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf

062719-00519-20210204.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf

Attachments: File 82725; Trimble 186199.pdf

08/05/2021 **Investigator Sent Fax/Email to Business**

Communication

On August 5, 2021, I corresponded with Mr. McCance, via email, regarding the right-of-way locations they treat and the maps that their applicators work from. Mr. McCance stated INDOT provides them with a paper map of each district and have instructions to spray the right-of-way out to 30' from the road and leave a buffer for any field, waterway, or non-target area. Mr. McCance provided me with the map they utilize and part of their contract that explains the target areas for their applications.

The contract stated, *"The broadcast treatment application area is defined as the area adjacent to the pavement extending to a distance of 30 ft from the edge of pavement or as the right-of-way allows, whichever is less. Broadcast applications shall be made on the full widths of medians that are 60 ft or less between pavement edges. The Contractor shall maintain buffers recommended by the product label between the application area and any non-target areas."*

Attachments

File 76039; IndianaStatewideMapwithDdistrictsRP.pdf
File 76040; INDOT.pdf
File 76038; RE_ SR 234-2.pdf
File 76037; RE_ SR 234.pdf

Original Event: Investigation Activity (Pesticide) #3625
Subject: Deangelo Brothers LLC
Submitted By: James M. Trimble

08/05/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #481
Client: Deangelo Brothers LLC
Firm Representative: Terry Mccance
Submitted By: James M. Trimble
Attachments: File 76042; DbiNOI.pdf

08/05/2021 **New Respondent Identified**

Respondent Identified

The records provided by Mr. McCance on August 3, 2021 listed Mr. Williams as the applicator of the right-of-way on June 27, 2021.

Original Event: Investigation Change #93
Respondent: Jeffrey Lynn Williams
Submitted By: James M. Trimble

08/05/2021 **Online Investigation Activity**

Activity

On August 5, 2021, I created a map of my sample collection on August 3, 2021.

Attachments



File 76041

Original Event: Investigation Activity (Pesticide) #3626
Submitted By: James M. Trimble

08/08/2021 **Received External Lab Report**

On August 8, 2021, I received the report from PPDL, which stated *"Soybean plants show leaf cupping, strapping, and stem twisting. These symptoms are characteristic of exposure to synthetic auxin herbicides such as dicamba, aminopyralid (Milestone), and triclopyr (Garlon 3A). Corn plants are tolerant to synthetic auxin herbicides but show symptoms of exposure to Escort (metsulfuron - ALS herbicide). Symptoms include overall plant stunting, stacked nodes, and chlorosis/purpling of the new growth. The pattern of injury in the corn and soybean fields is consistent with herbicide drift and/or runoff."* It further stated, *"Soybeans: foliage show significant leaf curling/cupping and some plants show deformed stems, which is suggestive of growth regulator exposure. Corn: plants appear to be stunted/shorter, but there is also veinal necrosis on one leaf along with some large gray/black lesions that are not associated with a known disease. I suspect that this is likely due to injury. One photo of corn shows large gray masses developing off of a plant - this is common corn smut and likely developed after the plant was injured in some way."*

Original Event: External Lab Report #186647 (X21-59F25E)
Submitted By: James M. Trimble
Sample: X21-59F25E
Attachments: File 76754; FinalReport_Mitch Trimble.pdf

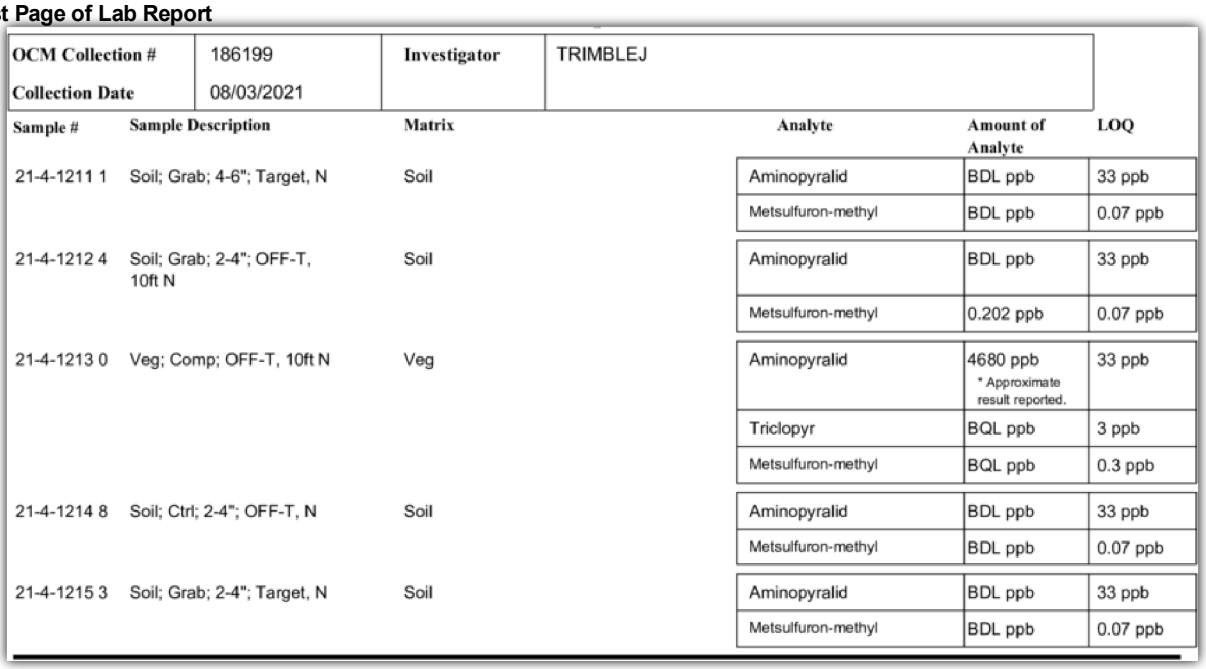
12/13/2021 **Received Residue Lab Report**

Investigatory Summary

On December 13, 2021, I received the OISC Residue Lab results, which detected a high level of Aminopyralid in sample #21-4-1213 (Sample #3). All other samples collected and tested were negative or showed negligible amounts of the analytes. Sample #3 was the only sample that consisted of corn stalks while the other samples consisted of soil and/or soybean plants. Although field corn is resistant to low levels of Aminopyralid, the high amount of Aminopyralid found in Sample #3 suggested that the corn was injured due to a direct, full concentrated, application of the herbicide.

The lab results did not find the tested analytes to be a factor in the soybean plant's injury.

First Page of Lab Report



OCM Collection #	186199	Investigator	TRIMBLEJ
Collection Date	08/03/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1211 1	Soil; Grab; 4-6"; Target, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb
21-4-1212 4	Soil; Grab; 2-4"; OFF-T, 10ft N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	0.202 ppb	0.07 ppb
21-4-1213 0	Veg; Comp; OFF-T, 10ft N	Veg	Aminopyralid	4680 ppb * Approximate result reported.	33 ppb
			Triclopyr	BQL ppb	3 ppb
			Metsulfuron-methyl	BQL ppb	0.3 ppb
21-4-1214 8	Soil; Ctrl; 2-4"; OFF-T, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb
21-4-1215 3	Soil; Grab; 2-4"; Target, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb

Original Event: Residue Lab Report #196767 (186199-R507)
Submitted By: SYSTEM
Lab Report: Lab Report 186199-R507.pdf

12/20/2021 **Online Investigation Activity**

Label Use

On December 20, 2021, I reviewed the labels for the pesticides used by Mr. Williams for his June 27, 2021 right-of-way application, which consisted of **Milestone***(EPA Reg. #62719-519, active ingredient of Aminopyralid)* and **Escort** *(EPA Reg. #432-1549, active ingredient of Metsulfuron-methyl)*

The application records I received from Mr. McCance on August 3, 2021 stated their application consisted of a total of 3000 gallons of mix, which they applied at a rate of 25 gallons per acre, to a total of 120 acres. The records stated their mix contained a total of 780oz of Milestone in the 3000 gallons, at a rate of 6.5oz per acre, which I found to be within the label requirements. Although field corn is tolerant to Aminopyralid and listed in the Milestone label as an approved site, I found that the maximum rate of Milestone to be used on field corn was 0.57oz per acre for a single application or a total of 1.7oz per acre in a single crop year.

For Postemergence Broadleaf Weed Control in Field Corn and Field Corn Grown For Ensilage

- *Maximum Application Rate: Do not exceed a total application rate of 1.7 fluid oz per acre of Milestone in a single crop year. Do not apply greater than 0.57 oz Milestone per acre (0.0089 lb ae per acre) in a single application, or corn injury and reduction of yield may result.*

The concentration level of Milestone in the tank mix used in Mr. Williams' application explained why the Aminopyralid-tolerant field corn showed the injury symptoms. The pattern and degree of injury I observed to the field corn, along with the OISC Residue Lab results showed that Mr. Williams' application had moved off-target, via direct application, and caused harm to Mr. Sparks' field corn.

Although injury to Mr. Spark's soybean field was also documented, OISC was not able to clearly identify the source of the off-target herbicide movement.

Original Event: Investigation Activity (Pesticide) #4201
Subject: Deangelo Contracting SVCS LLC
Submitted By: James M. Trimble
PPLS Labels: 000432-01549-20210224.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf

062719-00519-20210204.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf

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01/03/2022 **Judgement; Civil Penalty Assessed**

Citation

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

Civil Penalty

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of $1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Original Event:	Judgement #867
Primary:	Deangelo Contracting SVCS LLC
Secondary:	Jeffrey Lynn Williams
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(5)
Penalty Amount:	1000

02/23/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #985
To:	Deangelo Contracting SVCS LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0194
Enclosed:	Notice of Enforcement
Attachments:	File 87862; PS21-0280EL CP ~ Deangelo Contracting Services - Jeffrey L. Williams.docx

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02/28/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1400
Subject:	Deangelo Contracting SVCS LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0194
Received:	02/28/2022
Attachments:	File 92782; CM 7019 1640 0001 2427 0194.pdf

07/13/2022 **Penalty Payment Not Received for Target**

As of July 13, 2022, Deangelo Contracting Services LLC has not paid the $1,000.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1531
Subject:	Deangelo Contracting SVCS LLC
Submitted By:	Joni D. Herman
Payment Expected:	$1,000.00
Payment Received:	$0

07/13/2022 **Sent to Collections**

As of July 13, 2022, Deangelo Contracting Services LLC had not paid the $1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1299
Primary:	Deangelo Contracting SVCS LLC
Agency:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman

07/13/2022 **Collections Referral Mailed to Collections Agency**

A copy of the case summary, enforcement letter, and certified mail documentation was sent via email to the Business Office.

Original Event:	Outgoing Mail #1138
To:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman
Enclosed:	Collections Referral
Attachments:	File 101629; Email to Sherry Honn_RE_Collection ~ OISC Case #PS21-0280 _ Deangelo Contracting Services LLC - Civil Penalty Non-Payment.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **July 22, 2022, 01:50 PM EDT**. Information displayed may contain errors or omissions.
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 08:57 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0285

Department	Pesticide
Originated	07/30/2021
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	**Joe Trotti** Muncie, IN 47304
Respondent	**Muncie Sanitary District** Muncie, IN 47303
Respondent	**Michael Fisher** Muncie, IN 47303

Overviews

10/04/2021 **Investigation Summary**

Based on the information gathered during the investigation, Mr. Fisher did not abide by supervision laws when he made an application without the knowledge of Mr. Reagon, the certified applicator. The Anvil 10 + 10 ULV label does not allow applications to be made when bees are visiting the treatment area, however, OISC is unable to determine the presence of bees at the time Mr. Fisher's application took place.

Submitted By: Aaron P. Kreider
Role: Investigator

11/05/2021 **Disposition Summary**

Michael Fisher was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-11-2, for making a community-wide mosquito control pesticide application without having a category license or permission from his certified supervisor. A civil penalty in the amount of $250.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/29/2021 **Intake Referral Filed**

Complainant stated he observed the Muncie Sanitary District making a mosquito application at 4:30 pm thereby endangering pollinators.

Original Event: Intake Referral (Pesticide) #2142
Complainant: Joe Trotti
Respondent: Muncie Sanitary District
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/30/2021 **Case Created**

Original Event: Case PS21-0285
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/30/2021 **Investigator Called Complainant**

Communication

On July 30, 2021, I contacted Joe Trotti regarding his complaint. Mr. Trotti informed me that he saw Muncie Sanitary District (MSD) making a mosquito adulticide application around the Snowmass Lane area in Muncie. He stated that the application happened approximately 2 1/2 weeks ago. Mr. Trotti stated that he had been in contact with MSD and was not satisfied with the interaction.

Original Event: Investigation Activity (Pesticide) #3878
Subject: Joe Trotti
Submitted By: Aaron P. Kreider

07/30/2021 **Investigator Called Target**
Communication

On July 30, 2021, I contacted MSD in an attempt to speak with who was in charge of their mosquito control applications. I was informed that I should speak with Phil Reagon and that he was not in the office at that time. I left a message for Mr. Reagon.

Original Event: Investigation Activity (Pesticide) #3880
Subject: Muncie Sanitary District
Submitted By: Aaron P. Kreider

08/03/2021 **Target Called Investigator**
Communication

On August 3, 2021, I was contacted by Mr. Reagon. Mr. Reagon informed me that their mosquito control ULV machine had recently been repaired and they were in the process of testing the machine when Mr. Trotti saw the application taking place. Mr. Reagon informed me that the machine was loaded with Duet adulticide. Mr. Reagon stated that he was unaware at the time that the application took place and also that he did not approve of the application. Mr. Reagon stated that he learned of the application when Mr. Trotti contacted his office. Once he learned of what happened, he informed the applicator that he did not approve the application and that he shouldn't have done it. Mr. Reagon stated that after his conversation with the applicator, the applicator relinquished his position. I informed Mr. Reagon that I was going to come and do an inspection and then set up a date and time.

Original Event: Investigation Activity (Pesticide) #3879
Subject: Muncie Sanitary District
Submitted By: Aaron P. Kreider

08/05/2021 **Investigator Met with Target**
Interaction

On August 5, 2021, Agent Becovitz and I met with Mr. Reagon to perform an inspection. Mr. Reagon informed us that the person who made the application was Michael Fisher and he also reiterated that he was not aware of Mr. Fisher's actions until after Mr. Trotti called his office. Mr. Reagon provided us with a map from the application that caused Mr. Trotti's complaint.

Attachments
File 81359; Application Map.pdf

Original Event: Investigation Activity (Pesticide) #3881
Subject: Muncie Sanitary District
Submitted By: Aaron P. Kreider

08/05/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #562
Client: Muncie Sanitary District
Firm Representative: Phil Reagon
Submitted By: Aaron P. Kreider
Attachments: File 81219; PS21-0285 NOI (P. Reagon).pdf

08/05/2021 **Mosquito Control Inspection Conducted**
Mosquito Control Inspection

I informed Mr. Reagon that the nozzle pressure during calibration was not recorded on the calibration record. This is an item that is supposed to be recorded by the technician performing the calibration and is out of the control of Mr. Reagon.

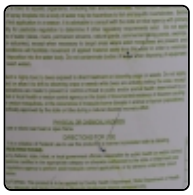
Attachments


File 81315


File 81316


File 81318


File 81320

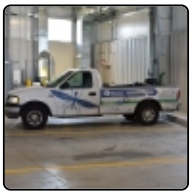

File 81322


File 81324


File 81325


File 81327


File 81328


File 81329


File 81330


File 81331


File 81332


File 81333


File 81334


File 81335

File 81357; Calibration Record 5.5.21.pdf

Original Event:	Pesticide Inspection (General) #1724
Client:	Muncie Sanitary District
Firm Representative:	Phil Reagon
Submitted By:	Aaron P. Kreider

08/05/2021 **Investigator Received Fax/Email from Target Investigation Inquiry**

On August 5, 2021, I received a Pesticide Investigation Inquiry (PII) from Mr. Reagon. The information is as follows. Mr. Reagon recorded that temperatures were in the 70s at the start and end of the application. He also reported that wind speeds were less than 10 MPH at the start and end of the application. Mr. Reagon previously stated that the product applied was Duet. Mr. Reagon stated that this was incorrect and that he has used Duet in the past but due to unavailability, he was sent Anvil 10 + 10 ULV as a replacement.

Inquiry Overview

Supervisor	Philip Reagon
Non-Certified Applicator	Michael Fisher
Company	Muncie Sanitary District

Tank Mix

Product	EPA	Rate
Anvil 10 + 10 ULV	1021-1688-8329	.21 - .62 oz/A

Application Date

Date	Start	End
06/30/2021	4:30 PM	7:30 PM

Air Conditions

Time	Temp	Speed
Start	70°F	10mph
End	70°F	10mph

Attachments

File 81408; PS21-0285 PII (MSD).pdf

Original Event:	Investigation Activity (Pesticide) #3885
Subject:	Muncie Sanitary District
Submitted By:	Aaron P. Kreider
PPLS Labels:	001021-01688-20210413.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001021-01688-20210413.pdf

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11/05/2021 **Judgement; Civil Penalty Assessed**

Civil Penalty

Michael Fisher was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-11-2, for making a community-wide mosquito control pesticide application without having a category license or permission from his certified supervisor. A civil penalty in the amount of $250.00 was assessed for this violation.

Original Event:	Judgement #820
Primary:	Michael Fisher
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-11-2
Penalty Amount:	250

12/09/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #933
To:	Michael Fisher
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0933
Enclosed:	Notice of Enforcement
Attachments:	File 84905; PS21-0285EL CP ~ Michael Fisher.docx

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12/20/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1316
Subject:	Michael Fisher
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0933
Received:	12/20/2021
Attachments:	File 86189; CM 7019 1640 0001 2602 0933 ~ Muncie Sanitary District.pdf

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03/03/2022 **Informal Review Occurred**

Tammy Branson of the Muncie Sanitation District called requesting more time to consider the civil penalty. She stated she had been ill and this is why she is late in addressing this issue.

Original Event:	Compliance Activity #1177
Primary:	Muncie Sanitary District
Submitted By:	George Saxton
Stage:	Informal Review

03/07/2022 **Compliance Activity**

Tammy Branson called and stated that the Muncie Sanitation District would go ahead and pay the civil penalty. She said their next pay period would go out March 25, 2022.

Original Event:	Compliance Activity #1179
Primary:	Muncie Sanitary District
Submitted By:	George Saxton

03/28/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1451
Subject:	Michael Fisher
Submitted By:	Joni Herman
Payment Expected:	$250.00
Payment Received:	$250.00
Attachments:	File 92995; PS21-0285 Michael Fisher-Muncie Sanitary District ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 08:59 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0295

Department	Pesticide
Originated	08/05/2021
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	**John Greene** Parker City, IN 47368
Respondent	**William G Oren** Parker City, IN 47368

Overviews

01/14/2022 **Investigation Summary**

John Greene contacted the OISC to report his neighbor again made an application to the fence line along his property and the spray moved onto his property. OISC investigated a similar complaint in 2020 (Case PS20-0146).

On August 10, 2021, I went to the site and observed a small planting of ornamental willows on the Greene property near the fence which exhibited distorted leaves on the side nearest the fence. Broadleaf weeds and tree sprouts in the grass buffer strip on the opposite side of the fence were brown and dead. I photographed the site and collected plant material from the willows for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected target vegetation and willow foliage for analysis by the OISC Residue Lab.

I then met with Greg Oren who confirmed he sprays the grass area between the fence and his farm field to control locust sprouts and weeds. He indicated he recently spot-sprayed the unwanted vegetation with Crossbow herbicide.

The PPDL report indicated the symptoms on the willow sample were indicative of exposure to a group of herbicides which includes triclopyr, an active ingredient in Crossbow.

The OISC Residue Lab analyzed the plant samples for the active ingredients in Crossbow. Both 2,4-D and triclopyr were detected in the target vegetation and in the willow foliage collected from the Greene property.

The Crossbow label reads, in part, "Do not apply Crossbow L directly to, or otherwise permit it to come into direct contact with cotton, grapes, tobacco, vegetable crops, citrus, flowers, fruit or ornamental trees, or other desirable broadleaf plants and do not permit spray mists containing it to drift onto them."

Submitted By: Andrew R. Roth
Role: Investigator

01/18/2022 **Disposition Summary**

William G. Oren was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing contact with desirable vegetation. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $400.00. Consideration was given to the fact Mr. Oren cooperated during the investigation. Consideration was also given to the fact this was his second violation of similar nature. See case number PS20-0146.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/04/2021 **Intake Referral Filed**

Complainant wrote the fence row next to his property was sprayed when the wind was blowing 2 miles per hour from the south. Complainant wrote he has a video of the application drifting onto his property.

Original Event: Intake Referral (Pesticide) #2152
Complainant: John Greene
Respondent: William G Oren
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/05/2021 **Case Created**

Original Event: Case PS21-0295
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/09/2021 **Investigator Met with Complainant**

Interaction

On August 9, 2021, I spoke with John Greene who reported the neighboring farmer again sprayed weeds in the grass strip between his property and the adjacent field. I investigated a similar complaint in 2020 (Case PS20-0146). He indicated his home weather station indicated winds were only blowing at 2 mph, but he believed overspray adversely affected small willows on his side of the fence. On August 10, 2021, I met Mr. Greene at his property where he showed me the application site. It appeared certain species of small trees and weeds in the grass buffer strip on the field-side of the fence were targeted for the application as they were brown and dead. The fence line contained mature trees and vining plants, especially near the house; smaller spruces and other ornamentals on the Greene property near the fence had no visible herbicide exposure symptoms. Small ornamental willows near the fence west of the house, where there were no mature trees or vining plants, exhibited leaf strapping and distortion on the side nearest the fence. I photographed the site and collected plant samples from the willows for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected brown foliage from targeted plants on the field-side of the fence and willow foliage from the Greene side of the fence for analysis by the OISC Residue Lab.

Photographs

Photos taken at the site and aerial photo.

Attachments


File 76893


File 76894


File 76895


File 76896


File 76897


File 76898


File 76899


File 76900


File 76901


File 76902


File 76904


File 76906



File 85569

Original Event: Investigation Activity (Pesticide) #3659
Subject: John Greene
Submitted By: Andrew R. Roth

08/09/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #493
Client: John Greene
Firm Representative: John Greene
Submitted By: Andrew R. Roth
Photos:


File 76907

08/10/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #186759 (X21-5F8DC6)
Client: John Greene
Submitted By: Andrew R. Roth
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-5F8DC6 | I collected plant samples from willows for PPDL.
Photos:



File 76908

08/10/2021 **Investigator Met with Applicator**

Interaction

I contacted Greg Oren and informed him of the complaint. After my on-site investigation at the Greene property, I met Mr. Oren at his farm; we went back to the application site so he could show me the areas he had sprayed. Mr. Oren explained that he removed several large locust trees from the fence line a few years prior but locust sprouts continue to emerge from the old root systems. He stated he spot-sprayed the locusts and other broadleaf vegetation in the grass strip on his side of the fence with Crossbow herbicide but he did not intend for the spray to contact plants on the other side of the fence line.

Records

Mr. Oren later provided information regarding the application which indicated he applied Crossbow (EPA Reg#62719-260-34704), active ingredients 2,4-D and triclopyr, on August 3, 2021.

Attachments

File 85554; Oren21-0295.pdf

Original Event: Investigation Activity (Pesticide) #3661
Subject: William G Oren
Submitted By: Andrew R. Roth

08/10/2021 **Residue Samples Collected**

Original Event: Residue Collection #187041 (21-4-1011 9)
Client: John Greene
Submitted By: Andrew R. Roth
Sample: 21-4-1011 9 | Veg; Comp; OFF-T
Sample: 21-4-1012 6 | Veg; Comp; Target

08/11/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #520
Submitted By: Andrew R. Roth
Target Analyte: Crossbow
PPLS Labels: 062719-00260-20091106.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf

Attachments: File 80250; Roth 187041.pdf

08/13/2021 **Received External Lab Report**

Willow leaves show epinasty that is indicative of exposure to synthetic auxins such as triclopyr.
The pattern of injury is suggestive of herbicide drift.
Marcelo Zimmer

There was no indication of major disease or insect problems. A few small twigs had fungal dieback.
Tom Creswell

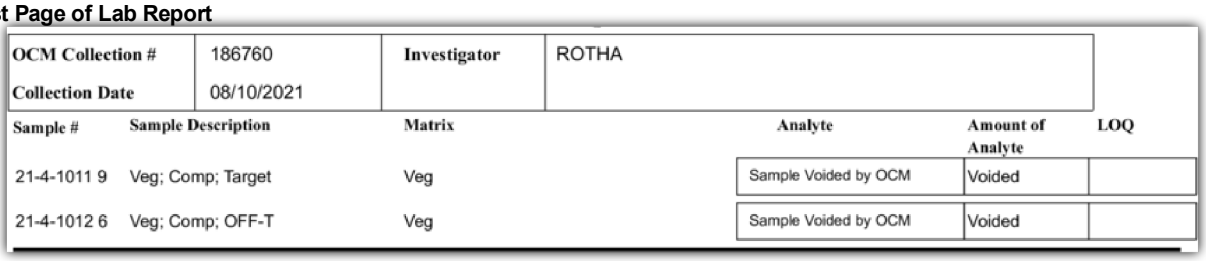
Original Event: External Lab Report #187045 (X21-5F8DC6)
Submitted By: Andrew R. Roth
Sample: X21-5F8DC6
Attachments: File 77617; 21-0295PPDL.pdf

08/13/2021 **Received Residue Lab Report**

Investigatory Summary

Due to an error during data entry of the original residue collection, that form was voided and samples were reentered on a new form and assigned a new number.

First Page of Lab Report



OCM Collection #	186760	Investigator	ROTHA
Collection Date	08/10/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1011 9	Veg; Comp; Target	Veg	Sample Voided by OCM	Voided	
21-4-1012 6	Veg; Comp; OFF-T	Veg	Sample Voided by OCM	Voided	

Original Event: Residue Lab Report #187098 (186760-R400)
Submitted By: SYSTEM
Lab Report: Lab Report 186760-R400.pdf

08/30/2021 **Investigator Received Fax/Email from Complainant**

Communication

On August 30, 2021, Mr. Greene contacted the OISC to inquire whether withdrawing his complaint was still an option as the two parties were attempting to resolve the issue. Analysis of the residue samples collected at the site had not yet been started and were subsequently put on hold. Mr. Greene notified me the first week of October that he wished to proceed with the investigation.

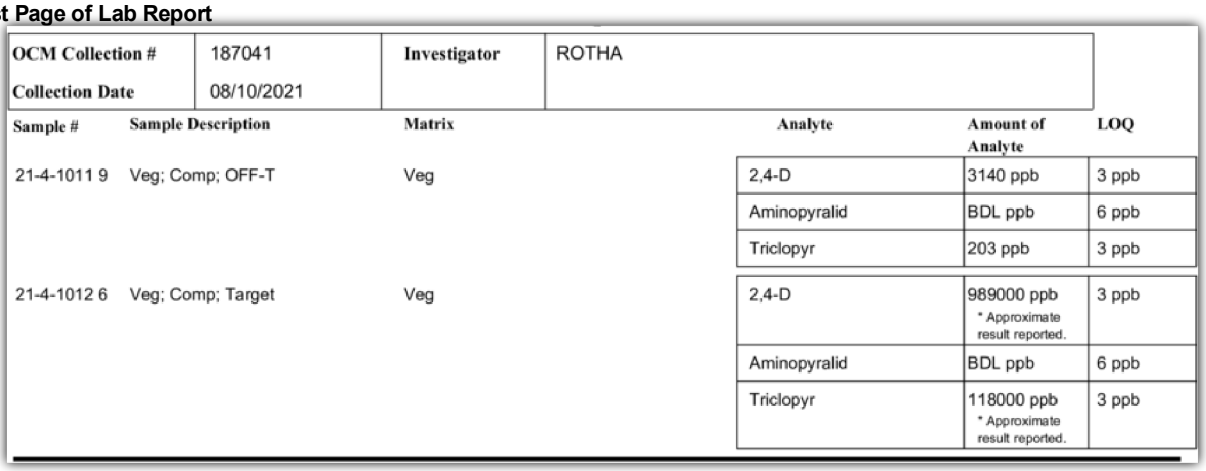
Original Event: Investigation Activity (Pesticide) #4245
Subject: John Greene
Submitted By: Andrew R. Roth

01/03/2022 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Lab analyzed the samples for 2,4-D and triclopyr. Both active ingredients were detected in the target vegetation and in the willow foliage collected from the Greene property.

First Page of Lab Report



OCM Collection #	187041	Investigator	ROTHA
Collection Date	08/10/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1011 9	Veg; Comp; OFF-T	Veg	2,4-D	3140 ppb	3 ppb
			Aminopyralid	BDL ppb	6 ppb
			Triclopyr	203 ppb	3 ppb
21-4-1012 6	Veg; Comp; Target	Veg	2,4-D	989000 ppb * Approximate result reported.	3 ppb
			Aminopyralid	BDL ppb	6 ppb
			Triclopyr	118000 ppb * Approximate result reported.	3 ppb

Original Event: Residue Lab Report #197166 (187041-R509)
Submitted By: SYSTEM
Lab Report: Lab Report 187041-R509.pdf

01/18/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

William G. Oren was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing contact with desirable vegetation. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $400.00. Consideration was given to the fact Mr. Oren cooperated during the investigation. Consideration was also given to the fact this was his second violation of similar nature. See case number PS20-0146.

Original Event: Judgement #879
Primary: William G Oren
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 400

03/08/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1000
To: William G Oren
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0132
Enclosed: Notice of Enforcement
Attachments: File 89203; PS21-0295EL CP ~ William G. Oren.docx

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03/17/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1406
Subject:	William G Oren
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0132
Received:	03/17/2022
Attachments:	File 92798; CM 7019 1640 0001 2427 0132.pdf

04/07/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1459
Subject:	William G Oren
Submitted By:	Joni Herman
Payment Expected:	$400.00
Payment Received:	$400.00
Attachments:	File 93618; PS21-0295 William G. Oren ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **July 22, 2022, 01:51 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0317

Department	Pesticide
Originated	08/18/2021
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant	**Bob Predaina** Hobart, IN 46342	
Respondent	**Trugreen LP-MRL** Merrillville, IN 46410	
Respondent	**Brian Bohn** Merrillville, IN 46410	Certified Applicator/Supervisor
Respondent	**Casey M Cooper** Merrillville, IN 46410	

Overviews

03/28/2022 **Investigation Summary**

On August 18, 2021 the complainant Bob Predaina contacted the Office of Indiana State Chemist (OISC) to report a possible drift onto his property by an adjacent herbicide application made by TruGreen. I met Mr. Predaina at his residence and he stated he planted a clover crop in his yard and TruGreen sprayed a herbicide that caused discoloration and plant death.

While I was on site, I took photographs of the area, collected clover vegetation samples for residue testing, and collected a vegetation sample for the Purdue Plant and Pest Diagnostic Lab (PPPDL) for a visual analysis.

The PPPDL laboratory report states in part, "White clover plants show leaf and stem distortions that are characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, MCPP, MCPA, etc. The pattern of injury is also consistent with herbicide drift...Foliage is distorted, show what appears to leaf serrations which are not typical for clover species in general, leaf cupping, and severe stunting in some cases. There is some symptoms of direct chemical damage with collapsed, white tissue and in locations where water collects (along leaf veins), but this may be associated with something else other than specifically growth regulator herbicides."

The OISC Pesticide Residue Laboratory report shows off-target movement that is consistent with drift of the active ingredients found in the tank mix.

The TruPower3 (EPA# 228-551, active ingredients 2,4-D, MCPP, and Dicamba) label states to only apply the product if the wind direction favors on-target deposition and there are no sensitive crops downwind. The certified applicator (Brian Bohn) and wind report from the nearest AWOS/ASOS station both state the wind was blowing towards the complainant's sensitive crop.

Submitted By: Melissa D. Rosch
Role: Investigator

03/30/2022 **Disposition Summary**

Trugreen, Brian Bohn and Casey Cooper were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $250.00 was assessed to certified applicator Brian Bohn. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0090.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/17/2021 **Intake Referral Filed**

Complainant stated a lawn care application made to a neighboring lawn injured his lawn through drift and direct overspray.

Original Event:	Intake Referral (Pesticide) #2174
Complainant:	Bob Predaina
Respondent:	Trugreen LP-MRL
Submitted By:	Joseph D. Becovitz
Assigned To:	Melissa D. Rosch
Attachments:	File 77898; 2021-07-17--letter-to-trugreen-merrillville-overspray-notice.pdf File 77897; 2021-08-17--predaina-vs-trugreen--herbicide-drift--event-timeline.pdf File 77896; predaina-vs-trugreen--complainant_form--completed.pdf

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08/18/2021 **Case Created**

Original Event:	Case PS21-0317
Submitted By:	Joseph D. Becovitz
Assigned To:	Melissa D. Rosch

08/19/2021 **Investigator Called Complainant**

Communication

Spoke to complainant and he believed Tru Green has caused damaged to his property. The complainant stated he can mail a dvd with photographs and video of the damage. I advised I would speak to Tru Green and be in contact with him.

Original Event:	Investigation Activity (Pesticide) #3715
Subject:	Bob Predaina
Submitted By:	Melissa D. Rosch

08/24/2021 **Investigator Met with Complainant**

Communication

I went to the complainant's residence and took vegetation samples for the OISC residue lab and Purdue Plant and Pest Diagnostic Lab. Mr. Predaina stated he believed TruGreen drifted onto his property. Mr. Predaina gave me a copy of the timeline he has kept regarding his clover crop and a dvd.

Photographs

I photographed the complainant's damaged clover vegetation.

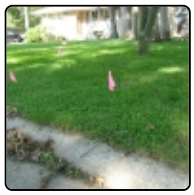
Attachments


File 78482


File 78483


File 78484


File 78485


File 78486


File 78487


File 78488


File 78489


File 78490


File 78491


File 78492


File 78493


File 78494


File 78495


File 78496


File 78497


File 78498


File 78499


File 78500


File 78501


File 78502


File 78503


File 78504


File 78505


File 78506


File 78507


File 78508


File 78509


File 78510


File 78511


File 78512


File 78513


File 78514


File 78515


File 78516


File 78517

Activity

I attached the documents.

Attachments

File 90466; Complainant Timeline.pdf

Original Event:	Investigation Activity (Pesticide) #3733
Subject:	Bob Predaina
Submitted By:	Melissa D. Rosch

08/24/2021 **Residue Samples Collected**

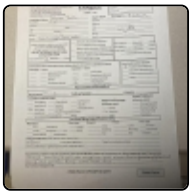
Original Event:	Residue Collection #187564 (21-4-0901 0)
Client:	Bob Predaina
Submitted By:	Melissa D. Rosch
Sample:	21-4-0901 0 | Veg; Grab; OFF-T, Grad1
Sample:	21-4-0902 3 | Veg; Grab; OFF-T, Grad2
Sample:	21-4-0903 4 | Veg; Ctrl; OFF-T

08/24/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #514
Client: Bob Predaina
Firm Representative: Robert Predaina
Submitted By: Melissa D. Rosch
Attachments: File 78526; Noi.pdf

08/24/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #205224 (X22-7DA35F)
Client: Bob Predaina
Submitted By: Melissa D. Rosch
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X22-7DA35F | Clover vegetation sample.
Photos:



File 90619

08/24/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #530
Submitted By: Melissa D. Rosch
Target Analyte: TruPower 3
Target Analyte: Drive XLR8
PPLS Labels: 000228-00551-20160422.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00551-20160422.pdf

007969-00272-20191101.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00272-20191101.pdf

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08/26/2021 **Investigator Received Fax/Email from Applicator**

Investigation Inquiry

I received the investigation inquiry from TruGreen.

Attachments
File 90559; pii.pdf

Inquiry Overview

Certified Applicator	Brian Bohn
Registered Technician	Casey Cooper
Company	TruGreen

Air Conditions

Time	Direction	Speed
Start	NE	3.2mph

Original Event: Investigation Activity (Pesticide) #4352
Subject: Brian Bohn
Submitted By: Melissa D. Rosch

08/27/2021 **Received External Lab Report**

Original Event: External Lab Report #205225 (X22-7DA35F)
Submitted By: Melissa D. Rosch
Sample: X22-7DA35F
Attachments: File 90620; FinalReport_Melissa Rosch.pdf

11/10/2021 **Received Residue Lab Report**

First Page of Lab Report

OCM Collection #	187564	Investigator	ROSCHM
Collection Date	08/24/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0901 0	Veg; Grab; OFF-T, Grad1	Veg	2,4-D	445 ppb	0.7 ppb
			Dicamba	19.7 ppb	3 ppb
			MCPP	264 ppb	0.7 ppb
21-4-0902 3	Veg; Grab; OFF-T, Grad2	Veg	2,4-D	288 ppb	0.7 ppb
			Dicamba	30.8 ppb	3 ppb
			MCPP	168 ppb	0.7 ppb
21-4-0903 4	Veg; Ctrl; OFF-T	Veg	2,4-D	24.5 ppb	0.7 ppb
			Dicamba	BDL ppb	3 ppb
			MCPP	7.70 ppb	0.7 ppb

Original Event: Residue Lab Report #194498 (187564-R476)
Submitted By: SYSTEM
Lab Report: Lab Report 187564-R476.pdf

03/28/2022 **Online Investigation Activity**

TruPower3

On page 3 of the TruPower3 label it reads, "Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind."

Attachments

File 90558; US EPA, Pesticide Product Label, NUP 06237 HERBICIDE,04_22_2016.pdf

Original Event: Investigation Activity (Pesticide) #4351
Submitted By: Melissa D. Rosch
PPLS Labels: 000228-00551-20160422.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00551-20160422.pdf

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03/28/2022 **Wind Data Researched**

The weather report from the Gary International Airport station shows the wind was blowing from the NE (towards the complainant's property) at 1:45pm and 2:45pm. This weather report supports the wind direction as stated on the investigation inquiry.

Gary/Chicago International Airport

Gary, Indiana (14 miles W of site)

Time	Direction	Speed (mph)
1:45	NE	9
2:45	NE	10

Original Event: Wind Data #110
Submitted By: Melissa D. Rosch
Date of Weather: 08/02/2021

03/30/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Trugreen, Brian Bohn and Casey Cooper were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $250.00 was assessed to certified applicator Brian Bohn. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0090.

Original Event: Judgement #1075
Primary: Trugreen LP-MRL
Secondary: Brian Bohn
Additional: Casey M Cooper
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

04/21/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1071
To: Trugreen LP-MRL
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9378
Enclosed: Notice of Enforcement
Attachments: File 92751; PS21-0317EL CIT ~ Trugreen.docx

04/21/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1072
To:	Brian Bohn
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9385
Enclosed:	Notice of Enforcement
Attachments:	File 92752; PS21-0317EL CP ~ Brian Bohn.docx

04/21/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1073
To:	Casey M Cooper
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9392
Enclosed:	Notice of Enforcement
Attachments:	File 92753; PS21-0317EL CIT ~ Casey M. Cooper.docx

04/29/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1485
Subject:	Trugreen LP-MRL
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9378
Received:	04/29/2022
Attachments:	File 97540; CM 7019 0140 0000 6113 9378 ~ PS21-0317 Trugreen.pdf

04/29/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1486
Subject:	Brian Bohn
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9385
Received:	04/29/2022
Attachments:	File 97541; CM 7019 0140 0000 6113 9385 ~ PS21-0317 Brian Bohn.pdf

04/29/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1487
Subject:	Casey M Cooper
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9392
Received:	04/29/2022
Attachments:	File 97542; CM 7019 0140 0000 6113 9392 ~ PS21-0317 Casey Cooper.pdf

05/10/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1505
Subject:	Brian Bohn
Submitted By:	Joni Herman
Payment Expected:	$250.00
Payment Received:	$250.00
Attachments:	File 97667; PS21-0317 Brian Bohn - Trugreen ~ CP Received.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 09:00 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0323

Department	Pesticide
Originated	08/20/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	**Faye Mcfarland** Culver, IN 46511
Respondent	**Bluebird Ag LLC** Knox, IN 46534
-	**Williamsburg Air SVC Inc** Kingstree, SC 29556
Respondent	**Henry Thomas Phillips** Kingstree, SC 29556

Overviews

10/27/2021 **Investigation Summary**

On 8/19/21, complainant Faye McFarland reported an aerial application made on 8/17/21 to an adjacent corn field drifted onto her, her horse and her hayfield.

I collected residue samples from the complainant and the complainant's property for submission to OISC Residue Lab for analysis.

I obtained a Pesticide Investigation Inquiry (PII) from licensed applicator Henry Phillips.

Wind data from the respondent indicated wind was blowing across the complainant's property at time of the application.

I received analysis results from OISC Residue Lab. According to the lab results, complainant's clothing samples, swab samples and vegetation samples from the complainant's property were all positive for the active ingredients for **Trivapro** (EPA #100-1613; active ingredients; azoxystrobin, benzovindiflupyr, propiconazole).

The label for **Trivapro** reads in part, *"Do not apply this product in a way that will contact workers or other persons, either directly or through drift"* and *"Do not apply this pesticide when the product may drift to non-target areas (i.e., residential areas, bodies of water, known habitat for threatened or endangered species, non target crops)"*

Licensed applicator Henry Phillips was in violation of the **Trivapro** label when he applied it in a manner in which it contacted the complainant through drift and when it drifted onto the non-target area (i.e., complainant's property).

Submitted By: Kevin W. Gibson
Role: Investigator
Drift: Confirmed

11/05/2021 **Disposition Summary**

Bluebird Ag LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

Henry T. Phillips was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/19/2021 **Intake Referral Filed**

Complainant stated an aerial application made on August 17, 2021, to an adjacent corn field drifted onto her, her horse and hay field.

Original Event:	Intake Referral (Pesticide) #2180
Complainant:	Faye Mcfarland
Respondent:	Kankakee Valley Aviation
Submitted By:	Joseph D. Becovitz
Assigned To:	Kevin W. Gibson

08/20/2021 **Investigator Called Complainant Interaction**

I made contact with complainant Faye McFarland by telephone. She told me a crop duster made some spray applications earlier this week. The first application she witnessed was Tuesday (8/17/21) in the evening to a neighboring farm field. The next application was Wednesday (8/18/21) beginning at 9:00am and ending at approximately 12:00pm. The last application was yesterday (Thursday 8/19/21) from 10:00-11:00am. She said she was outside Tuesday 8/17/21 at approximately 7:00pm when the application was made. She told me she could taste it, smell it and feel it. It caused her skin to tingle, her throat and eyes to burn. She explained she had gone to the doctor earlier today (Friday) because her eyes were bothering her. She will provide me with a doctor's note about the examination. The complainant also told me her horse began "acting up" from the spray over her property. It began running around the pasture. We set an appointment for Tuesday 8/24/21 for a follow-up investigation.

Original Event:	Investigation Activity (Pesticide) #3727
Subject:	Faye Mcfarland
Submitted By:	Kevin W. Gibson

08/20/2021 **Case Created**

Original Event:	Case PS21-0323
Submitted By:	Joseph D. Becovitz
Assigned To:	Kevin W. Gibson

08/23/2021 **Investigator Called Applicator Interaction**

I learned from Kankakee Valley Aviation that Bluebird Ag LLC made the pesticide application in question for this case. I made contact with Eric Howard of Bluebird Ag LLC. He confirmed his company did make the pesticide application in question. He further told me he hired a pilot from out-of-state to help with the applications. I told him I would email a Pesticide Investigation Inquiry (PII) to be completed by the pilot and him. He agreed to do so.

Mr. Howard told me the product applied was Trivapro (EPA #100-1613; active ingredients: azoxystrobin, propiconazole, and benzovindiflupyr).

Original Event:	Investigation Activity (Pesticide) #3730
Subject:	Bluebird Ag LLC
Submitted By:	Kevin W. Gibson

08/24/2021 **Residue Samples Collected**

Original Event:	Residue Collection #187556 (21-4-0313 3)
Client:	Faye Mcfarland
Submitted By:	Kevin W. Gibson
Sample:	21-4-0313 3 | Swab (Acetone); Trip Blank
Sample:	21-4-0314 6 | Swab (Acetone); Ctrl; passenger side windshield
Sample:	21-4-0315 1 | Clothing; Grab; OFF-T
Sample:	21-4-0316 7 | Swab (Acetone); Grab; OFF-T
Sample:	21-4-0317 9 | Swab (Acetone); Grab; OFF-T
Sample:	21-4-0318 0 | Veg; Comp; OFF-T
Sample:	21-4-0319 8 | Veg; Comp; OFF-T
Sample:	21-4-0320 0 | Veg; Comp; OFF-T
Sample:	21-4-0321 6 | Veg; Comp; OFF-T
Sample:	21-4-0322 8 | Veg; Ctrl; OFF-T
Sample:	21-4-0323 7 | Veg; Comp; Target
Photos:	


File 78447


File 78448


File 78449


File 78450


File 78451


File 78446


File 78445


File 78453


File 78452

08/24/2021 **Investigator Met with Complainant**

Interaction

I met with complainant McFarland at the location of the incident (her residence). She told me on Tuesday (8/17/21) in the evening (approximately 7:00pm) she was outside her house tending to the hay in her front and side yards when she heard and saw a "crop duster" fly overhead. She said it was spraying the field to the north and east of her property. At some point during the spraying, she could feel, taste and smell the spray in the air. It began to make her eyes burn. She said her horse was in the pasture on the west portion of her property near the fence line at the time of the application. It became very agitated and ran toward the east portion of the pasture. She told me she was very concerned about the contamination of the hay which she feeds to her horse. She did save her shirt as she was instructed to do by the OISC Intake Officer.

She also told me she began having some problems with her eyes by Thursday (8/19/21). On Friday (8/20/21) she went to an eye doctor for an eye exam. I read the doctor's diagnosis: "eye exam revealed central corneal ulcer to left eye". She said she is still experiencing eye sensitivity. At this time it is unknown if her eye problems were cause by the pesticide application.

After checking her property, I did not observe any herbicide/growth regulator exposure symptoms to the vegetation. Therefore, I did not obtain any environmental samples for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL). I did take photographs of the property.

I obtained swab samples and environmental samples for submission to the OISC Residue Lab for analysis.

Attachments

File 78593; Complainant Property area via satellite.png
File 82079; Sampling image.png

Original Event:	Investigation Activity (Pesticide) #3735
Subject:	Faye Mcfarland
Submitted By:	Kevin W. Gibson

08/25/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #531
Submitted By:	Kevin W. Gibson
Target Analyte:	Trivapro
PPLS Labels:	000100-01613-20201013.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01613-20201013.pdf
Attachments:	File 84878; PS21-0323.pdf

09/01/2021 **Investigator Received Fax/Email from Business**

Interaction

I received a Pesticide Investigation Inquiry (PII) from Mr. Phillips via email.

Investigation Inquiry

On 8/17/21, licensed pesticide applicator Henry T. Phillips made a pesticide of Trivapro to a neighboring cornfield to the complainant's property.

Inquiry Overview

Certified Applicator: Henry T. Phillips
Company: Williamsburg Air Service Inc.
Target Field: Cornfield

Tank Mix

Product	EPA	Rate
Trivapro	100-1613	12oz.

Application Date

Date	Start	End
08/17/2021	6:00pm	6:20pm

Air Conditions

Time	Temp	Direction	Speed
Start	77°F	NNW	5mph
End	77°F	NNW	5mph

Attachments



File 82795

File 82796; Bluebird Ag application map.pdf
File 82963; Trivapro.pdf

Original Event: Investigation Activity (Pesticide) #4010
Subject: Williamsburg Air SVC Inc
Submitted By: Kevin W. Gibson
PPLS Labels: 000100-01613-20201013.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01613-20201013.pdf

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10/20/2021 **Received Residue Lab Report**

Investigatory Summary

Analysis results indicated analytes azoxystrobin, benzovindiflupyr, propiconazole were found off target in a drift pattern.

First Page of Lab Report

OCM Collection #	187556	Investigator	GIBSONK
Collection Date	08/24/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0313 3	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.2 ng/swab
			Propiconazole	BDL ng/swab	4 ng/swab
21-4-0314 6	Swab (Acetone); Ctrl; passenger side windshield	Swab (Acetone)	Azoxystrobin	87.2 ng/swab	0.4 ng/swab
			Benzovindiflupyr	6.91 ng/swab	0.2 ng/swab
			Propiconazole	11.9 ng/swab	4 ng/swab
21-4-0315 1	Clothing; Grab; OFF-T	Clothing	Azoxystrobin	598 ng/clothing	56 ng/clothing
			Benzovindiflupyr	BQL ng/clothing	28 ng/clothing
			Propiconazole	BDL ng/clothing	560 ng/clothing
21-4-0316 7	Swab (Acetone); Grab; OFF-T	Swab (Acetone)	Azoxystrobin	1640 ng/swab	0.4 ng/swab
			Benzovindiflupyr	435 ng/swab	0.2 ng/swab
			Propiconazole	1100 ng/swab	4 ng/swab

Original Event: Residue Lab Report #192661 (187556-R460)
Submitted By: SYSTEM
Lab Report: Lab Report 187556-R460.pdf

10/27/2021 **Investigator Called Applicator Interaction**

I made contact with licensed aerial applicator Henry Phillips. Mr. Phillips told me he used a "smoker" at boom height to help determine wind direction. He also used the "Weather Channel" app on his phone to help with wind direction. Based on that information, he determined the wind was blowing from the southeast in a northwesterly direction across the east portion of the complainant's property. He confirmed the pesticide "Trivapro" was used for the application.

Original Event: Investigation Activity (Pesticide) #4032
Subject: Williamsburg Air SVC Inc
Submitted By: Kevin W. Gibson

10/27/2021 **Wind Data Researched**

According to applicator Phillips records, the wind was blowing in a northwesterly direction across the east portion of the complainant's property. Weather stations at South Bend, Warsaw and Fulton County airports wind was blowing south and west by northwest at time of the application. Applicator stated he used a "smoker" at the height of the boom to determine the wind direction prior to his application. Given the slight discrepancies in wind information from the airport weather stations, the applicator's weather data may be more accurate at the time of application. However, if he was accurate when he recorded the wind blowing in a west by northwest direction at time of the application, then he still applied Trivapro when the wind was blowing across a portion of the complainant's property.

South Bend International Airport

South Bend, Indiana (35 miles N of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:00pm	81	WNW	5	7

Warsaw Municipal Airport

Warsaw, Indiana (26 miles ENE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:00pm	77	WNW	3	3

Fulton County Airport

Rochester, Indiana (10 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
6:00pm	79	S	0	0

Attachments

File 82960; Fulton County Airport.pdf
File 82961; South Bend Airport.pdf
File 82962; Warsaw Municipal Airport.pdf

Original Event:	Wind Data #61
Submitted By:	Kevin W. Gibson
Date of Weather:	08/17/2021

11/05/2021 **Judgement; Civil Penalty Assessed**

Citation

Bluebird Ag LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

Civil Penalty

Henry T. Phillips was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm and this was a general use pesticide that caused adverse effect.

Original Event:	Judgement #821
Primary:	Bluebird Ag LLC
Secondary:	Henry Thomas Phillips
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	500

12/09/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #935
To:	Bluebird Ag LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0964
Enclosed:	Notice of Enforcement
Attachments:	File 84907; PS21-0323EL CIT ~ Bluebird Ag LLC.docx

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12/09/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #936
To:	Henry Thomas Phillips
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0957
Enclosed:	Notice of Enforcement
Attachments:	File 84908; PS21-0323EL CP ~ Henry Thomas Phillips.docx

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01/10/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1355
Subject:	Henry Thomas Phillips
Submitted By:	Joni Herman
Payment Expected:	$500.00
Payment Received:	$500.00
Attachments:	File 87178; PS21-0323 ~ Henry T. Phillips ~ CP Received.pdf

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01/19/2022 **Mail Service Returned for Target**

Certified Mail returned to OISC as Unclaimed. Regular mail has not come back.

Original Event:	Compliance Receipt #1341
Subject:	Bluebird Ag LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0964
Returned:	01/19/2022
Attachments:	File 86444; CM 7019 1640 0001 2602 0964 ~ Bluebird Ag ~ UNCLAIMED.pdf

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02/02/2022 **Mail Confirmation Assumed for Target**

Regular mail has not been returned to OISC.

Original Event:	Compliance Receipt #1342
Subject:	Bluebird Ag LLC
Submitted By:	Joni Herman

03/29/2022 **Mail Service Returned for Target**

Certified mail returned to OISC unclaimed. Regular mail has not been returned.

Original Event:	Compliance Receipt #1396
Subject:	Henry Thomas Phillips
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2602 0957
Returned:	03/29/2022
Attachments:	File 92771; CM 7019 1640 0001 2602 0957 ~ Henry T. Phillips - Unclaimed EL Returned 3-29-22.pdf

04/26/2022 **Mail Confirmation Assumed for Target**

Regular mail has not been returned to OISC and CP was received. Case will be closed.

Original Event:	Compliance Receipt #1397
Subject:	Henry Thomas Phillips
Submitted By:	Joni Herman

Chain of Custody

No electronic chain of custody found

This record was generated on **May 9, 2022, 09:00 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER
Protecting Indiana's Agriculture and Environment
Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **July 22, 2022, 01:52 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0341

Department	Pesticide
Originated	09/04/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	**Cheryl Layman** Walton, IN 46994
Respondent	**Douglas William Morrow** Marion, IN 46952
Agency	**Purdue Receivables & Collections** West Lafayette, IN 47907

Overviews

01/11/2022 **Investigation Summary**

On 9/3/21 complainant Cheryl Layman reported a herbicide application made to an adjacent farm field approximately three to four weeks ago (prior to the complaint being filed) that killed the lawn on property the complainant owns in the country.

I met with complainants Cheryl and Morris Layman. I took photographs at the site. I also obtained environmental samples for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL) and the Office of Indiana State Chemist (OISC) Residue Lab for analysis.

I learned the farm field adjacent to the complainant's property was owned and farmed by Doug Morrow. I learned through e-mail from Mr. Morrow he made the most recent pesticide application of Buccaneer Plus (epa #55467-9; active ingredient: glyphosate) to the field in question. I emailed a Pesticide Investigation Inquiry (PII) on 9/14/21 to Mr. Morrow for completion. (Buccaneer Plus is not a Restricted Use Pesticide).

I received analysis information from PPDL which indicated exposure of glyphosate to the grass on the complainant's property.

I attempted to make contact with Mr. Morrow by telephone on several occasions with no success. I emailed a PII on 9/14/21 for completion. I re-emailed a PII on 12/9/21 for completion. As of 1/11/22 I have neither received a completed PII nor received a telephone call from Mr. Morrow.

I received OISC Residue Lab analysis results. Results indicated the presence of Buccaneer Plus (glyphosate) at levels consistent with direct application or drift to complainant's property (target vegetation 2050 ppb; off target vegetation (complainant field) 3340 ppb) from the most recent application as admitted by applicator Doug Morrow.

The label for **Buccaneer Plus**(EPA #55467-9; active ingredient: glyphosate) reads in part, *"AVOID CONTACT OF HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS (EXCEPT AS SPECIFIED FOR INDIVIDUAL ROUNDUP READY CROPS), DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT"*.

Applicator Doug Morrow was in violation of the **Buccaneer Plus** label when he allowed **Buccaneer Plus** to contact the complainant's property during a pesticide application. Mr. Morrow was also in violation for failure to provide a completed Pesticide Investigation Inquiry (PII) on 9/14/21 and 12/9/21 as requested by this investigator.

Submitted By:	Kevin W. Gibson
Role:	Investigator
Drift:	Confirmed

01/26/2022 **Disposition Summary**

Douglas William Morrow was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. Consideration was also given to the fact this was his fifth (5th) violation of similar nature. See case numbers 2018/0657, 2018/0715, PS19-0386 and PS19-0393.

Douglas William Morrow was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for refusing to supply application records. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/03/2021 **Intake Referral Filed**

Complainant stated a herbicide application made to an adjacent farm field approximately three to four weeks ago killed the lawn on a property they own in the country.

Original Event: Intake Referral (Pesticide) #2199
Complainant: Cheryl Layman
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

09/04/2021 **Case Created**

Original Event: Case PS21-0341
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

09/09/2021 **Investigator Called Complainant**

Interaction

I made contact with complainant Cheryl Layman. She told me she and her husband have owned the land in question for approximately 12 years. She said they have had problems with the farmer spraying onto their property at different times through those 12 years. She and her husband have had more than one land survey done to make sure of the ground on which they stand. After the last survey, she said her husband placed utility poles to mark the property line so there would be no question. But still the farmer sprayed onto their property. Ms. Layman believed the land was owned by Doug Morrow but not spoken to him. We set a date of Friday 9/10/21 at 11:00am for a site investigation.

Original Event: Investigation Activity (Pesticide) #3798
Subject: Cheryl Layman
Submitted By: Kevin W. Gibson

09/10/2021 **Investigator Met with Complainant**

Interaction

I met with complainants Cheryl and Morris Layman at the sire of the investigation. They told me that approximately 4-5 weeks ago Mr. Layman noticed parts of their property along the neighboring soybean field had some dead grass. It appeared to him whoever made a pesticide application to the soybean field over sprayed onto the complainant's property and killed their grass. Mr. Layman said they recently had a land survey completed to clarify the property line situation. He even went as far as placing steel posts and utility poles along the property line but it didn't seem to help. He explained they just wanted the farmer/applicator not to spray their property.

I took photographs of the alleged over spray area on the complainant's property and also of the neighboring soybean field. I obtained environmental samples for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL) and the OISC Residue Lab for analysis.

Photographs

I took photographs of the alleged over spray area on the complainant's property and also of the neighboring soybean field.

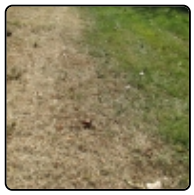
Attachments


File 80184


File 80185


File 80186


File 80187


File 80188


File 80189


File 80190


File 80191


File 80192


File 80193


File 80194


File 80182

File 80183; Sampling image.png

Original Event: Investigation Activity (Pesticide) #3815
Subject: Cheryl Layman
Submitted By: Kevin W. Gibson

09/10/2021 **Residue Samples Collected**

Original Event: Residue Collection #189332 (21-4-0338 7)
Client: Cheryl Layman
Submitted By: Kevin W. Gibson
Sample: 21-4-0338 7 | Veg; Ctrl; OFF-T
Sample: 21-4-0339 4 | Soil; Grab; 2-4"; OFF-T
Sample: 21-4-0340 9 | Veg; Comp; OFF-T
Sample: 21-4-0341 3 | Veg; Comp; Target
Sample: 21-4-0342 1 | Soil; Grab; 2-4"; Target
Photos:


File 80197


File 80196

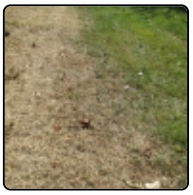

File 80195


File 80199


File 80198

09/10/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #189334 (X21-D7F131)
Client: Cheryl Layman
Submitted By: Kevin W. Gibson
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-D7F131 | I obtained environmental samples for submission to PPDL for analysis.
Photos:


File 80200


File 80201

09/10/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #545
Submitted By: Kevin W. Gibson
Target Analyte: Buccaneer Plus
PPLS Labels: 055467-00009-20200526.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00009-20200526.pdf

Attachments: File 82084; Buccaneer Plus.pdf
File 84877; PS-0341.pdf

09/14/2021 **Received External Lab Report**

Photos show a pattern of injury that suggests herbicide drift, most likely glyphosate drift. However, there was no information regarding what herbicides were applied or application time.

Marcelo Zimmer
Weed Science Program Specialist
Purdue University - Weed Science Lab

The photos show what appears to be a drift pattern killing the grass moving away from the field. The sample was fairly dried and small. No primary pathogens were observed, so the damage is suspected to be associated with a potential herbicide exposure, but more information would be necessary to determine.

John Bonkowski

Original Event: External Lab Report #189478 (X21-D7F131)
Submitted By: Kevin W. Gibson
Sample: X21-D7F131
Attachments: File 80283; FinalReport_Kevin Gibson (10).pdf

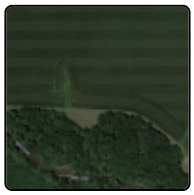
09/14/2021 **Investigator Sent Fax/Email to Applicator**

Interaction

Sent series of emails to possible respondent Doug Morrow with the intent to identify a possible pesticide application made to a neighboring farm field by the complainant's property.

Attachments


File 80483


File 80482

Original Event: Investigation Activity (Pesticide) #3834
Subject: Douglas William Morrow
Submitted By: Kevin W. Gibson

12/08/2021 **Investigator Called Applicator**

Interaction

On 9/14/21, I received an e-mail from applicator Doug Morrow. In the e-mail, Mr. Morrow reported Evan Click made a pesticide application of Liberty and Roundup in early June 2021. I contacted Mr. Click regarding the application described by Mr. Morrow. Mr. Click admitted he made a pesticide application to Mr. Morrow's field in early June. He said he made an application of Liberty and Roundup to the entire field. He further told me Mr. Morrow made a pesticide application to the outer edges of the field after he did.

Attachments



File 84897

Original Event: Investigation Activity (Pesticide) #4199
Subject: Evan Thomas Click
Submitted By: Kevin W. Gibson

12/09/2021 **Investigator Sent Fax/Email to Applicator**

Interaction

Since I did not receive a completed PII from applicator Doug Morrow, I e-mailed another PII to be completed. I also attempted to make contact with applicator Doug Morrow via telephone on several occasions (11/3/21, 11/16/21, 12/8/21) with no answer. I left a message each time with no return telephone call.

Attachments


File 84896

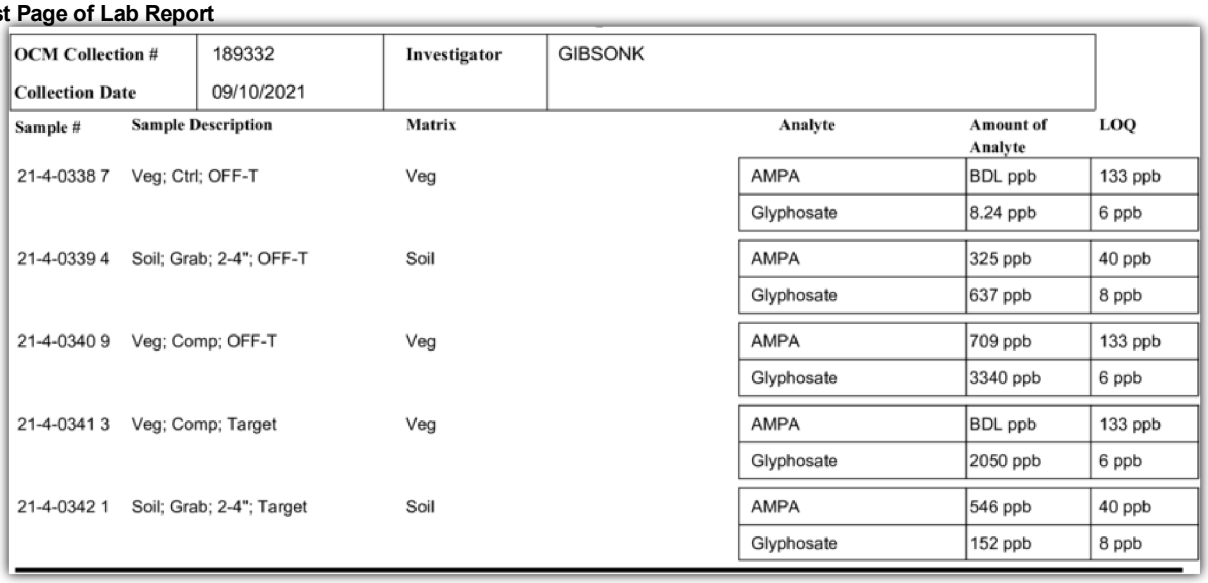
Original Event: Investigation Activity (Pesticide) #4198
Subject: Douglas William Morrow
Submitted By: Kevin W. Gibson

01/11/2022 **Received Residue Lab Report**

Investigatory Summary

Lab analysis indicated all off target samples were positive for Buccaneer Plus active ingredient "glyphosate".

First Page of Lab Report



OCM Collection #	189332	Investigator	GIBSONK
Collection Date	09/10/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0338 7	Veg; Ctrl; OFF-T	Veg	AMPA	BDL ppb	133 ppb
			Glyphosate	8.24 ppb	6 ppb
21-4-0339 4	Soil; Grab; 2-4"; OFF-T	Soil	AMPA	325 ppb	40 ppb
			Glyphosate	637 ppb	8 ppb
21-4-0340 9	Veg; Comp; OFF-T	Veg	AMPA	709 ppb	133 ppb
			Glyphosate	3340 ppb	6 ppb
21-4-0341 3	Veg; Comp; Target	Veg	AMPA	BDL ppb	133 ppb
			Glyphosate	2050 ppb	6 ppb
21-4-0342 1	Soil; Grab; 2-4"; Target	Soil	AMPA	546 ppb	40 ppb
			Glyphosate	152 ppb	8 ppb

Original Event: Residue Lab Report #197709 (189332-R522)
Submitted By: SYSTEM
Lab Report: Lab Report 189332-R522.pdf

01/26/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Douglas William Morrow was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. Consideration was also given to the fact this was his fifth (5th) violation of similar nature. See case numbers 2018/0657, 2018/0715, PS19-0386 and PS19-0393.

Civil Penalty

Douglas William Morrow was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for refusing to supply application records. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Original Event: Judgement #884
Primary: Douglas William Morrow
Submitted By: George Saxton
Legal Citations: IC 15-16-5-65(2); IC 15-16-5-65(7)
Penalty Amount: 1500

03/09/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1003
To: Douglas William Morrow
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0224
Enclosed: Notice of Enforcement
Attachments: File 89206; PS21-0341EL CP ~ Douglas W. Morrow.docx

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03/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1431
Subject: Douglas William Morrow
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0224
Received: 03/23/2022
Attachments: File 92864; CM 7019 1640 0001 2427 0224.pdf

07/13/2022 **Penalty Payment Not Received for Target**

As of July 13, 2022, Douglas W. Morrow has not paid the $1,500.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1530
Subject: Douglas William Morrow
Submitted By: Joni D. Herman
Payment Expected: $1,500.00
Payment Received: $0

07/13/2022 **Sent to Collections**

As of July 13, 2022, Douglas W. Morrow had not paid the $250.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1298
Primary: Douglas William Morrow
Agency: Purdue Receivables & Collections
Submitted By: Joni D. Herman

07/13/2022 **Collections Referral Mailed to Collections Agency**

A copy of the case summary, enforcement letter, and certified mail documentation was sent via email to the Business Office.

Original Event:	Outgoing Mail #1137
To:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman
Enclosed:	Collections Referral
Attachments:	File 101628; Email to Sherry Honn_RE_Collection ~ OISC Case #PS21-0341 _ Douglas William Morrow - Civil Penalty Non-Payment.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **July 22, 2022, 01:52 PM EDT**. Information displayed may contain errors or omissions.
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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West Lafayette, IN 47907-2063
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 09:02 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0347

Department	Pesticide
Originated	09/06/2021
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**Expert Home Inspections LLC** West Lafayette, IN 47906
Respondent	**Adam L Moeschberger** West Lafayette, IN 47906

Overviews

09/28/2021 **Investigation Summary**

Adam "Chuck" Moeschberger failed to renew his 2021 WDI category 12 license. I called the office number and a lady answered the phone and stated that they are still doing WDI inspections. The company's Facebook page had an advertisement indicating that they still do Pest Inspections. I visited the business property location and talked with Adam Moeschberger on 9/21/21 regarding his lack of being licensed. He was aware and thought that he didn't do that many WDI inspections this year. He apologized and stated that he has been extremely busy with family matters. I asked him to send me all of his records of WDI inspections preformed in 2021 and that he can't advertise that he can do them and that whoever answers his phone can't say they perform WDI inspections until licensed properly.

On 9-27-21 Adam Moeschberger sent me an email with a passing test results attached for a Category 12 WDI test.

On 9-28-21 Adam Moeschberger sent me an email with all the WDI inspections he performed in 2021 while not being licensed. There were a total of 114 WDI inspections performed in 2021 on 80 different days.

Submitted By: William R. Reid
Role: Investigator

11/09/2021 **Disposition Summary**

Expert Home Inspections was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business.

Adam Moeshberger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business. A civil penalty in the amount of $1,000.00 was assessed for this violation.

The $1,000.00 civil penalty was held in abeyance and not assessed provided Adam Moeshberger commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/06/2021 **Intake Referral Filed**

Failed to renew their 2021 pesticide business license

Original Event:	Intake Referral (Pesticide) #2205
Complainant:	Office of Indiana State Chemist
Respondent:	Expert Home Inspections LLC
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid
Attachments:	File 79765; Expert Home Inspections (1).pdf File 79766; Expert Home Inspections.pdf

09/06/2021 **Case Created**

Original Event:	Case PS21-0347
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid

09/07/2021 **Investigator Called Business**

Communication

I called the office phone number at (765) 807-6001. A lady answered the phone under Expert Home Inspections and I asked for Adam. She said he was out with a family emergency or family matters. I asked if they still did VA pest inspections and were able to do them and she said yes. I told her that I would call back later.

Original Event:	Investigation Activity (Pesticide) #3859
Subject:	Expert Home Inspections LLC
Submitted By:	William R. Reid

09/21/2021 **Investigator Met with Business**

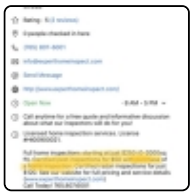
Communication

I stopped by the property located at 4711 Taft Road, West Lafayette, IN and talked with Adam Moeshberger in regards to his lack of license in 2021 for WDI inspections. He admitted to not being licensed and stated that he thinks he only did one in January of this year. I told him that he needed to be licensed and that he can't do any without being licensed. He doesn't plan on doing them anymore or home inspections anymore. I asked him to send me an email stating this and send me records from 2021 in regards to the WDI that he may or may not of performed. I told him about the phone call I had earlier with his secretary. He said her name was Connie and that he will let her know that they are not doing WDI services anymore. I also found a Facebook advertisement with Pest Inspections.

Screenshots

Facebook advertisement advertising Pest inspections on Expert home inspections Facebook site.

Attachments



File 80849

Original Event:	Investigation Activity (Pesticide) #3861
Subject:	Expert Home Inspections LLC
Submitted By:	William R. Reid

09/21/2021 **Notice of Inspection Issued**

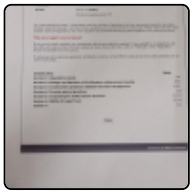
Original Event:	Notice of Inspection #557
Client:	Expert Home Inspections LLC
Firm Representative:	Adam Moeshberger
Submitted By:	William R. Reid
Attachments:	File 80850; NOI for Expert Home Inspections LLC.pdf

09/27/2021 **Investigator Received Fax/Email from Business**

Records

Chuck Moeschberger sent me an email with his test results from the Cat. 12 WDI test and copy of his results.

Attachments



File 81705



File 81704

Original Event:	Investigation Activity (Pesticide) #3898
Subject:	Expert Home Inspections LLC
Submitted By:	William R. Reid

09/28/2021 **Investigator Received Fax/Email from Business Records**

Chuck Adam Moeschberger sent me an email with all the termite inspections he did in 2021. He has done a total of 114 WDI inspections. The 114 total inspections were done on 80 different days total.

Attachments



File 81708

File 81706; Chuck Expert home inspections Termite inspections 2021.xlsx

Original Event:	Investigation Activity (Pesticide) #3901
Subject:	Expert Home Inspections LLC
Submitted By:	William R. Reid

11/09/2021 **Judgement; Civil Penalty Assessed**

Citation

Expert Home Inspections was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business.

Civil Penalty

Adam Moeshberger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Original Event:	Judgement #824
Primary:	Expert Home Inspections LLC
Secondary:	Adam L Moeschberger
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1000

12/14/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #938
To:	Expert Home Inspections LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 9913
Enclosed:	Notice of Enforcement
Attachments:	File 84910; PS21-0347EL CP ~ Expert Home Inspections LLC - Adam L. Moeschberger.docx

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01/04/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1311
Subject:	Expert Home Inspections LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 9913
Received:	01/04/2022
Attachments:	File 86183; CM 7019 1640 0001 2601 9913 ~ Expert Home Inspections.pdf

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01/24/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1354
Subject:	Expert Home Inspections LLC
Submitted By:	Joni Herman
Payment Expected:	$1,000.00
Payment Received:	$1,000.00
Attachments:	File 86876; PS21-0347 ~ Expert Home Inspections ~ CP Received.pdf

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02/07/2022 **Informal Review Occurred**

Chuck Moeschberger sent an email pleading hardship which is why he failed to renew his license. He requested that we re-evaluate his case.

Original Event:	Compliance Activity #1157
Primary:	Adam L Moeschberger
Submitted By:	George Saxton
Stage:	Informal Review
Attachments:	File 86646; Case PS21-0347 Adam Moeschberger - Expert Home Inspections.pdf

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02/08/2022 **Amended Judgement; Civil Penalty Assessed**

Citation

Expert Home Inspections was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business license.

Civil Penalty

Adam Moeshberger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly making diagnostic inspections for wood destroying pests for hire without having an Indiana pesticide business license. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Abeyance

The $1,000.00 civil penalty was held in abeyance and not assessed provided Adam Moeshberger commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

Original Event:	Judgement #899
Primary:	Expert Home Inspections LLC
Secondary:	Adam L Moeschberger
Submitted By:	George Saxton
Level:	Informal Review
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1000

02/08/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event:	Outgoing Mail #960
To:	Adam L Moeschberger
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8602
Enclosed:	Notice of Amended Enforcement
Attachments:	File 86878; PS21-0347EL CP Abeyance ~ Adam L. Moeschberger - Expert Home Inspections LLC.docx

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02/08/2022 **Compliance Activity**

Civil penalty payment returned after informal review occurred and the decision was made to hold the penalty in abeyance.

Original Event:	Compliance Activity #1160
Primary:	Expert Home Inspections LLC
Submitted By:	Joni Herman
Attachments:	File 86880; PS21-0347 ~ CP Returned to Expert Home Inspections ~ CP Abeyance Now.pdf

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02/15/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1374
Subject:	Adam L Moeschberger
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8602
Received:	02/15/2022
Attachments:	File 88545; CM 7019 1640 0001 2601 8602 ~ PS21-0347.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 9, 2022, 09:03 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0357

Department	Pesticide
Originated	09/14/2021
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	**Michael John Moran** Anderson, IN 46012
Respondent	**Unknown**
Respondent	**G & T SVCS Inc** New Haven, IN 46774
Respondent	**Bryan A Comito** New Haven, IN 46774

Overviews

01/04/2022 **Investigation Summary**

Mike Moran contacted the OISC to report soybeans in one of his fields were affected by herbicide runoff from an application made to an adjacent energy substation.

On September 15, 2021, I met Mr. Moran at the site and observed a swath of dead and cupped soybeans in the field. The swath began in a low area near a treeline which bordered the substation and spanned out into the field to the east. I photographed the site and collected soybeans for assessment by the PPDL and collected soil and soybeans for analysis by the OISC Residue Lab.

I contacted G&T Services, the company responsible for the application, and learned Esplanade 200 SC, Milestone and Roundup Pro was applied to the substation in early June.

The PPDL report indicated the soybeans exhibited symptoms consistent with exposure to Milestone herbicide.

The OISC Residue Lab detected the active ingredients in Esplanade and Roundup Pro in the off-target field soil. The active ingredient in Milestone was not detected but the detection of tank mix partners in the field soil supports a runoff event occurred.

The Esplanade 200 SC label reads, in part, "Do not apply or otherwise permit this product or sprays containing this product to come into contact with any non-target crop or desirable plants growing outside the treatment site."

Submitted By: Andrew R. Roth
Role: Investigator

01/05/2022 **Disposition Summary**

G & T SVCS Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

Bryan A Comito was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/13/2021 **Intake Referral Filed**

Complainant stated runoff from a right-of-way application made to an American Electric Power substation had injured and killed his soybeans.

Original Event:	Intake Referral (Pesticide) #2215
Complainant:	Michael John Moran
Respondent:	Unknown
Submitted By:	Joseph D. Becovitz
Assigned To:	Andrew R. Roth

09/14/2021 **Case Created**

Original Event:	Case PS21-0357
Submitted By:	Joseph D. Becovitz
Assigned To:	Andrew R. Roth

09/15/2021 **Investigator Met with Complainant**

Interaction

On September 14, I spoke with Mike Moran who reported Enlist soybeans in one of his fields were again affected by herbicide runoff from an energy substation. He indicated runoff has been an issue at the site in the past but AEP Energy, which operates the substation, has not addressed the issue. On September 15, I met Mr. Moran at the field in eastern Madison County. He stated he spoke to someone with the application company earlier in the summer and, although he did not remember the name of the company, he provided me with the phone number; G & T Services, a licensed pesticide business, made the application. A fence line with mature trees and brush separated the gravel substation from the field to the east. Vegetation in the fence line was not dead but tree leaves were cupped. A swath of dead soybean plants spanned to the east from the tree line near the substation. Soybeans had emerged and died in the swath; plants along the edges of the swath were stunted and exhibited cupped leaves. The field was reportedly sprayed with Enlist and Liberty herbicides this summer. I photographed the site and collected soybean plants for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I collected a soil sample from the edge of the fenced substation (target area) and a soil sample from the dead swath in the field; soybean plants were also collected from the affected area and from an unimpacted area in the field. Those samples were submitted to the OISC Residue Lab for analysis.

Photographs

Photos of the site.

Attachments


File 84840


File 80452


File 80453


File 80454


File 80455


File 80456


File 80457


File 80458


File 80459


File 80460


File 80461


File 80462

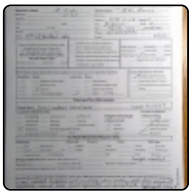
Original Event:	Investigation Activity (Pesticide) #3827
Subject:	Michael John Moran
Submitted By:	Andrew R. Roth

09/15/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #547
Client:	Michael John Moran
Firm Representative:	Mike Moran
Submitted By:	Andrew R. Roth
Photos:	 File 80463

09/15/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #189802 (X21-28F61A)
Client: Michael John Moran
Submitted By: Andrew R. Roth
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-28F61A | I collected Enlist soybeans for PPDL.
Photos:



File 80467

09/15/2021 **Residue Samples Collected**

Original Event: Residue Collection #189804 (21-4-1029 6)
Client: Michael John Moran
Submitted By: Andrew R. Roth
Sample: 21-4-1029 6 | Soil; Comp; 0-2"; OFF-T
Sample: 21-4-1030 6 | Soil; Comp; 0-2"; Target
Sample: 21-4-1031 0 | Veg; Ctrl; OFF-T
Sample: 21-4-1032 3 | Veg; Comp; OFF-T

09/16/2021 **New Respondent Identified**
Respondent Identified

It was determined G & T Services was responsible for the application at the site. Mike Voelker forwarded application information which indicated certified applicator Bryan Comito made the application at the site on June 7, 2021.

Original Event: Investigation Change #110
Respondent: G & T SVCS Inc
Submitted By: Andrew R. Roth

09/16/2021 **Investigator Received Fax/Email from Business**
Communication

Mr. Voelker provided application information which indicated the substation was sprayed with a tank mix containing the following:
Esplanade 200 SC (EPA Reg#432-1516), active ingredient indaziflam
Milestone (EPA Reg#62719-519), active ingredient aminopyralid
Roundup Pro (EPA Reg#524-529), active ingredient glyphosate
Sunset MSO

Original Event: Investigation Activity (Pesticide) #4103
Subject: G & T SVCS Inc
Submitted By: Andrew R. Roth

09/16/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #548
Submitted By: Andrew R. Roth
Target Analyte: Milestone
Target Analyte: Esplanade
Target Analyte: Roundup Pro
PPLS Labels: 000432-01516-20200615.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20200615.pdf

000524-00529-20131107.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00529-20131107.pdf

062719-00519-20210204.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf

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09/17/2021 **Received External Lab Report**

Soybean plants are stunted and have cupped and/or strapped leaves. These symptoms are characteristic of exposure to synthetic auxin herbicides such as dicamba, clopyralid, aminopyralid, aminocyclopyrachlor, and triclopyr. Glyphosate has no soil residual activity. Indaziflam is a preemergence herbicide and would have limited activity on emerged soybean plants. Marcelo Zimmer

Leaf deformation, including leaf cupping, leaf stunting, and leaf strapping were observed in the photos which is suggestive of a growth regulator exposure. It looks like the damage followed water moving from the treeline, which could be coming from the station if on the opposite side. There are some affected plants with what looks like leaf injury (purple-red spotting) that does not look fungal. Many plants also show bean leaf beetle feeding (holes on leaves and chewed areas on pods). One or two plants with these symptoms appear to also have some odd rugosity, which could be associated with herbicide injury, but looks different from the other symptoms observed already and could be associated with a beetle transmitted virus. Appears to be low incidence, but it is possible it is present and masked by the majority of herbicide related damage. John Bonkowski

Original Event: External Lab Report #189943 (X21-28F61A)
Submitted By: Andrew R. Roth
Sample: X21-28F61A
Attachments: File 80517; 21-0357PPDL.pdf

12/13/2021 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Lab analyzed the samples for the active ingredients reportedly applied to the substation site. Glyphosate, its breakdown product AMPA, and indaziflam were detected in both soil samples. Glyphosate was detected in the soybean samples. While aminopyralid (Milestone) likely caused the visual cupping on the soybean plants, it was not detected. However, the detection of tank mix active ingredients in off-target soil and soybeans supports a runoff event.

First Page of Lab Report

OCM Collection #	189804	Investigator	ROTHA
Collection Date	09/15/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1029 6	Soil; Comp; 0-2"; OFF-T	Soil	Aminopyralid	BDL ppb	33 ppb
			AMPA	82.7 ppb	40 ppb
			Glyphosate	7.86 ppb	4 ppb
			Indaziflam	4.77 ppb	0.3 ppb
21-4-1030 6	Soil; Comp; 0-2"; Target	Soil	Aminopyralid	BDL ppb	33 ppb
			AMPA	447 ppb	40 ppb
			Glyphosate	118 ppb	4 ppb
			Indaziflam	53.0 ppb	0.3 ppb

Original Event: Residue Lab Report #196584 (189804-R507)
Submitted By: SYSTEM
Lab Report: Lab Report 189804-R507.pdf

01/05/2022 **Judgement; Civil Penalty Assessed**

Citation

Bryan A Comito was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

Civil Penalty

G & T SVCS Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing a pesticide to come into contact with non-target crop or desirable plants growing outside the treatment site. A civil penalty in the amount of $500.00 was assessed for this violation. Consideration was given to the fact this was Mr. Comito's second violation of similar nature. See case number 2018/0875.

Original Event: Judgement #868
Primary: G & T SVCS Inc
Secondary: Bryan A Comito
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 500

03/08/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #998
To: G & T SVCS Inc
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0156
Enclosed: Notice of Enforcement
Attachments: File 89201; PS21-0357EL CP ~ G&T Services - Bryan A. Comito.docx

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03/17/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1407
Subject: G & T SVCS Inc
Submitted By: Joni Herman
USPS: 7019 1640 0001 2427 0156
Received: 03/17/2022
Attachments: File 92799; CM 7019 1640 0001 2427 0156.pdf

03/24/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1447
Subject: G & T SVCS Inc
Submitted By: Joni Herman
Payment Expected: $500.00
Payment Received: $500.00

Attachments: File 92922; PS21-0357 G&T Services-Bryan A. Comito ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **May 9, 2022, 09:03 AM EDT**. Information displayed may contain errors or omissions.
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **July 22, 2022, 01:55 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS22-0012

Department	Pesticide
Originated	10/26/2021
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**A Affordable Pest Control Inc** Crete, IL 60417
Respondent	**Timothy D Blackman** Crete, IL 60417

Overviews

01/14/2022 **Investigation Summary**

A Affordable Pest Control's only certified applicator, Timothy Blackman certification expired in 2020.

I confirmed with Mr. Timothy Blackman that he is not licensed properly for 2021 and he needs to retake his core and 7A exams. I also confirmed with Mr. Blackman that he did make some applications in Indiana in 2021 and that he would send me the invoices/records.

Tim Blackman sent me records of treatments in Indiana for 2021. The treatment dates in 2021 were on 1/20, 3/21, 4/8, 4/15, 5/3, 6/15, 6/18, 6/19, and 9/3/21. It looks like he sent me a duplicate record for Justin Vankalker and it should be one for Ryan Myers. I have also emailed Mr. Tim Blackman back asking for clarification on what he did and what chemical he used.

On January 6, 2022 he sent me an email with clarification that he used Talstar (EPA reg 279-3206) on the above dates mentioned.

On January 13, 2022 Mr. Tim Blackman sent me an email that showed his passing test scores for the 7a test that he took on January 13, 2022. Mr. Blackman previously passed his core on 9/1/2021.

Mr. Timothy Blackman made 9 applications in 2021 while not being licensed in Indiana. Eight of the applications made were before 7/1/2021 and then one after 7/21/2021.

Submitted By: William R. Reid
Role: Investigator

01/18/2022 **Disposition Summary**

A Affordable Pest Control Inc was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Timothy D Blackman was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $200.00. Consideration was given to the fact Timothy D Blackman cooperated during the investigation; corrective action was taken and this was his first violation of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/01/2021 **Intake Referral Filed**

A Affordable Pest Control's only certified applicator, Timothy Blackman, certification expired.

Original Event:	Intake Referral (Pesticide) #2250
Complainant:	Office of Indiana State Chemist
Respondent:	A Affordable Pest Control Inc
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid
Attachments:	File 82844; A Affordable PC letter.pdf File 82845; A Affordable PC record.pdf

10/26/2021 **Case Created**

Original Event:	Case PS22-0012
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid

11/11/2021 **Investigator Called Applicator**

Communication

I called Mr. Blackman and discussed where he was at with his renewal process....He stated that he took his exam at Valparaiso he thinks in August and passed. He thought that the results would be sent to us. I told him to send me his results and and applications he has done in Indiana in 2021. I sent him an email to request this also....tblackman29@yahoo.com is the email he wanted us to use to reach him. He was driving when I talked with him and he said he will work on this later.

Original Event:	Investigation Activity (Pesticide) #4106
Subject:	A Affordable Pest Control Inc
Submitted By:	William R. Reid

12/07/2021 **Investigator Received Fax/Email from Business**

Records

Tim Blackman sent me records of treatments in Indiana for 2021. The treatment dates in 2021 were on 1/20, 3/21, 4/8, 4/15, 5/3, 6/15, 6/18, 6/19, and 9/3/21. It looks like he sent me a duplicate record for Justin Vankalker and it should be one for Ryan Myers. I have also emailed Mr. Tim Blackman back asking for clarification on what he did and what chemical he used. On January 6, 2022 he sent me an email with clarification that he used Talstar (EPA reg 279-3206) on the above dates mentioned. On January 13, 2022 Mr. Tim Blackman sent me an email that showed his passing test scores for the 7a test that he took on January 13, 2022. Mr. Blackman previously passed his core on 9/1/2021.

Attachments

File 85561; 7a Pest Exam TIM BLACKMAN.pdf
File 85544; Al Carthon - Invoice.pdf
File 85560; Email from Tim Blackman.docx
File 85542; Jacklin Radtke - Invoice.pdf
File 85543; James Janacki - Invoice.pdf
File 85545; Justin Vankalker - Invoice.pdf
File 85551; Justin Vankalker - Invoice.pdf
File 85546; Linn Wentz - Invoice.pdf
File 85550; Madie Long - Invoice.pdf
File 85548; Megan Zepeda - Invoice.pdf
File 85549; Melissa Borgetti - Invoice.pdf
File 85547; Sharron Osborn - Invoice.pdf

Original Event:	Investigation Activity (Pesticide) #4244
Subject:	A Affordable Pest Control Inc
Submitted By:	William R. Reid

01/18/2022 **Judgement; Civil Penalty Assessed**

Citation

A Affordable Pest Control Inc was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Civil Penalty

Timothy D Blackman was cited for nine (9) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $200.00. Consideration was given to the fact Timothy D Blackman cooperated during the investigation; corrective action was taken and this was his first violation of similar nature.

Original Event:	Judgement #880
Primary:	A Affordable Pest Control Inc
Secondary:	Timothy D Blackman
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	200

03/15/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1037
To:	Timothy D Blackman
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8890
Enclosed:	Notice of Enforcement
Attachments:	File 89518; PS22-0012EL CP ~ A Affordable PC - Timothy D. Blackman.docx

03/21/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1416
Subject:	Timothy D Blackman
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8890
Received:	03/21/2022
Attachments:	File 92808; CM 7019 0140 0000 6113 8890.pdf

04/15/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1498
Subject:	Timothy D Blackman
Submitted By:	Joni Herman
Payment Expected:	$200.00
Payment Received:	$200.00
Attachments:	File 97660; PS22-0012 Timothy D. Blackman - A Affordable PC ~ CP Received.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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Mark R. LeBlanc, Ph.D.
State Chemist &
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In Re: Case PS22-0014

Department	Pesticide
Originated	10/26/2021
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**Classic Cuts Lawn & Propery LLC** Churubusco, IN 46723
Respondent	**Greg Allen Cripe** Churubusco, IN 46723

Overviews

01/06/2022 **Investigation Summary**

Per the request of the Office of the Indiana State Chemist (OISC) Licensing Section, I was assigned a follow up inspection of Classic Cuts Lawn and Property LLC for the non-renewal of their 2021 applicator license. Greg Cripe was the owner and previously licensed applicator for the company. On November 23, 2021, I contacted Mr. Cripe. He said he hadn't had time to reexamine. Mr Cripe stated he was sub-contracting his pesticide applications to a licensed company.

A few days later, I contacted Mr. Cripe again regarding some more questions. He called back on November 30, 2021. He stated he was not subcontracting pesticide applications like he had said in our previous phone conversation. He admitted he had made for-hire pesticide applications in the summer of 2021 without being licensed. I asked approximately how many pesticide applications he had completed. He estimated 30. I asked him to email me a statement.

On December 10, 2021, I received the following email in part from Mr. Cripe "*I've went through my list and it looks like I had about 36 treatments this year. Had a few treatments I didn't do just because it was to rainy this year and costumers preferred to not have it done.My plan is to get through the holidays and retake test in January here at Ivy Tech in Fort Wayne.*"

Submitted By: Elizabeth C. Carter
Role: Investigator

01/12/2022 **Disposition Summary**

Classic Cuts Lawn & Property LLC was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Greg Cripe was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/01/2021 **Intake Referral Filed**

Classic Cuts only certified applicator, Greg Cripe's, certification expired at the end of 2020.

Original Event: Intake Referral (Pesticide) #2252
Complainant: Office of Indiana State Chemist
Respondent: Classic Cuts Lawn & Propery LLC
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter
Attachments: File 82848; Classic Cuts Lawn letter.pdf

10/26/2021 **Case Created**

Original Event:	Case PS22-0014
Submitted By:	Joseph D. Becovitz
Assigned To:	Elizabeth C. Carter

11/23/2021 **Investigator Called Applicator**
Interaction

I went to the address listed above for Classic Cuts Lawn and Property LLC. No one was home.

I then called the owner, Mr Greg Cripe, and left a voice message. He returned my call. He stated he hadn't had time to reexamine. I asked what he was doing about pesticide applications. Mr Cripe stated he was sub-contracting his applications to a licensed company.

Original Event:	Investigation Activity (Pesticide) #4220
Subject:	Classic Cuts Lawn & Propery LLC
Submitted By:	Elizabeth C. Carter

11/30/2021 **Applicator Called Investigator**
Communication

I contacted Mr. Cripe again because I had a few more questions. On November 30, 2021, he finally called me back. He admitted that he had made approximately 30 for-hire pesticide applications to turf this year. (He stated he had some residential accounts and commercial accounts including some local gas stations.) He went on to say that he was not subcontracting out pesticide applications like he stated previously. I asked him to email me a statement.

Original Event:	Investigation Activity (Pesticide) #4221
Subject:	Classic Cuts Lawn & Propery LLC
Submitted By:	Elizabeth C. Carter

12/10/2021 **Investigator Received Fax/Email from Applicator**
Communication

I received the following email from Mr. Cripe

Attachments



File 85199

Original Event:	Investigation Activity (Pesticide) #4222
Subject:	Classic Cuts Lawn & Propery LLC
Submitted By:	Elizabeth C. Carter

01/12/2022 **Judgement; Civil Penalty Assessed**
Citation

Classic Cuts Lawn & Property LLC was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Civil Penalty

Greg Cripe was cited for knowingly violating section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Original Event:	Judgement #876
Primary:	Classic Cuts Lawn & Propery LLC
Secondary:	Greg Allen Cripe
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1000

03/14/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1027
To:	Greg Allen Cripe
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8999
Enclosed:	Notice of Enforcement
Attachments:	File 89493; PS22-0014EL CP ~ Greg A. Cripe - Classic Cuts Lawn & Property LLC.docx

03/29/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1466
Subject:	Greg Allen Cripe
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8999
Received:	03/29/2022
Attachments:	File 95230; CM 7019 0140 0000 6113 8999 ~ PS22-0014.pdf

04/20/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1500
Subject:	Greg Allen Cripe
Submitted By:	Joni Herman
Payment Expected:	$1,000.00
Payment Received:	$1,000.00
Attachments:	File 97662; PS22-0014 Greg A. Cripe - Classic Cuts Lawn & Property ~ CP Received.pdf

Chain of Custody

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In Re: Case PS22-0023

Department	Pesticide
Originated	11/11/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent Issued To	**R.P. Home & Harvest** Michigan City, IN 46360
Registrant	**Wellmark International** Schaumburg, IL 60173

Overviews

11/23/2021 **Product Registration Summary**

Label review is acceptable.

Submitted By: Sarah K. Caffery
Role: Product Registration Specialist

03/17/2022 **Investigation Summary**

On November 10, 2021 I located Golden Malrin, EPA Reg#2724-274, an Indiana Restricted Use Pesticide, being sold at R.P. Home and Harvest in Michigan City, Indiana. R.P. Home and Harvest did not have a Restricted Use Pesticide Dealer license. I spoke with Store Manager, Dalis Werner, and she was able to provide documentation stating that the store last received this product on 6-15-2021 and that two units have been sold since the store opened in April.

A formulation sample was collected and a Stop Sale Order was issued to R.P. Home and Harvest to stop selling Golden Malrin, EPA#2724-274, until licensed by OISC.

On November 12, 2021 I delivered the evidentiary sample to the OISC Formulation Lab.

On March 16, 2022 I was notified by the OISC Formulation Lab that the Golden Malrin sample passed lab analysis.

Submitted By: Garret A. Creason
Role: Investigator

03/21/2022 **Disposition Summary**

R.P. Home & Harvest was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for distributing a restricted use pesticide without a dealer registration. A civil penalty in the amount of $500.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/10/2021 **Intake Referral Filed**

R.P. Home and Harvest selling Golden Malrin, an Indiana Restricted Use Pesticide, without a Restricted Use Pesticide Dealer license.

Original Event: Intake Referral (Pesticide) #2293
Complainant: Office of Indiana State Chemist
Respondent: R.P. Home & Harvest
Entered By: Garret A. Creason
Submitted By: Joseph D. Becovitz

11/10/2021 **Investigator Met with Distributor**

Records

On November 10, 2021 I located Golden Malrin, EPA Reg#2724-274, an Indiana Restricted Use Pesticide, being sold at R.P. Home and Harvest. R.P. Home and Harvest did not have a Restricted Use Pesticide Dealer license. I spoke with Store Manager, Dalis Werner, and she was able to provide documentation stating that the store last received this product on 6-15-2021 and that two units have been sold since the store opened in April.

Attachments

File 83415; Distribution.pdf

File 83414; Inbound Records.pdf

Original Event:	Investigation Activity (Pesticide) #4105
Subject:	R.P. Home & Harvest
Submitted By:	Garret A. Creason

11/10/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #611
Client:	R.P. Home & Harvest
Firm Representative:	Dalis Werner
Submitted By:	Garret A. Creason
Attachments:	File 83413; scan0017.pdf

11/10/2021 **Marketplace Inspection Conducted**

Original Event:	Pesticide Inspection (Product) #237
Client:	R.P. Home & Harvest
Firm Representative:	Dalis Werner
Submitted By:	Garret A. Creason

11/10/2021 INCIDENTAL **Investigator Met with Distributor**

Records

On November 10,2021 i located GardenTech Over n' Out Advanced Fire Ant Killer being offered for sale at R.P. Home and Harvest. I contacted OISC Pesticide Registration and was able to confirm that this product was not currently registered and did not have a pending application in the State of Indiana. I spoke with store manager Dalis Werner and she was able to provide me with records indicating the last date of receipt being 7-21-2021.

Attachments

File 83416; Inventory record.pdf

Original Event:	Investigation Activity (Pesticide) #4108
Linked From:	Notice of Inspection #611
Subject:	R.P. Home & Harvest
Submitted By:	Garret A. Creason

11/10/2021 INCIDENTAL **Marketplace Inspection Conducted**

Marketplace

A Stop Sale Order was issued to R.P. Home and Harvest to stop the sale of GardenTech Over n' Out Fire Ant Killer, EPA Reg#279-3344-71004.

Original Event:	Pesticide Inspection (Product) #238
Linked From:	Notice of Inspection #611
Client:	R.P. Home & Harvest
Firm Representative:	Dalis Werner
Submitted By:	Garret A. Creason

11/10/2021 **Formulation Samples Collected**

Original Event:	Formulation Collection #194543 (22-3-0006 8)
Registrant:	Wellmark International
Client:	R.P. Home & Harvest
Firm Representative:	Dalis Werner
Submitted By:	Garret A. Creason
Sample:	22-3-0006 8 | Golden Malrin
PPLS Labels:	002724-00274-20161006.pdf https://www3.epa.gov/pesticides/chem_search/ppls/002724-00274-20161006.pdf
Attachments:	File 83427; scan0018.pdf
Photos:	


File 83418


File 83419


File 83420


File 83421


File 83422


File 83423


File 83424


File 83425


File 83426

11/10/2021 **Action Order Issued**

Stop Selling RUP, Golden Malrin, until licensed by OISC.

Original Event:	Action Order #229
Issued To:	R.P. Home & Harvest
Firm Representative:	Dalis Werner
Submitted By:	Garret A. Creason
Attachments:	File 83428; scan0019.pdf

11/11/2021 **Case Created**

Original Event:	Case PS22-0023
Submitted By:	Joseph D. Becovitz
Assigned To:	Garret A. Creason

11/23/2021 **Label Review Conducted; Acceptable**

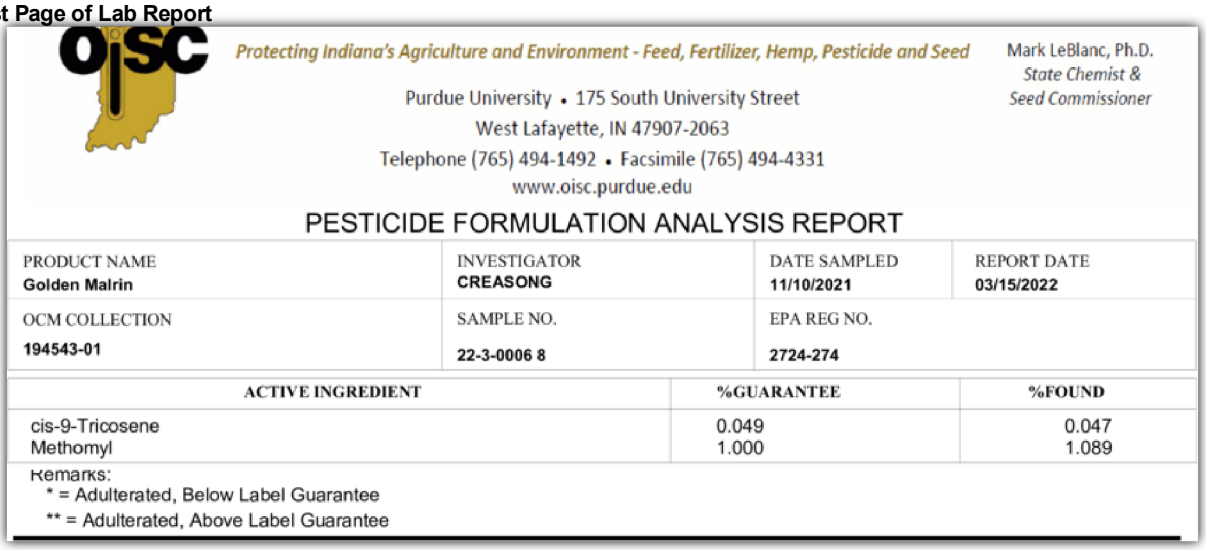
Label Review is acceptable.

Original Event:	Label Review (Pesticide) #170 (22-3-0006 8)
Registrant:	Wellmark International
Submitted By:	Sarah K. Caffery
Sample:	22-3-0006 8
Product:	Golden Malrin
EPA Reg.:	2724-274
EPA Est.:	39578-TX-1
PPLS Labels:	002724-00274-20161006.pdf https://www3.epa.gov/pesticides/chem_search/ppls/002724-00274-20161006.pdf

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03/15/2022 **Formulation Lab Report #203718 (194543-01-R560)**

First Page of Lab Report



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Mark LeBlanc, Ph.D.
State Chemist &
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PESTICIDE FORMULATION ANALYSIS REPORT

PRODUCT NAME	INVESTIGATOR	DATE SAMPLED	REPORT DATE
Golden Malrin	CREASONG	11/10/2021	03/15/2022
OCM COLLECTION	SAMPLE NO.	EPA REG NO.	
194543-01	22-3-0006 8	2724-274	

ACTIVE INGREDIENT	%GUARANTEE	%FOUND
cis-9-Tricosene	0.049	0.047
Methomyl	1.000	1.089

Remarks:
* = Adulterated, Below Label Guarantee
** = Adulterated, Above Label Guarantee

Original Event: Formulation Lab Report #203718 (194543-01-R560)
Submitted By: SYSTEM
Lab Report: Lab Report 194543-01-R560.pdf

03/21/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

R.P. Home & Harvest was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for distributing a restricted use pesticide without a dealer registration. A civil penalty in the amount of $500.00 was assessed for this violation.

Original Event: Judgement #995
Primary: R.P. Home & Harvest
Submitted By: George Saxton
Legal Citation: 357 IAC 1-3-3
Penalty Amount: 500

03/30/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1053
To: R.P. Home & Harvest
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9231
Enclosed: Notice of Enforcement
Attachments: File 90682; PS22-0023EL CP ~ R.P. Home and Harvest.docx

---

04/04/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1468
Subject: R.P. Home & Harvest
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9231
Received: 04/04/2022
Attachments: File 95232; CM 7019 0140 0000 6113 9231 ~ PS22-0023.pdf

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06/15/2022 **Notice of Enforcement Mailed to Target**

Emailed original enforcement letter to Gary Hoffmann, VP - Retail Operations / R.P. Lumber Co., Inc. 514 E Vandalia St, Edwardsville IL 62025. New civil penalty due date and case access code.

Original Event: Outgoing Mail #1119
To: R.P. Home & Harvest
Submitted By: Joni Herman
Enclosed: Notice of Enforcement
Attachments: File 98544; PS22-0023 R.P. Home & Harvest - Enf. Ltr. Emailed to G. Hoffmann.pdf

---

06/28/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1526
Subject: R.P. Home & Harvest
Submitted By: Joni Herman
Payment Expected: $500.00
Payment Received: $500.00
Attachments: File 100125; PS22-0023 R.P. Home & Harvest~CP Received 6-28-2022 via R.P. Acquisition Corp..pdf

Chain of Custody

11/11/2021 **Sample 22-3-0006 8**

Original Event:	Chain of Custody #112 (22-3-0006 8)
11/10/2021 10:55:	Sample Collected by Garret A. Creason
11/12/2021 12:25:	Sample Delivered to 218
11/12/2021 12:25:	Delivery Affirmed by Natalie Wilson

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In Re: Case PS22-0026

Department	Pesticide
Originated	11/12/2021
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	**Hoosier Growers LLC** Lebanon, IN 46052
Respondent	**Precision Land SVCS** Sheridan, IN 46069
-	INCIDENTAL **Co Alliance Cooperative Inc** Lebanon, IN 46052
-	INCIDENTAL **Matt F Viehe** Sheridan, IN 46069
Respondent	**Doug Allan Viehe** Sheridan, IN 46069
Respondent	**Caleb Viehe** Sheridan, IN 46069

Overviews

11/16/2021 **Investigation Summary**

The report from PPDL showed that the injury to the vegetation in Mr. Cameron's greenhouse could have been caused by growth regulator pesticide, insects, or disease. The application to the south target field did contain a growth regulator but was made approximately one month before Mr. Cameron stated the injury occurred to his vegetation. Mr. Viehe did violate the Atrazine 4L label by making an application when winds were blowing towards Mr. Cameron's greenhouse. Although Mr. Viehe violated this label, this application did not cause the injury to the vegetation in Mr. Cameron's greenhouse. The north, northwest, and southwest target fields are discussed in further detail in case PS21-0176.

Submitted By: Aaron P. Kreider
Role: Investigator

11/22/2021 **Disposition Summary**

Doug Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/24/2021 **Intake Referral Filed**

Complainant stated he believes Co-Alliance sprayed a neighboring corn field and the herbicide drifted onto his greenhouse.

Original Event: Intake Referral (Pesticide) #2296
Complainant: Hoosier Growers LLC
Respondent: Precision Land SVCS
Entered By: Aaron P. Kreider
Submitted By: George Saxton

06/24/2021 **Investigator Called Complainant**
Communication

On June 24, 2021, I contacted Derrick Cameron regarding his complaint. Mr. Cameron stated that on June 12, 2021 he was contacted by the person who farms the field north of his greenhouses to discuss an application being performed to that field. Mr. Cameron noticed that he had injured vegetation inside his greenhouses on the morning of June 14, 2021. Mr. Cameron informed me that he had been in contact with the farmer of the north field and that the farmer informed him that the application was performed by Co-Alliance of Indian Trails and the farmer also provided him with an invoice of the application. He also informed me that he has already removed some of the injured vegetation from the greenhouse.

Original Event: Investigation Activity (Pesticide) #3918
Subject: Hoosier Growers LLC
Submitted By: Aaron P. Kreider

06/25/2021 **Investigator Received Fax/Email from Complainant**
Photographs

On June 25, 2021, I received photographs from Mr. Cameron of the injured vegetation that was in his greenhouse. One photograph is of the application ingredients that Mr. Cameron received from the farmer of the north target field.

Attachments


File 83474


File 83483


File 83484


File 83485


File 83486


File 83487


File 83488


File 83489


File 83475


File 83476


File 83477


File 83478


File 83479


File 83480


File 83481


File 83482


File 83490

Original Event: Investigation Activity (Pesticide) #4110
Subject: Hoosier Growers LLC
Submitted By: Aaron P. Kreider

06/28/2021 **Investigator Met with Complainant**
Interaction

On June 28, 2021, I met with Mr. Cameron at his greenhouse. I had Mr. Cameron show me the vegetation that he believed was injured by pesticide drift. The injured vegetation had symptoms consisting of brown curling leaves, cupped and drooping leaves, and leaves with strapping. These symptoms appeared on a variety of plants in all of Mr. Cameron's greenhouse.

Original Event: Investigation Activity (Pesticide) #3919
Subject: Hoosier Growers LLC
Submitted By: Aaron P. Kreider

06/28/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #565
Client: Hoosier Growers LLC
Firm Representative: Derrick Cameron
Submitted By: Aaron P. Kreider
Attachments: File 81911; PS21-0176 NOI (D. Cameron).pdf

06/28/2021 **Investigator Collected Photographs**

Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows the border between the south target field (right) and Mr. Cameron's property (left). Figures 2 through 4 show the injury that caused Mr. Cameron's complaint. Figure 6 shows insects on an injured tomato plant.

Figure 1 (File 83626)



Figure 2 (File 83636)



Figure 3 (File 83662)

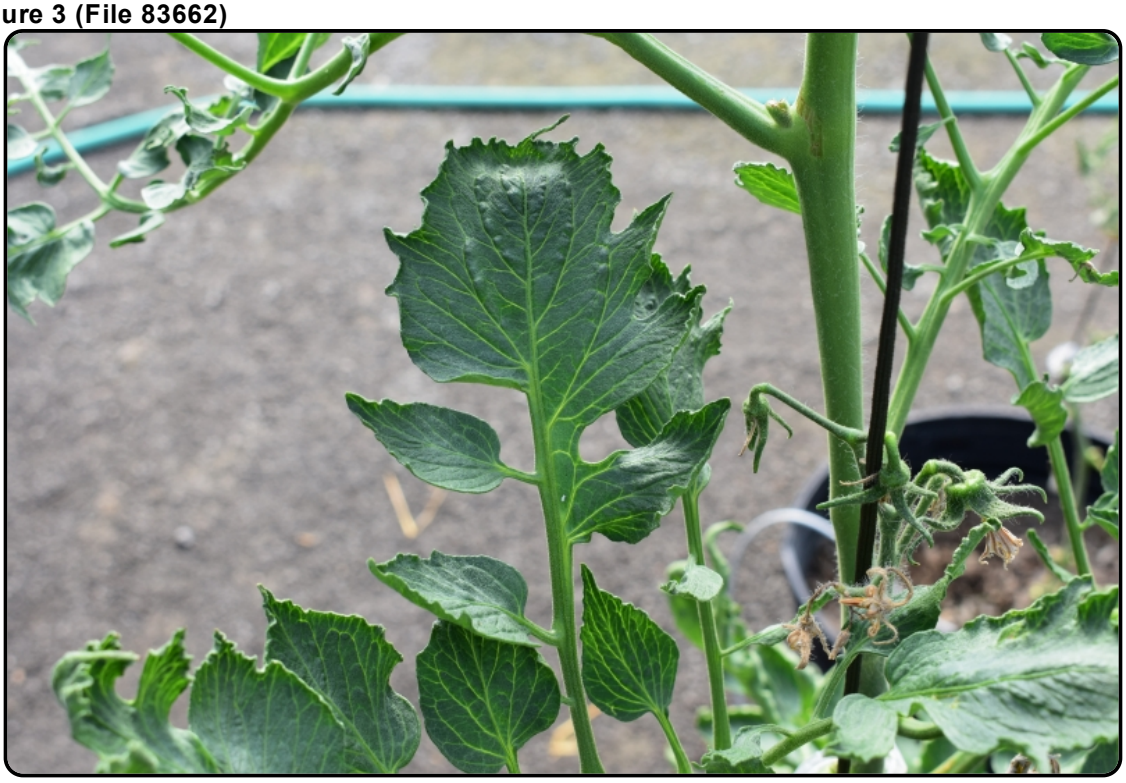


Figure 4 (File 83665)



Figure 5 (File 83672)



Figure 6 (File 83640)



Original Event:	Investigation Activity (Pesticide) #4118
Submitted By:	Aaron P. Kreider

06/28/2021 **Residue Samples Collected**

Original Event:	Residue Collection #182619 (21-4-0584 7)
Client:	Hoosier Growers LLC
Submitted By:	Aaron P. Kreider
Sample:	21-4-0584 7 | Veg; Grab; Greenhouse; OFF-T
Sample:	21-4-0585 2 | Veg; Grab; Weeds; Target, N
Sample:	21-4-0586 8 | Veg; Grab; Weeds; Target, S
Sample:	21-4-0587 5 | Veg; Grab; Weeds; Target, SW
Sample:	21-4-0588 1 | Veg; Grab; Weeds; Target, NW
Sample:	21-4-0589 9 | Veg; Ctrl; Weeds; OFF-T

06/28/2021 **External Lab Sample Collected**

During my on-site investigation, I collected a sample of injured vegetation to submit for analysis by the Plant and Pest Diagnostic Lab at Purdue (PPDL).

Original Event:	External Lab Sample Collection #191512 (X21-E933B1)
Client:	Hoosier Growers LLC
Submitted By:	Aaron P. Kreider
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-E933B1 | This sample contained tomato and pepper plants.
Attachments:	File 82044; PS21-0176 PPDL Submission Form.pdf

06/28/2021 **Sample Collection Diagram**
Activity

This diagram shows the locations where samples were collected.

Sample Collection Diagram (File 82293)



Original Event:	Investigation Activity (Pesticide) #3953
Submitted By:	Aaron P. Kreider

06/28/2021 **Investigator Met with Target**
Interaction

On June 28, 2021, I met with Doug Quear from Co-Alliance of Indian Trails regarding Mr. Cameron's complaint. Mr. Quear stated that Mr. Cameron had contacted him regarding his complaint. Mr. Quear informed me that his facility made applications to 3 of the 4 fields that surround Mr. Cameron's property. Mr. Quear provided me with a map of the fields and what was applied on each field.

Attachments
File 82181; Map with Application Sheets.pdf

Original Event:	Investigation Activity (Pesticide) #3952
Subject:	Co Alliance Cooperative Inc
Submitted By:	Aaron P. Kreider

06/28/2021 **Investigator Called Target**
Communication

On June 28, 2021, I contacted Matt Viehe regarding Mr. Cameron's complaint. Mr. Viehe confirmed that he farms the target field south of Mr. Cameron's greenhouse. Mr. Viehe stated that the field hasn't been sprayed since its been planted. He also stated that his brother Doug Viehe performs the applications to that field.

Original Event:	Investigation Activity (Pesticide) #4117
Subject:	Matt F Viehe
Submitted By:	Aaron P. Kreider

06/28/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #464
Submitted By:	Aaron P. Kreider
Target Analyte:	Halex GT
Target Analyte:	Atrazine 4L
PPLS Labels:	000100-01282-20161215.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf 001381-00158-20180124.pdf

https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf

Attachments: File 83193; PS21-0176 CoC.pdf

06/30/2021 **Received External Lab Report**

The report from PPDL states, "*Tomato and pepper plants show leaf curling. These symptoms are usually associated with exposure to synthetic auxin herbicides such as 2,4-D and dicamba but can also be caused by other stressors including broad mites, wind damage, and tomato viruses. There were mites flying out of the bag when the sample was opened. I am unsure of the species. Halex GT and atrazine DO NOT cause the symptoms found in the sample.*" It also stated, "*The foliage of both plants were covered in whitefly larvae with the occasional adult stuck to the leaf. A very large amount of thrips feces and some immature thrips were observed on the underside of the pepper leaves with the most injury (suspected to be in part caused by thrips feeding damage). Leaf deformation of the tomato could be caused by thrips and whitefly injury, but this could also be associated with a growth regulator exposure.*"

Original Event: External Lab Report #191519 (X21-E933B1)
Submitted By: Aaron P. Kreider
Sample: X21-E933B1
Attachments: File 82045; PS21-0176 PPDL Report.pdf

07/11/2021 **Investigator Received Fax/Email from Target**

Investigation Inquiry

On July 11, 2021, I received a Pesticide Investigation Inquiry (PII) from Matt Viehe on behalf of Doug Viehe of Precision Land Services. This PII contains information about the application to the south target field. It also shows that the application took place approximately one month before the complainant noticed the injury on his vegetation. The report wind data shows that winds were blowing towards Mr. Cameron's greenhouse.

Inquiry Overview

Supervisor	Doug Viehe
Non-Certified Applicator	Caleb Viehe
Company	Precision Land Services
Application Type	Commercial
Target Field	South Corn

Tank Mix

Product	EPA	Rate
BUCCANEER 5 Extra	55467-15	32 oz/A
Atrazine 4L	55467-13	1.5 qts/A
DiFlexx	264-1173	8 oz/A
CORVUS	264-1066	5 oz/A

Application Date

Date	Start	End
05/16/2021	5:15 PM	6:45 PM

Air Conditions

Time	Temp	Direction	Speed
Start	65°F	SW	6mph
End	65°F	SW	7mph

Label Use

The attachments section contains the labels referenced during the investigation.

Attachments

File 83695; Atrazine 4L Label.pdf
File 83694; BUCCANEER 5 Extra Label.pdf
File 83697; CORVUS Label.pdf
File 83696; DiFlexx Label.pdf
File 82275; PS21-0176 PII (M. Viehe).pdf

Original Event: Investigation Activity (Pesticide) #3966
Subject: Matt F Viehe
Submitted By: Aaron P. Kreider
PPLS Labels: 000264-01066-20201117.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf

000264-01173-20191231.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01173-20191231.pdf

055467-00013-20091123.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00013-20091123.pdf

055467-00015-20180920.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf

07/11/2021 **New Respondent Identified**

Respondent Identified

After reviewing the PII from Mr. Viehe, I was able to confirm that Doug Viehe of Precision Land Services was responsible for the application to the target field south of Mr. Cameron's greenhouse.

Original Event:	Investigation Change #117
Respondent:	Precision Land SVCS
Submitted By:	Aaron P. Kreider

07/12/2021 **Investigator Received Fax/Email from Target**

Investigation Inquiry

On July 12, 2021, I received three PIIs from Mr. Quear. The first PII contains information about the application to the north target field. This application took place the same morning that Mr. Cameron noticed the injured vegetation in his greenhouses. The reported wind data shows that the winds were blowing away from Mr. Cameron's greenhouse.

Attachments

File 82193; OISC Turkey Barn North Form.pdf
File 82195; Padgett Turkey Barn Application Records.pdf
File 82196; Padgett Turkey Barn North Pressure Data.png
File 82197; Padgett Turkey Barn North Pressure Legend.png

Inquiry Overview

Certified Applicator	Jacob Gillihan
Company	Co-Alliance of Indian Trail
Application Type	Commercial
Target Field	North Corn

Tank Mix

Product	EPA	Rate
Halex GT	100-1282	3.6 pts/A
Atrazine 4L	1381-158	1.003 qts/A
Class Act NG (Surfactant)		18.047 oz/A
MAX-IN ULTRA ZMB (Nutrient)		1.001 qts/A

Application Date

Date	Start	End
06/14/2021	8:26 AM	8:38 AM

Air Conditions

Time	Temp	Direction	Speed
Start	72°F	WSW	11mph
End	73°F	WSW	13mph

Investigation Inquiry

The second PII contains information about the application to the northwest target field. It shows that the application took place approximately one month before the complainant noticed the injury to his vegetation. The reported wind data shows that winds were not blowing towards Mr. Cameron's greenhouse.

Attachments

File 82198; OISC Lane South Form.pdf
File 82199; Quick Lane South field to the West Records.pdf

Inquiry Overview

Certified Applicator	Scott Snider
Company	Co-Alliance of Indian Trails
Application Type	Commercial
Target Field	Northwest Soybean

Tank Mix

Product	EPA	Rate
Buccaneer 5 Extra	55467-15	28 oz/A
2,4-D LV6	1381-250	1.3 pt/A
Boundary 6.5EC	100-1162	2.0 pt/A

Application Date

Date	Start	End
05/16/2021	3:30 PM	4:30 PM

Air Conditions

Time	Temp	Direction	Speed
Start	68°F	N	4mph
End	69°F	N	5mph

Investigation Inquiry

The third PII contains information about the application to the southwest target field. The reported wind data shows that winds were blowing away from Mr. Cameron's greenhouses during the application.

Attachments

File 82272; OISC Turkey Barn West Form.pdf

Inquiry Overview

Certified Applicator	Jacob Gillihan
Company	Co-Alliance of Indian Trail
Application Type	Commercial
Target Field	Southwest Corn

Tank Mix

Product	EPA	Rate
Helex GT	100-1282	3.6 pts/A
Atrazine 4L	1381-158	1.003 qts/A
Class Act NG (Surfactant)		18.047 oz/A
MAX-IN ULTRA ZMB (Nutrient)		1.001 qts/A

Application Date

Date	Start	End
06/12/2021	2:29 PM	2:46 PM

Air Conditions

Time	Temp	Direction	Speed
Start	90°F	WNW	2mph
End	90°F	NNW	4mph

Label Use

The attachment section contains the labels referenced during the investigation.

Attachments

File 83746; 2,4-D LV6 Label.pdf
File 83690; Atrazine 4L Label.pdf
File 83693; Boundary 6.5EC Label.pdf
File 83692; BUCCANEER 5 Extra Label.pdf
File 83691; Halex GT Label.pdf

Attachments

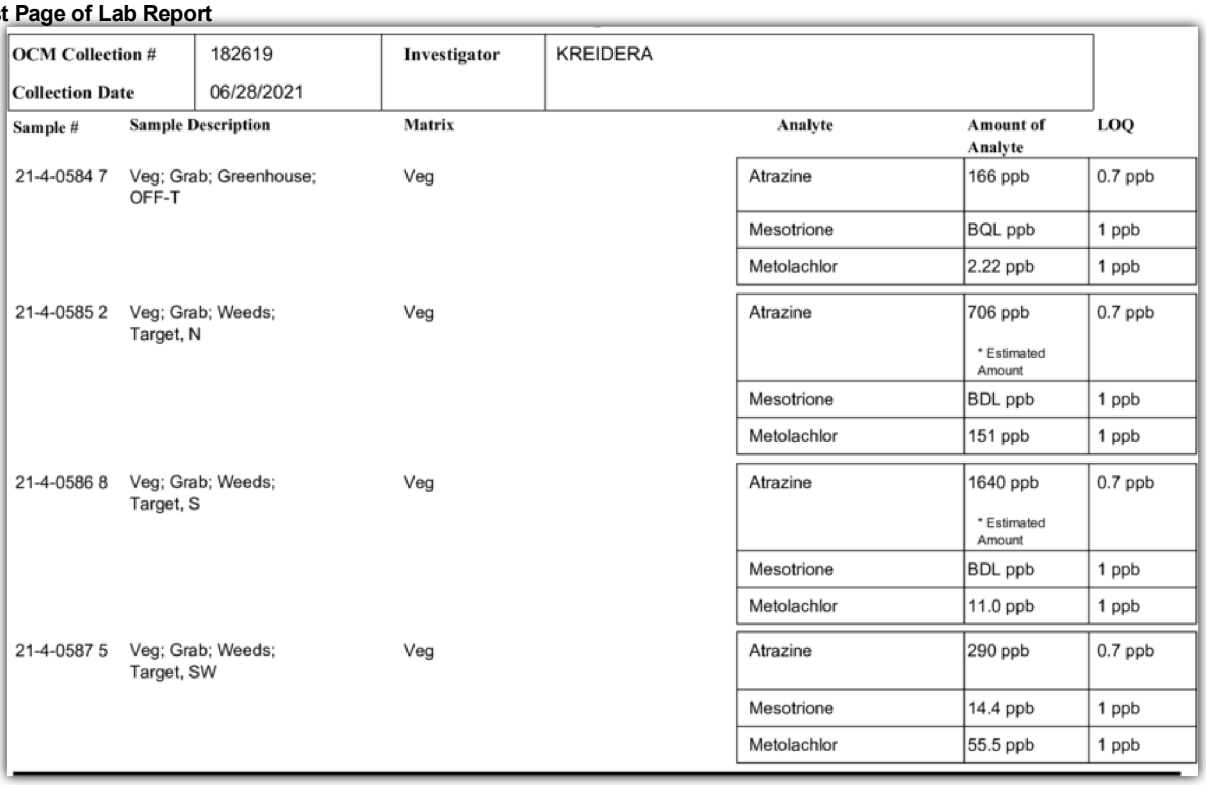
File 82194; Directional Map Rough Sketch.pdf

Original Event:	Investigation Activity (Pesticide) #3956
Subject:	Co Alliance Cooperative Inc
Submitted By:	Aaron P. Kreider
PPLS Labels:	000100-01162-20200902.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf 000100-01282-20161215.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf 001381-00158-20180124.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf 001381-00250-20171213.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf 055467-00015-20180920.pdf https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf

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09/09/2021 **Received Residue Lab Report**

First Page of Lab Report



OCM Collection #	182619	Investigator	KREIDERA
Collection Date	06/28/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0584 7	Veg; Grab; Greenhouse; OFF-T	Veg	Atrazine	166 ppb	0.7 ppb
			Mesotrione	BQL ppb	1 ppb
			Metolachlor	2.22 ppb	1 ppb
21-4-0585 2	Veg; Grab; Weeds; Target, N	Veg	Atrazine	706 ppb * Estimated Amount	0.7 ppb
			Mesotrione	BDL ppb	1 ppb
			Metolachlor	151 ppb	1 ppb
21-4-0586 8	Veg; Grab; Weeds; Target, S	Veg	Atrazine	1640 ppb * Estimated Amount	0.7 ppb
			Mesotrione	BDL ppb	1 ppb
			Metolachlor	11.0 ppb	1 ppb
21-4-0587 5	Veg; Grab; Weeds; Target, SW	Veg	Atrazine	290 ppb	0.7 ppb
			Mesotrione	14.4 ppb	1 ppb
			Metolachlor	55.5 ppb	1 ppb

Original Event: Residue Lab Report #189338 (182619-R417)
Submitted By: SYSTEM
Lab Report: Lab Report 182619-R417.pdf

11/11/2021 **Wind Data Researched**

This weather data shows the conditions during the application to the south target field. It shows that winds were blowing towards Mr. Cameron's greenhouse. Although it doesn't confirm the direction recorded on the PII, it does confirm that winds were blowing towards Mr. Cameron's greenhouse.

Indianapolis Executive Airport (KTYQ)

Zionsville, Indiana (5.76 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
5:15 PM	69	SSE	6	0
5:35 PM	68	CALM	0	0
5:55 PM	69	ESE	3	0
6:15 PM	68	SE	7	0
6:35 PM	68	CALM	0	0
6:55 PM	68	SE	3	0

Attachments

File 83682; NOAA Data 5.16.21 (KTYQ).pdf

Original Event: Wind Data #74
Submitted By: Aaron P. Kreider
Date of Weather: 05/16/2021

11/12/2021 **Case Created**

Original Event: Case PS22-0026
Submitted By: George Saxton
Assigned To: Aaron P. Kreider

11/16/2021 **Investigation Activity**

Label Use

The Atrazine 4L label states, "*The pesticide may only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)*.

Attachments

File 83686; Atrazine 4L Label.pdf
File 83685; DiFlexx Label.pdf

Original Event: Investigation Activity (Pesticide) #4128
Submitted By: Aaron P. Kreider
PPLS Labels: 000264-01173-20191231.pdf

https://www3.epa.gov/pesticides/chem_search/ppls/000264-01173-20191231.pdf

055467-00013-20211110.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00013-20211110.pdf

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11/22/2021 **Judgement; Civil Penalty Assessed**

Citation

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

Civil Penalty

Doug Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and this is Caleb Viehe's second violation of similar nature. See case number PS20-0284.

Original Event:	Judgement #849
Primary:	Doug Allan Viehe
Secondary:	Caleb Viehe
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

03/14/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1032
To:	Doug Allan Viehe
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8944
Enclosed:	Notice of Enforcement
Attachments:	File 89505; PS22-0026EL CP ~ Doug A. Viehe - Caleb Viehe.docx

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03/19/2022 **Received Mail Confirmation for Target**

Certified Mail was delivered, per USPS Tracking online. No green card was returned to OISC.

Original Event:	Compliance Receipt #1496
Subject:	Doug Allan Viehe
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 8944
Received:	03/19/2022
Attachments:	File 97651; CM 7019 0140 0000 6113 8944 ~ PS22-0026 Doug Viehe ~ No Green Card - USPS Tracking Online.pdf

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04/15/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1497
Subject:	Doug Allan Viehe
Submitted By:	Joni Herman
Payment Expected:	$100.00
Payment Received:	$100.00
Attachments:	File 97659; PS22-0026 Doug A. Viehe - Caleb Viehe ~ CP Received.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **July 22, 2022, 01:58 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER
Protecting Indiana's Agriculture and Environment
Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
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www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **July 22, 2022, 02:00 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS22-0036

Department	Pesticide
Originated	12/01/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent Issued To	**Menards** Muncie, IN 47304
Registrant Respondent	**Instant Power Corporation** Dallas, TX 75247

Overviews

12/15/2021 **Product Registration Summary**

Labeling is non-compliant. See label review summary and review for additional information

Submitted By: Sarah K. Caffery
Role: Product Registration Specialist

03/21/2022 **Investigation Summary**

On November 30, 2021 i located an unregistered pesticide product being offered for sale at Menards in Muncie, IN. The product was Instant Power Multi-Surface Disinfectant, EPA Reg# 34810-35-10779. I collected a sample of the product and issued a Stop Sale Order.

A Stop Sale Order was issued to Menards to stop the sale of Instant Power Multi-Surface Disinfectant and keep product at the store until notified by OISC. A formulation sample was also collected.

The Formulation Sample was delivered to the OISC Formulation Lab on 12-1-2022.

On December 2, 2021 William Kelly of Menards Operations Legal Department provided receiving documentation via email. The inbound receiving records indicated that the Instant Power Disinfect Product first arrived at the Menards store on 3/4/2021.

A label review was conducted by the OISC Pesticide Product Registration Team and found that the label was NOT Acceptable; Registrant was aware of OISC's COVID Policy. When OISC provided the label review for the pending application, the registrant did not reply by the deadline.

On March 16, 2022 I was notified by the OISC Lab Supervisor that the standard needed to analyze the active ingredient in the Instant Power product was unavailable. All suppliers of the standard stated that supply chain issues have limited the availability. This sample was not analyzed due to this issue.

Submitted By: Garret A. Creason
Role: Investigator

04/08/2022 **Disposition Summary**

Menards was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana.

Instant Power Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana. A civil penalty in the amount of $500.00 was assessed for this violation.

Instant Power Corporation was warned for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that makes claims different from that registered.

Instant Power Corporation was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

Instant Power Corporation was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that is in violation of the Federal Insecticide, Fungicide Rodenticide Act (FIFRA). A civil penalty in the amount of $1,000.00 was assessed for this violation.

However, the full penalty in the amount of $1,500.00 assessed to Instant Power Corporation will be held in abeyance and not assessed provided Instant Power Corporation removes the product from Indiana marketplace, blocks sales on online distribution sites and provides confirmation these actions were completed required within 60 days of receipt of letter.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/30/2021 **Intake Referral Filed**

Unregistered Pesticide Product located for sale at Menards in Muncie, IN.

Original Event: Intake Referral (Pesticide) #2316
Complainant: Office of Indiana State Chemist
Respondent: Menards
Entered By: Garret A. Creason
Submitted By: Joseph D. Becovitz

11/30/2021 **Formulation Samples Collected**

Original Event: Formulation Collection #195812 (22-3-0011 3)
Registrant: Instant Power Corporation
Client: Menards
Firm Representative: Alex Streetman
Submitted By: Garret A. Creason
Sample: 22-3-0011 3 | Instant Power Multi-Surface Disinfectant
PPLS Labels: 034810-00035-20200924.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/034810-00035-20200924.pdf

Photos:


File 84116


File 84117



File 84118


File 84119


File 84120

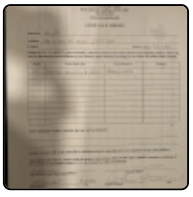

File 84121


File 84122

11/30/2021 INCIDENTAL **Stop Sale Order Issued**

Original Event: Action Order #232
Linked From: Formulation Collection #195812 (22-3-0011 3), Encounter #253, and 3 other events
Issued To: Menards
Firm Representative: Alex Streetman
Submitted By: Garret A. Creason

Photos:


File 84123

11/30/2021 **Investigator Met with Distributor**
Communication

On November 30, 2021 i located an unregistered pesticide product being offered for sale at Menards in Muncie, IN. The product was Instant Power Multi-Surface Disinfectant, EPA Reg# 34810-35-10779. I collected a sample of the product and issued a Stop Sale Order.

Original Event: Investigation Activity (Pesticide) #4180
Subject: Menards
Submitted By: Garret A. Creason

11/30/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #631
Client: Menards
Firm Representative: Alex Streetman
Submitted By: Garret A. Creason
Photos:



File 84281

11/30/2021 **Marketplace Inspection Conducted**
Marketplace

Stop Sale Order Issued for Instant Power Multi-Surface Disinfectant.

Original Event: Pesticide Inspection (Product) #246
Client: Menards
Firm Representative: Alex Streetman
Submitted By: Garret A. Creason

12/01/2021 **Case Created**

Original Event: Case PS22-0036
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason

12/02/2021 **Encounter**

Ms. Nelson called to discuss the SSURO that was placed on the product. She identified the following

- Application was submitted late January/early February
- She was aware of the COVID policy on products, that identified that the product was conditionally registered
- October she received email notification of the misbranded claim
- Her supervisor identified that actions were not needed because they are no longer producing this product
- No response was sent to OISC in reply to the misbranding claim
- She identified that she will preemptively buy back the product from other Menards (currently 400 in the state)
- I identified that no product can be moved from the store location that the SSURO was written at until OISC has provided the store with removal option in writing.
- I identified that the timeline to receive that needed notification will take some time due to the different pieces of the case that need to be finalized.

Original Event: Encounter #253
Subject: Instant Power Corporation
Submitted By: Sarah K. Caffery

12/02/2021 **Investigator Received Fax/Email from Distributor**
Records

On December 2, 2021 William Kelly of Menards Operations Legal Department provided receiving documentation via email. The inbound recieving records indicated that the Instant Power Disinfect Product first arrived at the Meanrds store on 3/4/2021.

Attachments

File 90059; Menards Instant Power screenshot.png

Original Event: Investigation Activity (Pesticide) #4338
Subject: Menards
Submitted By: Garret A. Creason

12/15/2021 **Label Review Conducted; Not Acceptable**

Instant Power Multi-Surface Disinfectant

NOT Acceptable; Registrant was aware of OISC's COVID Policy. When OISC provided the label review for the pending application, the registrant did not reply by the deadline.

Indiana Code Violations:
IC 15-16-4-57 Prohibited acts; production, distribution, display, and sale
Sec. 57. Except as provided in section 58 of this chapter, a person may not produce, distribute, display, sell, or offer for sale within Indiana or deliver for transportation or transport in intrastate commerce or between points within Indiana through any point outside Indiana any of the following:
(1) Any pesticide product that has not been registered under section 61 of this chapter.
(2) Any pesticide product if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration.
(5) Any pesticide product that is adulterated or misbranded.
(9) Any pesticide that violates the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) or regulations adopted under the Act.

IC 15-16-4-25 "Misbranded"
Sec. 25. As used in this chapter, "misbranded" refers to any of the following:
(1) Any pesticide product if its labeling bears any:
(A) statement;
(B) design; or
(C) graphic representation;
relative to the pesticide product or to its ingredients that is false or misleading.

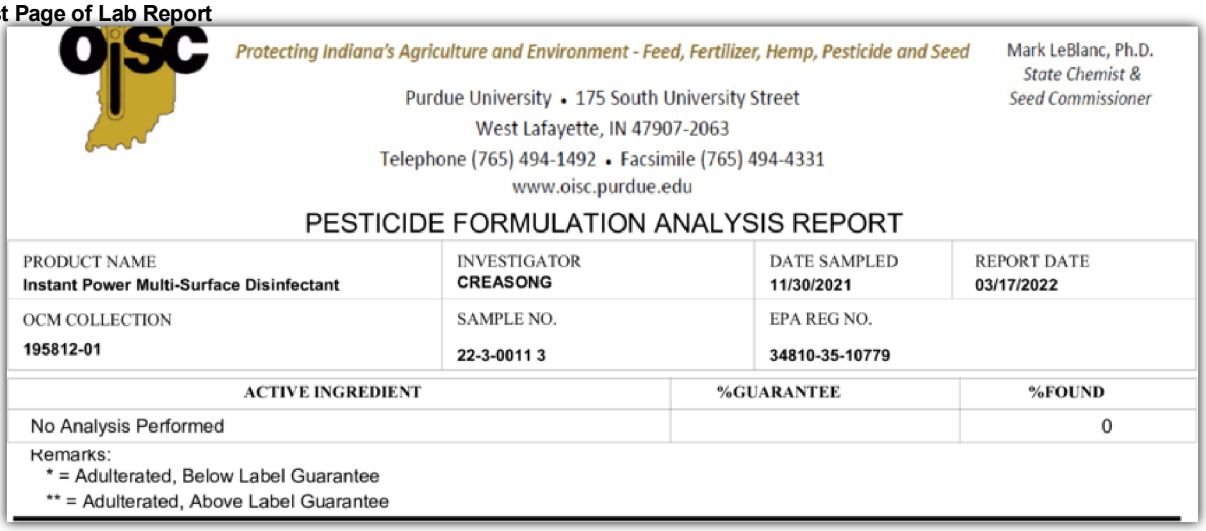
Attachments
File 84871; Instant Power Corp Label Review 12.15.2021.docx

Original Event:	Label Review (Pesticide) #175 (Instant Power Cor...)
Registrant:	Instant Power Corporation
Submitted By:	Sarah K. Caffery
PPLS Labels:	034810-00035-20200924.pdf https://www3.epa.gov/pesticides/chem_search/ppls/034810-00035-20200924.pdf

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03/17/2022 **Formulation Lab Report #203901 (195812-01-R561)**

First Page of Lab Report



Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed

Mark LeBlanc, Ph.D.
State Chemist & Seed Commissioner

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West Lafayette, IN 47907-2063
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PESTICIDE FORMULATION ANALYSIS REPORT

PRODUCT NAME	INVESTIGATOR	DATE SAMPLED	REPORT DATE
Instant Power Multi-Surface Disinfectant	**CREASONG**	**11/30/2021**	**03/17/2022**
OCM COLLECTION	SAMPLE NO.	EPA REG NO.	
195812-01	**22-3-0011 3**	**34810-35-10779**	

ACTIVE INGREDIENT	%GUARANTEE	%FOUND
No Analysis Performed		0

Remarks:
* = Adulterated, Below Label Guarantee
** = Adulterated, Above Label Guarantee

Original Event:	Formulation Lab Report #203901 (195812-01-R561)
Submitted By:	SYSTEM
Lab Report:	Lab Report 195812-01-R561.pdf

04/08/2022 **Judgement; Civil Penalty Assessed**

Warning

Menards was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana.

Warning

Instant Power Corporation was warned for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that makes claims different from that registered.

Warning

Instant Power Corporation was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

Civil Penalty

Instant Power Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for distribution in the state of Indiana. A civil penalty in the amount of $500.00 was assessed for this violation.

Civil Penalty

Instant Power Corporation was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that is in violation of the Federal Insecticide, Fungicide Rodenticide Act (FIFRA). A civil penalty in the amount of $1,000.00 was assessed for this violation.

Abeyance

However, the full penalty in the amount of $1,500.00 assessed to Instant Power Corporation will be held in abeyance and not assessed provided Instant Power Corporation removes the product from Indiana marketplace, blocks sales on online distribution sites and provides confirmation these actions were completed required within 60 days of receipt of letter.

Original Event:	Judgement #1176
Primary:	Menards
Secondary:	Instant Power Corporation
Submitted By:	George Saxton
Legal Citations:	IC 15-16-4-57(1); IC 15-16-4-57(2); IC 15-16-4-57(5); IC 15-16-4-57(9)
Penalty Amount:	1500

04/11/2022 **Stop Sale Released for Return/Disposal**
Instant Power Multi-Surface Disinfectant

SSURO was modified for return of products to registrant. Letter was mailed 4/11 because no email was provided at time of inspection.

Attachments
File 91472; SSURO Release Return Instant Power Menards 4.11.pdf

Original Event:	Stop Sale Release (PS) #3
Issued To:	Menards
Registrant:	Instant Power Corporation
Submitted By:	Sarah K. Caffery

04/20/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1061
To:	Menards
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9354
Enclosed:	Notice of Enforcement
Attachments:	File 92320; PS22-0036EL WRN ~ Menards.docx

04/20/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1062
To:	Instant Power Corporation
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9361
Enclosed:	Notice of Enforcement
Attachments:	File 92321; PS22-0036EL CP Abeyance ~ Instant Power Corporation.docx

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05/27/2022 **Informal Review Occurred**

OISC received a letter from Menards Senior Store Counsel in Eau Claire, Wisconsin, dated May 23, 2022, arguing that they should not be warned in this investigation.

Original Event:	Compliance Activity #1253
Primary:	Menards
Submitted By:	George Saxton
Stage:	Informal Review
Attachments:	File 96299; Menards letter.pdf

07/15/2022 **Mail Service Returned for Target**

As of July 15, 2022, USPS Tracking shows this Certified Mail has allegedly been in transit to the next facility since April 29, 2022. It appears this mail piece was lost. The regular mail copy has not come back to OISC.

Original Event:	Compliance Receipt #1555
Subject:	Menards
Submitted By:	Joni D. Herman
USPS:	7019 0140 0000 6113 9354
Returned:	07/15/2022
Attachments:	File 102106; CM 7019 0140 0000 6113 9354 ~ PS22-0036 - Menards ~ Per USPS Online Tracking.pdf

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07/15/2022 **Mail Confirmation Assumed for Target**

As of 7/15/2022, the regular mail has not been returned to OISC. It is assumed Menards received the regular mail copy of the enforcement letter.

Original Event:	Compliance Receipt #1556
Subject:	Menards
Submitted By:	Joni D. Herman

07/15/2022 **Mail Service Returned for Target**

As of July 15, 2022, USPS Tracking shows this Certified Mail has allegedly been in transit to the next facility since April 29, 2022. It appears this mail piece was lost. The regular mail copy has not come back to OISC.

Original Event:	Compliance Receipt #1557
Subject:	Instant Power Corporation
Submitted By:	Joni D. Herman
USPS:	7019 0140 0000 6113 9361
Returned:	07/15/2022
Attachments:	File 102112; CM 7019 0140 0000 6113 9361 ~ PS22-0036-Instant Power Corporation ~ Per USPS Online Tracking.pdf

07/15/2022 **Mail Confirmation Assumed for Target**

As of 7/15/2022, the regular mail has not been returned to OISC. It is assumed Instant Power Corporation received the regular mail copy of the enforcement letter.

Original Event:	Compliance Receipt #1558
Subject:	Instant Power Corporation
Submitted By:	Joni D. Herman

07/18/2022 **Compliance Activity**

A letter was sent to attorney Gary Roehm explaining our policy regarding Warning letters to retail outlets for distributing unregistered pesticide products.

Original Event:	Compliance Activity #1304
Primary:	Menards
Submitted By:	George Saxton
Attachments:	File 102185; Menards response letter.pdf

07/18/2022 **Compliance Activity**

Attorney Gary Roehm responded to my email but still did not request a formal hearing.

Original Event:	Compliance Activity #1305
Primary:	Menards
Submitted By:	George Saxton
Attachments:	File 102186; Menard Attorney Response.pdf

Chain of Custody

11/30/2021 **Sample 22-3-0011 3**

Original Event:	Chain of Custody #121 (22-3-0011 3)
11/30/2021 16:57:	Sample Collected by Garret A. Creason
12/01/2021 16:58:	Sample Delivered to 218
12/03/2021 14:49:	Delivery Affirmed by Natalie Wilson

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS22-0046

Department	Pesticide
Originated	01/31/2022
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	**Dennis Green** Chrisney, IN 47611	
Respondent	**Donald E Head** Rockport, IN 47635	Private Applicator

Overviews

02/02/2022 **Investigation Summary**

The complainant advised he had injury symptoms to Maple trees, Red Oak trees, Pear Trees, Dogwood trees, and grape vines throughout his property. During my on-site investigation I did the following: Looked for and found two potential sources of pesticide application in the area. The target fields are located to the northeast and south of the complainant's property. The target field for this particular case is located to the south of the complainants property. Regarding the other potential source of pesticide application in the area see case PS21-0180 and PS22-0047. Observed and photographed Maple trees, Red Oak trees, and Grape vines with cupped and curled leaves. Injury symptoms were observed throughout the complainant's property. Collected samples of injured trees and grape vines from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL). Collected composite soil samples from the target fields. Collected composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

The Purdue Plant and Pest Diagnostic Lab Final Report indicated Multiple plants in the landscape show leaf deformation (curling or strapping) that is characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, or others. Leaf curling and deformation is characteristic of growth regulator exposure. Some anthracnose is present on the maples and powdery mildew on the dogwood, but these would not be causing the symptoms observed.

The OISC Residue Laboratory analyzed the vegetation samples collected for the active ingredient's atrazine, chlorimuron, mesotrione, and metribuzin and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients atrazine and metribuzin in the off-target composite vegetation sample.

The wind data from the Owensboro-Daviess County Regional Airport (KOWB) AWOS, Evansville Regional Airport (KEVV) ASOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between 0 and 6 mph with no gust constantly out of the south varying from east to west.

The evidence in this case of the application record and wind data indicate at the time of the application the wind was blowing towards the complainant's property. The label for *Mes-O-Sate, EPA Reg.# 19713-694, Active Ingredient = metolachlor, mesotrione, glyphosate* states: **"Apply the pesticide only when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)"**.

Submitted By: Nathan J. Davis
Role: Investigator

02/02/2022 **Disposition Summary**

Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature (See case number PS19-0155) and a restricted use pesticide was involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/25/2021 **Intake Referral Filed**

Complainant stated unknown applicator treated a neighboring farm field that has adversely affected his ornamentals.

Original Event:	Intake Referral (Pesticide) #2333
Complainant:	Dennis Green
Respondent:	Donald E Head
Entered By:	Nathan J. Davis
Submitted By:	Joseph D. Becovitz

06/29/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #418
Client:	Dennis Green
Firm Representative:	Dennis Green
Submitted By:	Nathan J. Davis

06/29/2021 **Investigator Met with Complainant**
Interaction

On June 29, 2021 I met with complainant at his property. The complainant advised he had injury symptoms to Maple trees, Red Oak trees, Pear Trees, Dogwood trees, and grape vines throughout his property.

During my on-site investigation I did the following:

Looked for and found two potential sources of pesticide application in the area. The target fields are located to the northeast and south of the complainant's property. The target field for this particular case is located to the south of the complainants property. Regarding the other potential source of pesticide application in the area see case PS21-0180 and PS22-0047.

Observed and photographed Maple trees, Red Oak trees, and Grape vines with cupped and curled leaves. Injury symptoms were observed throughout the complainant's property.

Collected samples of injured trees and grape vines from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPPDL).

Collected composite soil samples from the target fields. Collected composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event:	Investigation Activity (Pesticide) #4264
Subject:	Dennis Green
Submitted By:	Nathan J. Davis

06/29/2021 **Investigator Met with Complainant**
Photographs

Photographs taken during the on-site investigation.

Attachments


File 72108


File 72109


File 72110


File 72111


File 72112


File 72113


File 72114


File 72115


File 72116


File 72099


File 72100


File 72101


File 72102


File 72103


File 72104


File 72105


File 72106


File 72107

Original Event: Investigation Activity (Pesticide) #3362
Subject: Dennis Green
Submitted By: Nathan J. Davis

06/29/2021 **Residue Samples Collected**

Original Event: Residue Collection #182876 (21-4-0066 8)
Client: Dennis Green
Submitted By: Nathan J. Davis
Sample: 21-4-0066 8 | Soil; Comp; 2-4"; Target, N
Sample: 21-4-0067 5 | Soil; Comp; 2-4"; Target, S
Sample: 21-4-0068 1 | Veg; Comp; OFF-T
Sample: 21-4-0069 9 | Veg; Ctrl; OFF-T, NW

06/29/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #182879 (X21-6DE159)
Client: Dennis Green
Submitted By: Nathan J. Davis
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-6DE159 | Maple, Oak, Pear, Dogwood, and Grape

06/30/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #468
Submitted By: Nathan J. Davis
Target Analyte: SALVO
Target Analyte: BUCCANEER 5 EXTRA HERBICIDE
Target Analyte: BOUNDARY 6.5EC
Target Analyte: MES-O-SATE
Target Analyte: STATUS
Target Analyte: ATRAZINE 4L
Target Analyte: ROUNDUP POWERMAX
Target Analyte: AUTHORITY MAXX
Target Analyte: 2,4-D LV6
PPLS Labels: 000100-01162-20200902.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf

000100-00497-20121121.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-00497-20121121.pdf

001381-00250-20171213.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf

019713-00694-20200211.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/019713-00694-20200211.pdf

000279-09560-20210224.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000279-09560-20210224.pdf

034704-00609-20121023.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00609-20121023.pdf

000524-00549-20200225.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf

055467-00015-20180920.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf

007969-00242-20210402.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00242-20210402.pdf

07/02/2021 **Received External Lab Report**

Diagnosis and Recommendations
Host/Habitat Mixed Plant material (unspecified)
List of Diagnosis/ID(s) Suspected for Herbicide injury; Exposure (Abiotic disorder)

Final Report

Multiple plants in the landscape show leaf deformation (curling or strapping) that is characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, or others.

Leaf curling and deformation is characteristic of growth regulator exposure. Some anthracnose is present on the maples and powdery mildew on the dogwood, but these would not be causing the symptoms observed.

Original Event: External Lab Report #183664 (X21-6DE159)
Submitted By: Nathan J. Davis
Sample: X21-6DE159

07/08/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #667
Client:	Donald E Head
Firm Representative:	Donald Head
Submitted By:	Nathan J. Davis

07/08/2021 **Investigator Called Applicator**

Communication

On July 8, 2021, I contacted private applicator Donald Head. I advised Mr. Head I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Head advised he made a pre-plant and a post-plant application to the field to the north of the complainant's property. I advised Mr. Head I would be sending him via email a pesticide investigation inquiry to complete for the applications and return to me.

Original Event:	Investigation Activity (Pesticide) #4266
Subject:	Donald E Head
Submitted By:	Nathan J. Davis

07/22/2021 **Investigator Received Mail from Applicator**

Investigation Inquiry

On July 22, 2021 I received a completed pesticide investigation inquiry from Mr. Head for the application which indicated the following:

Inquiry Overview

Certified Applicator	Donald Head
Application Type	Farmer
Target Field	2 West

Tank Mix

Product	EPA	Rate
Mes-O-Sate	19713-694	57oz/acre
Status	7969-242	1.5oz/acre
Atrazine 4L	100-497-55467	1qt/acre

Application Date

Date	Start	End
05/31/2021	2:08pm	4:00pm

Air Conditions

Time	Temp	Direction	Speed
Start	73°F	ESE	6mph
End	77°F	SSE	3mph

Attachments

File 86282; Atrazine 4L.pdf
File 86283; Mes-O-Sate.pdf
File 86285; PII Head Post.pdf
File 86284; STATUS HERBICIDE.pdf

Original Event:	Investigation Activity (Pesticide) #4269
Subject:	Donald E Head
Submitted By:	Nathan J. Davis
PPLS Labels:	000100-00497-20121121.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000100-00497-20121121.pdf 019713-00694-20200211.pdf https://www3.epa.gov/pesticides/chem_search/ppls/019713-00694-20200211.pdf 007969-00242-20210402.pdf https://www3.epa.gov/pesticides/chem_search/ppls/007969-00242-20210402.pdf

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10/27/2021 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Laboratory analyzed the vegetation samples collected for the active ingredient's atrazine, chlorimuron, mesotrione, and metribuzin and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients atrazine and metribuzin in the off-target composite vegetation sample.

First Page of Lab Report

OCM Collection #	182876	Investigator	DAVISN
Collection Date	06/29/2021		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0066 8	Soil; Comp; 2-4"; Target, N	Soil	No Analysis Required	Done	
21-4-0067 5	Soil; Comp; 2-4"; Target, S	Soil	No Analysis Required	Done	
21-4-0068 1	Veg; Comp; OFF-T	Veg	Atrazine	38.6 ppb	1 ppb
			Chlorimuron-ethyl	BDL ppb	0.3 ppb
			Mesotrione	BDL ppb	6 ppb
			Metribuzin	4.74 ppb	1 ppb
21-4-0069 9	Veg; Ctrl; OFF-T, NW	Veg	Atrazine	29.2 ppb	1 ppb
			Chlorimuron-ethyl	BDL ppb	0.3 ppb
			Mesotrione	BDL ppb	6 ppb
			Metribuzin	BDL ppb	1 ppb

Original Event: Residue Lab Report #193182 (182876-R471)
Submitted By: SYSTEM
Lab Report: Lab Report 182876-R471.pdf

01/31/2022 **Case Created**

Original Event: Case PS22-0046
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

02/01/2022 **Wind Data Researched**

The wind data from the Owensboro-Daviess County Regional Airport (KOWB) AWOS, Evansville Regional Airport (KEVV) ASOS, and Lawrenceville-Vincennes International Airport (KLWV) ASOS indicate the wind speed during the application was between 0 and 6 mph with no gust constantly out of the south varying from east to west.

Owensboro-Daviess County Regional Airport (KOWB) - AWOS

Owensboro , Kentucky (18 miles S of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
1:56pm	76	ESE	6	0
2:56pm	77	SSE	3	0
3:56pm	76	SW	5	0

Evansville Regional Airport (KEVV) - ASOS

Evansville , Indiana (25 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
1:54pm	73	SE	5	0
2:54pm	74	CALM	0	0
3:54pm	73	SW	5	0

Lawrenceville-Vincennes International Airport (KLWV) - ASOS

Lawrenceville , Illinois (60 miles NW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
1:53pm	76	VAR	5	0
2:53pm	75	VAR	5	0
3:53pm	76	VAR	3	0

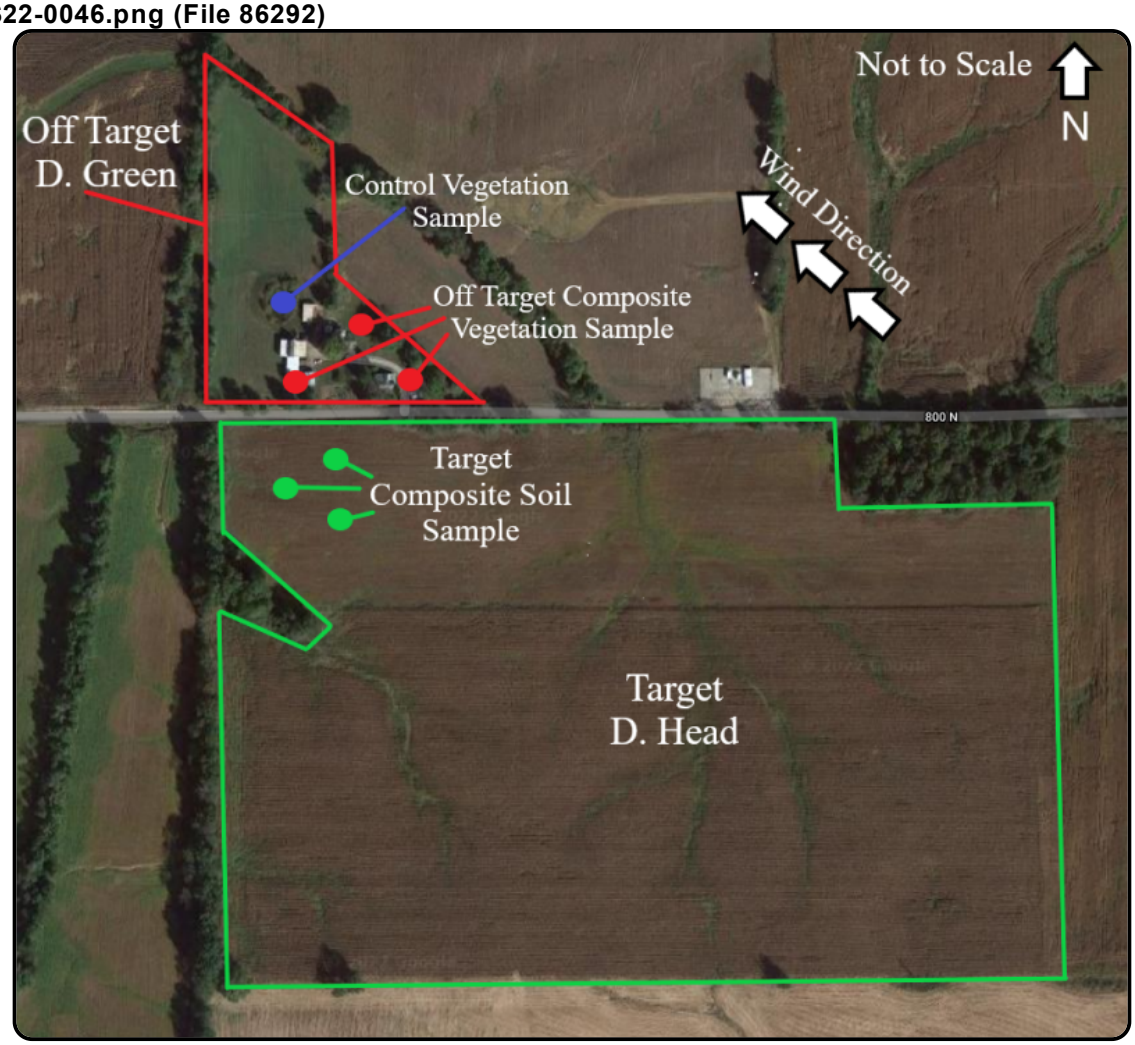
Original Event: Wind Data #102
Submitted By: Nathan J. Davis
Date of Weather: 05/31/2021

02/01/2022 **Investigation Activity**

Photographs

An aerial diagram including property lines, wind direction and where soil and vegetation samples were taken from.

PS22-0046.png (File 86292)



Original Event:	Investigation Activity (Pesticide) #4272
Submitted By:	Nathan J. Davis

02/01/2022 **Investigation Activity**

Activity

The evidence in this case of the application record and wind data indicate at the time of the application the wind was blowing towards the complainant's property. The label for **Mes-O-Sate, EPA Reg.# 19713-694, Active Ingredient = metolachlor, mesotrione, glyphosate** states: *"Apply the pesticide only when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)".*

Original Event:	Investigation Activity (Pesticide) #4276
Submitted By:	Nathan J. Davis

02/02/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Donald E Head was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of $100.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature (See case number PS19-0155) and a restricted use pesticide was involved.

Original Event:	Judgement #894
Primary:	Donald E Head
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

03/11/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1024
To:	Donald E Head
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0408
Enclosed:	Notice of Enforcement
Attachments:	File 89388; PS22-0046EL CP ~ Donald E. Head.docx

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03/17/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1420
Subject:	Donald E Head
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0408
Received:	03/17/2022
Attachments:	File 92812; CM 7019 1640 0001 2427 0408.pdf

03/23/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1445
Subject:	Donald E Head
Submitted By:	Joni Herman
Payment Expected:	$100.00
Payment Received:	$100.00
Attachments:	File 92919; PS22-0046 Donald E. Head ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS22-0049

Department	Pesticide
Originated	02/07/2022
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**Henderson Ag Advantage Inc** Sharpsville, IN 46068

Overviews

02/09/2022 **Investigation Summary**

On February 1, 2022, I initiated a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Ag Advantage. I spoke with Mr. Austin Henderson on the phone and requested a copy of his sales records for 2020 and 2021.

On February 3, 2022, I electronically received a copy of the records. Upon review of the records, I found a RUP sale of atrazine on February 3, 2021 to Mr. Matt Cooper. A check of the OISC database indicated Mr. Cooper's license expired on December 31, 2020, meaning Mr. Cooper was not licensed when he purchased the RUP from Henderson Ag Advantage.

Submitted By: Elizabeth C. Carter
Role: Investigator

02/14/2022 **Disposition Summary**

Henderson Ag Advantage Inc was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/01/2022 **Intake Referral Filed**

On February 1, 2022, I contacted Austin Henderson and requested a copy of his RUP sales records. Upon review, I discovered a RUP sale to an unlicensed applicator.

Original Event: Intake Referral (Pesticide) #2336
Complainant: Office of Indiana State Chemist
Respondent: Henderson Ag Advantage Inc
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

02/03/2022 **Rup Dealer Inspection Conducted**

RUP Dealer Inspection

On February 1, 2022, I contacted Mr. Austin Henderson of Henderson Ag Advantage to request a copy of his Restricted Use Pesticide (RUP) Dealer Records for 2020 and 2021. On February 3, 2022, I electronically received a copy of the records. Upon review of the records, I found a RUP sale of atrazine on February 3, 2021 to Mr. Matt Cooper. A check of the OISC database indicated Mr. Cooper's license expired on December 31, 2020.

Attachments
File 86735; Henderson Ag advantage RUP cooper pg24.pdf
File 86736; Matt Cooper invoice 177021.pdf

Original Event:	Pesticide Inspection (General) #1792
Client:	Henderson Ag Advantage Inc
Firm Representative:	Austin Henderson
Submitted By:	Elizabeth C. Carter

02/04/2022 **Investigator Called Business**

Interaction

On February 4, 2022, I contacted Mr. Henderson on the phone with a few questions regarding his RUP sales. I asked him if Mr. Matt Cooper had a current applicator's license. He stated he was unsure and he had been trying to look into that issue. He acknowledged he needed a better system for verifying licenses.

Original Event:	Investigation Activity (Pesticide) #4277
Subject:	Henderson Ag Advantage Inc
Submitted By:	Elizabeth C. Carter

02/07/2022 **Case Created**

Original Event:	Case PS22-0049
Submitted By:	George Saxton
Assigned To:	Elizabeth C. Carter

02/14/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Henderson Ag Advantage Inc was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Original Event:	Judgement #901
Primary:	Henderson Ag Advantage Inc
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-3-2
Penalty Amount:	1000

03/16/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1038
To:	Henderson Ag Advantage Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9002
Enclosed:	Notice of Enforcement
Attachments:	File 90543; PS22-0049EL CP ~ Henderson Ag Advantage, Inc..docx

03/25/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1415
Subject:	Henderson Ag Advantage Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9002
Received:	03/25/2022
Attachments:	File 92807; CM 7019 0140 0000 6113 9002.pdf

04/21/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1501
Subject:	Henderson Ag Advantage Inc
Submitted By:	Joni Herman
Payment Expected:	$1,000.00
Payment Received:	$1,000.00
Attachments:	File 97663; PS22-0049 Henderson Ag Advantage - Austin Henderson ~ CP Received.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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In Re: Case PS22-0054

Department	Pesticide
Originated	02/15/2022
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Respondent	**Henderson Farm Service** Sharpsville, IN 46068
Complainant	**Office of Indiana State Chemist**
-	INCIDENTAL **Kyle E Rogers** Logansport, IN 46947

Overviews

02/16/2022 **Investigation Summary**

On February 7, 2022, I contacted Henderson Farm Services; I spoke with Lisa Henderson. I asked Mrs. Henderson to send me a copy of their Restricted Use Pesticide (RUP) Dealer Records for 2021. On February 12, 2022, I electronically received a copy of the records.

Upon review of the records, I found four RUP sales to two different unlicensed applicators, Kyle Rogers and Karl Eshelman, in 2021. A check of the OISC database indicated that Mr. Rogers had taken the CORE exam in 2020 but never applied for a license. As for Mr. Eschelman, he had a current category 14 (manure) license and had taken the CORE exam, but did not have a private applicator permit.

Submitted By: Elizabeth C. Carter
Role: Investigator

02/17/2022 **Disposition Summary**

Henderson Farm Service was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

However, $500.00 of the assessed civil penalty will be held in abeyance and not assessed provided Henderson Farm Service commits no further violations of the Indiana Pesticide Registration Law within two (2) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/07/2022 **Rup Dealer Inspection Conducted**

RUP Dealer Inspection

On February 7, 2022, I contacted Henderson Farm Services; I spoke with Lisa Henderson. I asked Mrs. Henderson to send me a copy of their Restricted Use Pesticide (RUP) Dealer Records for 2021. On February 12, 2022, I electronically received a copy of the records. Upon review of the records, I found four RUP sales to two different applicators without a license.

Attachments


File 87161


File 87162

Original Event:	Pesticide Inspection (General) #1800
Client:	Henderson Farm Service
Firm Representative:	Lisa Henderson
Submitted By:	Elizabeth C. Carter

02/07/2022 **Intake Referral Filed**

This was a routine RUP Dealer inspection that showed RUP sales to unlicensed applicators.

Original Event:	Intake Referral (Pesticide) #2340
Complainant:	Office of Indiana State Chemist
Respondent:	Henderson Farm Service
Entered By:	Elizabeth C. Carter
Submitted By:	George Saxton

02/15/2022 INCIDENTAL **Investigator Called Farmer**

Communication

On February 15, 2022, I called Kyle Rogers on the phone. I explained my purpose in calling. I asked him if he had a current pesticide applicator's license. He then said he took the CORE exam in June of 2020, but he did not realize he needed to apply for a license.

Later that day, I emailed Mr. Rogers the license application form.

Records

Attached are the RUP Dealer records from Henderson Farm Services showing Mr. Rogers purchased 3 RUP's (atrazine 4L, helmquat, and lamcap II) in May and June of 2021.

Attachments


File 87220

Original Event:	Investigation Activity (Pesticide) #4281
Linked From:	Intake Referral (Pesticide) #2340
Subject:	Kyle E Rogers
Submitted By:	Elizabeth C. Carter

02/15/2022 **Case Created**

Original Event:	Case PS22-0054
Submitted By:	George Saxton
Assigned To:	Elizabeth C. Carter

02/17/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Henderson Farm Service was cited for violation of section 15-16-4-50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of $1,000.00 was assessed for this violation.

Abeyance

However, $500.00 of the assessed civil penalty will be held in abeyance and not assessed provided Henderson Farm Service commits no further violations of the Indiana Pesticide Registration Law within two (2) years from the date of this notice.

Original Event:	Judgement #903
Primary:	Henderson Farm Service
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-3-2
Penalty Amount:	1000

03/16/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1040
To:	Henderson Farm Service
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9026
Enclosed:	Notice of Enforcement
Attachments:	File 90545; PS22-0054EL CP ~ Henderson Farm Service.docx

03/25/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1414
Subject:	Henderson Farm Service
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9026
Received:	03/25/2022
Attachments:	File 92806; CM 7019 0140 0000 6113 9026.pdf

04/12/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1490
Subject:	Henderson Farm Service
Submitted By:	Joni Herman
Payment Expected:	$500.00
Payment Received:	$500.00
Attachments:	File 97545; PS22-0054 Henderson Farm Svc.-Lisa Henderson ~ CP Received.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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State Chemist &
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This record was generated on **July 22, 2022, 02:03 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS22-0057

Department	Pesticide
Originated	02/16/2022
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**Karl Grant Eshelman** Walton, IN 46994

Overviews

02/22/2022 **Investigation Summary**

During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered a RUP sales of Status, on December 21, 2020, to Mr. Karl Eshelman. A check of the OISC database indicated he had a current category 14 (manure) license and had maintained that license since 2018. However, his private applicator pesticide license lapsed in the end of 2019. According to the OISC database, he retook the CORE/ Private Applicator Exam in January of 2020 but failed to apply for the private applicator permit. Upon speaking with Mr. Eshelman he stated he thought he had maintained the correct license to purchase and apply the RUP.

Submitted By: Elizabeth C. Carter
Role: Investigator

02/23/2022 **Disposition Summary**

Karl Grant Eshelman was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a person certified, licensed or permitted. A civil penalty in the amount of $500.00 was assessed for this violation.

However, the civil penalty was held in abeyance and not assessed provided Karl Grant Eshelman commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/12/2022 **Intake Referral Filed**

During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered a RUP sales to unlicensed, Karl Eshelman.

Original Event: Intake Referral (Pesticide) #2343
Complainant: Office of Indiana State Chemist
Respondent: Karl Grant Eshelman
Entered By: Elizabeth C. Carter
Submitted By: George Saxton
Photos:



File 87221

02/15/2022 **Investigator Called Farmer**

Communication

On February 15, 2022, I called Karl Eshelman on the phone. I explained to him that I had done a routine RUP dealer inspection and saw he had purchased an RUP, Status, on December 21, 2020. I asked him if he had a current pesticide applicator's license. He stated he did. I then explained to him that he had a current category 14 (manure) license and had maintained that license since 2018. However, his private applicator pesticide license lapsed in the end of 2019. According to the OISC database, he retook the CORE/ Private Applicator Exam in January of 2020 but failed to apply for the private applicator license. Mr. Eshelman stated he thought he had maintained the correct license to purchase and apply the RUP.

Records

These are the RUP Dealer records from Henderson Farm Services. It shows that Karl Eshelman purchased an RUP from them.

Attachments



File 87685

Original Event:	Investigation Activity (Pesticide) #4290
Subject:	Karl Grant Eshelman
Submitted By:	Elizabeth C. Carter

02/16/2022 **Case Created**

Original Event:	Case PS22-0057
Submitted By:	George Saxton
Assigned To:	Elizabeth C. Carter

02/23/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Karl Grant Eshelman was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a person certified, licensed or permitted. A civil penalty in the amount of $500.00 was assessed for this violation.

Abeyance

However, the civil penalty was held in abeyance and not assessed provided Karl Grant Eshelman commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this notice.

Original Event:	Judgement #906
Primary:	Karl Grant Eshelman
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(10)
Penalty Amount:	500

03/16/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1042
To:	Karl Grant Eshelman
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9125
Enclosed:	Notice of Enforcement
Attachments:	File 90547; PS22-0057EL CP Abeyance ~ Karl Grant Eshelman.docx

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04/01/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1467
Subject:	Karl Grant Eshelman
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9125
Received:	04/01/2022
Attachments:	File 95231; CM 7019 0140 0000 6113 9125 ~ PS22-0057.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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This record was generated on **May 9, 2022, 09:06 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS22-0059

Department	Pesticide
Originated	02/25/2022
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent	**Richard W Yoder** Topeka, IN 46571

Overviews

03/03/2022 **Investigation Summary**

During a routine Restricted Use Pesticide (RUP) Dealer inspection of Choice Seeds in Three Rivers, Michigan, I discovered a RUP sales of permethrin, on June 13, 2020 to Mr. Richard Yoder. A check of the OISC database indicated Mr. Yoder's license has expired almost 6 months earlier in December 2019.

On February 25, 2022, I spoke with Mr. Yoder on the phone. He acknowledged he purchased and applied the RUP without a current applicator license.

Submitted By: Elizabeth C. Carter
Role: Investigator

03/10/2022 **Disposition Summary**

Richard W Yoder was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being certified or having a person who is certified, licensed or permitted under IC 15-16-5 conducting the use. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $300.00. Consideration was given to the fact Mr. Yoder cooperated with the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/25/2022 **Intake Referral Filed**

During the course of a routine Restricted Use Dealer records check, I discovered an unlicensed sale of Permethrin to Richard Yoder.

Original Event: Intake Referral (Pesticide) #2346
Complainant: Office of Indiana State Chemist
Respondent: Richard W Yoder
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

02/25/2022 **Investigator Called Farmer Interaction**

On February 25, 2022, I spoke with Mr. Richard Yoder on the phone in regards to his RUP purchase of Permethrin from Choice Seeds on June 13, 2020. I asked him if he had a license. He said he did in the past but not anymore because he was "getting too old." After a lengthy conversation, Mr. Yoder acknowledged that when he purchased the RUP in 2020 his license must have already lapsed by then. He said he must have bought it "illegally."

Attachments



File 88364

Original Event: Investigation Activity (Pesticide) #4303
Subject: Richard W Yoder
Submitted By: Elizabeth C. Carter

02/25/2022 **Case Created**

Original Event: Case PS22-0059
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

03/10/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Richard W Yoder was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being certified or having a person who is certified, licensed or permitted under IC 15-16-5 conducting the use. A civil penalty in the amount of $500.00 was assessed for this violation. However, the civil penalty was reduced to $300.00. Consideration was given to the fact Mr. Yoder cooperated with the investigation and corrective action was taken.

Original Event: Judgement #961
Primary: Richard W Yoder
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(10)
Penalty Amount: 300

03/16/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1043
To: Richard W Yoder
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9132
Enclosed: Notice of Enforcement
Attachments: File 90548; PS22-0059EL CP Mitigated ~ Richard W. Yoder.docx

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03/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1413
Subject: Richard W Yoder
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 9132
Received: 03/23/2022
Attachments: File 92805; CM 7019 0140 0000 6113 9132.pdf

04/01/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1460
Subject: Richard W Yoder
Submitted By: Joni Herman
Payment Expected: $300.00
Payment Received: $300.00
Attachments: File 93619; PS22-0059 Richard W. Yoder ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **May 9, 2022, 09:06 AM EDT**. Information displayed may contain errors or omissions.
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This record was generated on **May 25, 2022, 08:42 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS22-0061

Department	Pesticide
Originated	03/01/2022
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Respondent Issued To	**Brian Hatfield** Greenfield, IN 46140
-	**BLC Outdoor SVCS** Greenfield, IN 46140
-	**B A M Outdoor Inc** Noblesville, IN 46074

Overviews

03/10/2022 **Investigation Summary**

Advertising on social media in 2021 and 2022 that Budz Kutz performs fertilization as a service.

Brian Hatfield cooperated with investigation.

provided 2 invoices for applications in April 2021. Did not know exact date. Applications not on same day.

Issued Action Order to stop.

Stated he was unaware he needed a license to apply store purchased fertilizer.

Submitted By: Paul Jay Kelley
Role: Investigator

03/10/2022 **Disposition Summary**

Brian Hatfield was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 (2 counts x $250.00 per count) was assessed.

However, the civil penalty was held in abeyance and will not be assessed provided Brian Hatfield does not commit further violations of the Indiana Pesticide Use and Application Law within the next two (2) years.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/28/2022 **Intake Referral Filed**

Brian Hatfield advertises on his Facebook page that he provides fertilization services in the Greenfield Indiana area.

Original Event: Intake Referral (Pesticide) #2348
Complainant: Office of Indiana State Chemist
Respondent: Brian Hatfield
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley
Attachments: File 88337; Screenshot_20220228-144736.png
File 88338; Screenshot_20220228-160200.png

File 88339; Screenshot_20220228-160542.png

03/01/2022 **Case Created**

Original Event:	Case PS22-0061
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

03/08/2022 **Investigator Called Subject**

Activity

On March 8, 2022, I spoke with Bryan Rutledge of BLC Outdoor Service. Mr. Rutledge stated BLC does not Sub-contract work for Bubz Kutz.

Attachments

File 88878; BubsCutz.msg.pdf

Original Event:	Investigation Activity (Pesticide) #4315
Subject:	BLC Outdoor SVCS
Submitted By:	Paul Jay Kelley

03/08/2022 **Investigator Called Subject**

Activity

On March 8, 2022, I spoke with Matt Clark of BAM Outdoor services. Mr. Clark stated BAM does not sub-contract for Bubz Kutz.

Attachments

File 88881; Bam Outdoor.msg.pdf

Original Event:	Investigation Activity (Pesticide) #4316
Subject:	B A M Outdoor Inc
Submitted By:	Paul Jay Kelley

03/10/2022 **Investigator Met with Target**

Interaction

On March 10, 2022, Agent Adam Brockman and I met with Brian Hatfield at his residence in Greenfield, Indiana. Mr. Hatfield provided me with two (2) invoices dated April 2021, for fertilizer application Mr. Hatfield made without a license. Furthermore, I discussed Mr. Hatfield's social media posts in 2021 and 2022 advertising Bubz Kutz is in the business of fertilizing lawns as part of his lawn mowing business. Mr. Hatfield stated he was unaware he needed a license to apply fertilizer purchased at the hardware store. Mr. Hatfield apologized for our inconvenience and stated he would cease.
Mr. Hatfield was issued and Action Order to cease applying and advertising in the business of making for-hire applications without a license from OISC.

Attachments



File 89002

File 89001; 2021 invoices.pdf

Original Event:	Investigation Activity (Pesticide) #4324
Subject:	Brian Hatfield
Submitted By:	Paul Jay Kelley

03/10/2022 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #726
Client:	Brian Hatfield
Firm Representative:	Brian Hatfield
Submitted By:	Paul Jay Kelley
Attachments:	File 89005; noi.pdf

03/10/2022 **Action Order Issued**

cease applying and advertising in the business of making for-hire applications without a license from OISC.

Original Event:	Action Order #240
Issued To:	Brian Hatfield
Firm Representative:	Brian Hatfield
Submitted By:	Paul Jay Kelley
Attachments:	File 89006; ao.pdf

03/10/2022 **Judgement; Civil Penalty Assessed**

Civil Penalty

Brian Hatfield was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of $500.00 (2 counts x $250.00 per count) was assessed.

Abeyance

However, the civil penalty was held in abeyance and will not be assessed provided Brian Hatfield does not commit further violations of the Indiana Pesticide Use and Application Law within the next two (2) years.

Original Event:	Judgement #962
Primary:	Brian Hatfield
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	500

03/16/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1044
To:	Brian Hatfield
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9149
Enclosed:	Notice of Enforcement
Attachments:	File 90550; PS22-0061EL CP Abeyance ~ Brian Hatfield.docx

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03/25/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1412
Subject:	Brian Hatfield
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9149
Received:	03/25/2022
Attachments:	File 92804; CM 7019 0140 0000 6113 9149.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **May 25, 2022, 08:42 AM EDT**. Information displayed may contain errors or omissions.
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **June 3, 2022, 01:02 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS22-0083

Department	Pesticide
Originated	04/12/2022
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	**Office of Indiana State Chemist**
Referred By	**Environmental Protection Agency**
Respondent Facility	**Eco-Pak LLC** Selma, IN 47383
Related Facility 1	**Townsend Corp** Muncie, IN 47305
Respondent	**Indiana Department of Environmental Management** Indianapolis, IN 46204

Overviews

04/26/2022 **Investigation Summary**

IDEM notified EPA that a lab sample of waste water from Eco-Pak LLC in Selma, Indiana dectected Dieldrin, a cancelled pesticide. EPA Region 5 issued an investigation referral to OISC to conduct an establishment inspection under the authorities of sections 8 and 9 of FIFRA

On 4-12-2022 a Producer Establishment Inspection(PEI) was conducted at Eco-Pak LLC. I informed Shane Moore and Nick Hoffman of Eco-Pak that OISC was referred to do a PEI at Eco-Pak by EPA and that the inspection would be conducted using federal credentials. I informed them that the reason for the inspection was the detection of Dieldrin in the the waste water sample. Mr. Hoffman explained that the original sample was sent to Teclab, Inc. Teclab detected Dieldrin in the wastewater. Mr. Hoffman stated after speaking with their waste contractor they decided to have the samples re-analyzed by Matrix Sciences. Eco-Pak received the original sample back from Teclab with the chain of custody and sent that sample to Matrix Sciences. Matrix Sciences did not detect any dieldrin in the same sample. Mr. Hoffman Stated that Eco-Pak is confident that no dieldrin is at the facility. Mr. Hoffman state he notified IDEM of the lab results from Matrix Sciences. Mr. Hoffman provided all documentation related to the lab analysis from both labs included and timeline of events. All documentations was included on the EPA Receipt for Samples.

During the inspection, I was informed by Mr. Hoffman that Eco-Pak produces approximately 75 different pesticide products. The majority of the products are produced to order and are not kept in stock. Eco-Pak serves as a custom blender and contract packager for their customers. I was informed that during the time of the inspection, 49 pesticide products were in stock. 12 of those products were packaged and ready for shipment. Those 12 products were collected as a formulation sample. I informed Mr. Hoffman of the documentation that needed to be collected for each of the products. Due to the large volume, it was decided that we would meet again on 4-13-2022, to allow time for all documentation to be gathered. I completed the EPA Receipt for Samples for all formulation samples collected.

On 4-13-2022 OISC Agent Mitch Trimble and I met with Mr. Hoffman again at Eco-Pak. Mr. Hoffman had all requested documentation ready when we arrived. All documentation was assigned a document number and listed on the EPA Receipt for Sample form. It was found that no distribution records existed for Lesco Three Way and Strike 3 as Eco-Pak had not sent any out. Mr. Hoffman did have all the repackaging agreements available, however he deemed them to be Confidential Business Information. I informed him that those documents would need to be sent to EPA Region 5.

Submitted By: Garret A. Creason
Role: Investigator

05/02/2022 **Disposition Summary**

This case was a referral from EPA. The completed case was forwarded back to EPA for their review.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/17/2022 **Intake Referral Filed**

IDEM notified EPA that a lab sample of waste water from Eco-Pak LLC in Selma, Indiana dectected Dieldrin, a cancelled pesticide. EPA Region 5 issued an investigation referral to OISC to conduct an establishment inspection under the authorities of sections 8 and 9 of FIFRA.

Original Event: Intake Referral (Pesticide) #2427
Complainant: Office of Indiana State Chemist
Respondent: Eco-Pak LLC
Referred By: Environmental Protection Agency
Entered By: Garret A. Creason
Submitted By: Joseph D. Becovitz

04/12/2022 **Formulation Samples Collected** (Pending)

Original Event: Formulation Collection #207456 (22-3-0022 7)
Client: Eco-Pak LLC
Firm Representative: Shane Moore
Submitted By: Garret A. Creason
Sample: 22-3-0022 7 | Relegate
Sample: 22-3-0021 5 | Ecopak custom blend 1
Sample: 22-3-0030 1 | Polaris
Sample: 22-3-0028 9 | Polaris AC Complete
Sample: 22-3-0023 6 | Crossbow
Sample: 22-3-0029 1 | Intermoc
Sample: 22-3-0025 8 | Sureguard SC
Sample: 22-3-0020 4 | Eco-Pak Custom Blend
Sample: 22-3-0027 0 | Lesco Threeway
Sample: 22-3-0026 2 | Strike 3
Sample: 22-3-0024 3 | Cheetah Pro
Sample: 22-3-0019 7 | Plateau
PPLS Labels: 010404-00043-20211102.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/010404-00043-20211102.pdf

014774-00002-20140911.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/014774-00002-20140911.pdf

000228-00521-20110420.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00521-20110420.pdf

000228-00534-20181009.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00534-20181009.pdf

000228-00570-20210421.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00570-20210421.pdf

000228-00743-20191202.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00743-20191202.pdf

000241-00365-20080911.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000241-00365-20080911.pdf

062719-00260-20091106.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf

070506-00344-20180713.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/070506-00344-20180713.pdf

071368-00114-20180516.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/071368-00114-20180516.pdf

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04/12/2022 **Investigator Met with Facility**

Communication

On 4-12-2022 a Producer Establishment Inspection(PEI) was conducted at Eco-Pak LLC. I informed Shane Moore and Nick Hoffman of Eco-Pak that OISC was referred to do a PEI at Eco-Pak by EPA and that the inspection would be conducted using federal credentials. I informed them that the reason for the inspection was the detection of Deldrin in the the waste water sample. Mr. Hoffman explained that the original sample was sent to Teclab, Inc. Teclab detected Deldrin in the wastewater. Mr. Hoffman stated after speaking with their waste contractor they decided to have the samples re-analyzed by Matrix Sciences. Eco-Pak received the original sample back from Teclab with the chain of custody and sent that sample to Matrix Sciences. Matrix Sciences did not detect any deldrin in the same sample. Mr. Hoffman Stated that Eco-Pak is confident that no deldrin is at the facility. Mr. Hoffman state he notified IDEM of the lab results from Matrix Sciences. Mr. Hoffman provided all documentation related to the lab analysis from both labs included and timeline of events. All documentations was included on the EPA Receipt for Samples.

Original Event: Investigation Activity (Pesticide) #4495
Subject: Eco-Pak LLC
Submitted By: Garret A. Creason

04/12/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #834
Client: Eco-Pak LLC
Firm Representative: Shane Moore
Submitted By: Garret A. Creason
Photos:



File 92755

04/12/2022 **Producer Establishment Inspection Conducted**

Company Background

Custom Blend and repackage pesticide products for end use.

Product: Plateau

Full list of 49 pesticide products currently being produced will be attached to this case.

Label Check

Lesco Three-Way label did not contain batch ID. a full label review was not conducted.

Attachments

File 92757; Eco-Pak LLC - SCANNED PACKET.pdf

Original Event: Producer Establishment Inspection #60
Facility: Eco-Pak LLC
Related Facility 1: Townsend Corp
Firm Representative: Nick Hoffman
Submitted By: Garret A. Creason
PPLS Labels: 000241-00365-20080911.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000241-00365-20080911.pdf

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04/12/2022 **Investigator Met with Responsible Party**

Communication

During the inspection, I was informed by Mr. Hoffman that Eco-Pak produces approximately 75 different pesticide products. The majority of the products are produced to order and are not kept in stock. Eco-Pak serves as a custom blender and contract packager for their customers. I was informed that during the time of the inspection, 49 pesticide products were in stock. 12 of those products were packaged and ready for shipment. Those 12 products were collected as a formulation sample. I informed Mr. Hoffman of the documentation that needed to be collected for each of the products. Due to the large volume, it was decided that we would meet again on 4-13-2022, to allow time for all documentation to be gathered. I completed the EPA Receipt for Samples for all formulation samples collected.

Original Event: Investigation Activity (Pesticide) #4502
Subject: Eco-Pak LLC
Submitted By: Garret A. Creason

04/12/2022 **Case Created**

Original Event: Case PS22-0083
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason

04/13/2022 **Investigator Met with Responsible Party**

Communication

On 4-13-2022 OISC Agent Mitch Trimble and I met with Mr. Hoffman again at Eco-Pak. Mr. Hoffman had all requested documentation ready when we arrived. All documentation was assigned a document number and listed on the EPA Receipt for Sample form. It was found that no distribution records existed for Lesco Three Way and Strike 3 as Eco-Pak had not sent any out. Mr. Hoffman did have all the repackaging agreements available, however he deemed them to be Confidential Business Information. I informed him that those documents would need to be sent to EPA Region 5.

Original Event:	Investigation Activity (Pesticide) #4503
Subject:	Eco-Pak LLC
Submitted By:	Garret A. Creason

04/13/2022 **Investigator Met with Responsible Party**

Records

All collected documentation from Eco-Pak scanned into one document.

Attachments

File 92762; Eco-Pak LLC - SCANNED PACKET.pdf

Original Event:	Investigation Activity (Pesticide) #4504
Subject:	Eco-Pak LLC
Submitted By:	Garret A. Creason

05/02/2022 **Case Closed; Referred to Epa**

This case was a referral from EPA. The completed case was forwarded back to EPA for their review.

Original Event:	Compliance Activity #1231
Primary:	Eco-Pak LLC
Secondary:	Indiana Department of Environmental Management
Submitted By:	George Saxton

Chain of Custody

04/15/2022 **Sample 22-3-0019 7**

Original Event:	Chain of Custody #207 (22-3-0019 7)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0020 4**

Original Event:	Chain of Custody #208 (22-3-0020 4)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0021 5**

Original Event:	Chain of Custody #209 (22-3-0021 5)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0022 7**

Original Event:	Chain of Custody #210 (22-3-0022 7)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0023 6**

Original Event:	Chain of Custody #211 (22-3-0023 6)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0024 3**

Original Event:	Chain of Custody #212 (22-3-0024 3)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0025 8**

Original Event:	Chain of Custody #213 (22-3-0025 8)
04/12/2022 10:23:	Sample Collected by Garret A. Creason
04/14/2022 14:25:	Sample Delivered to 218
04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

04/15/2022 **Sample 22-3-0026 2**

	Original Event:	Chain of Custody #214 (22-3-0026 2)
	04/12/2022 10:23:	Sample Collected by Garret A. Creason
	04/14/2022 14:25:	Sample Delivered to 218
	04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson
04/15/2022	**Sample 22-3-0027 0**	
	Original Event:	Chain of Custody #215 (22-3-0027 0)
	04/12/2022 10:23:	Sample Collected by Garret A. Creason
	04/14/2022 14:25:	Sample Delivered to 218
	04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson
04/15/2022	**Sample 22-3-0028 9**	
	Original Event:	Chain of Custody #216 (22-3-0028 9)
	04/12/2022 10:23:	Sample Collected by Garret A. Creason
	04/14/2022 14:25:	Sample Delivered to 218
	04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson
04/15/2022	**Sample 22-3-0029 1**	
	Original Event:	Chain of Custody #217 (22-3-0029 1)
	04/12/2022 10:23:	Sample Collected by Garret A. Creason
	04/14/2022 14:25:	Sample Delivered to 218
	04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson
04/15/2022	**Sample 22-3-0030 1**	
	Original Event:	Chain of Custody #218 (22-3-0030 1)
	04/12/2022 10:23:	Sample Collected by Garret A. Creason
	04/14/2022 14:25:	Sample Delivered to 218
	04/15/2022 15:31:	Delivery Affirmed by Natalie Wilson

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Official records may only be obtained directly from the Office of Indiana State Chemist.