

**February 11, 2020...Office of Indiana State Chemist  
Civil Penalty Assessment Worksheet for Use/Misuse Violations**

*Utilize this worksheet for "use/misuse" complaint investigations only. "Use" has the meaning set forth in IC 15-16-5-36. Assess all other civil penalties in accordance with the civil penalty schedule in 357 IAC 1-7. For each category below, assign the highest applicable point value for the violation(s) identified.*

**Case #** \_\_\_\_\_

<b>Violation Type</b>	<b>Points</b>
Recordkeeping	1
Supervision of noncertified applicator	2
Use of faulty equipment	2
Off-label use; applicator exposure	2
All other off-label use	3
Off-target drift	3
Direct application to nontarget site	4
<b>Product</b>	
General use pesticide	1
Restricted use pesticide	4
<b>Degree of Responsibility</b>	
accidental	1
negligence	4
intentional	10
<b>Adverse Effects</b>	
Nontarget exposure; no adverse effect	1
Nontarget exposure; adverse effect	2
Animal exposure; no adverse effect	1
Animal exposure; adverse effect	4
Human exposure; no adverse effect	4
Human exposure; adverse effect	6
Not applicable	0
<b>Three year compliance history</b>	
Warning	2
Civil or criminal penalty	5
Credential suspension/revocation	7
Not applicable	0
<b>TOTAL POINTS</b>	

**0-8 points-warning      15-17 points-\$750      24-26 points-\$5000**  
**9-11 points-\$250      18-20 points-\$1000      27-29 points-\$7500**  
**12-14 points-\$500      21-23 points-\$2500      30 points or more-\$10,000**

**IC 15-16-5-36"Use"** As used in this chapter, "use" means an act of handling, releasing, or exposing individuals or the environment to a pesticide. The term includes the following:

- (1) Application or supervision of an application of a pesticide, including mixing or loading the pesticide.
- (2) Storage of pesticides and pesticide containers by the intended applicator of the pesticides.
- (3) Transportation of pesticides and pesticide containers by the intended applicator of the pesticides.
- (4) Disposal of pesticides and pesticide containers by the intended applicator of the pesticides.