

October 29, 2015

Indiana State Chemist and Seed Commissioner
Purdue University
175 South University Street
West Lafayette, Indiana 47907-4331

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INDIANA STATE CHEMIST

OCT 30 2015

Check No. 1084543
Fee Paid \$ 16,500.00
Date Posted _____

Dear Mr. Saxton,

This letter is submitted in response to the citation for violation and civil penalty issued to Scotts LawnService in Fishers, Indiana ("Facility"), dated October 9, 2015 and received October 15, 2015 (Case #2015/1341 Pesticide storage and containment). Enclosed please find full and final payment of the \$16,500 civil penalty. Scotts LawnService maintains the assessment is excessive and not reflective of the conduct of the Facility management, the historic compliance record of the Facility, or the hazard potential of said violation. Without conceding any facts to the contrary, SLS is paying this civil penalty in an effort to resolve the issue expeditiously and without the hassle and cost of appeal or litigation.

Scotts LawnService has operated the Facility for over ten (10) years and has invested over ninety thousand dollars (\$90,000) locally in the construction of containment and liquid pesticide handling areas. We have implemented very high standards of worker and environmental safety and operated this Facility in compliance with Indiana state laws and regulations. Our history of interaction with the Office of the State Chemist has been respectful, collaborative, and mutually beneficial.

We are concerned with the absence of enforcement discretion and penalty mitigation in this case and request the Indiana Pesticide Review Board reconsider the 2005 amendments to Title 357 that removed the potential for mitigation as listed in section 5 of the rule.

In this case, Facility management demonstrated a history of compliance, was able to immediately comply once the oversight was highlighted, was cooperative with the investigation process and the potential for damage or adverse effects from the storage of the general use pesticide material was negligible. The storage of this limited amount of liquid pesticide and the factors noted above do not warrant the extent of the penalty assessment.

We request your assistance in communicating these concerns to the Pesticide Review Board and reinstate the penalty mitigation provisions to the rule.

Sincerely,



Chris J. Wible Scotts LawnService

Director, Technical Services

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