

A Summary of Cases

February 8, 2022

PS21-0071 Anonymous complainant alleged that Powell's Property Care is sending unlicensed people out to make for-hire pesticide applications. A check of OISC records showed that Powell's failed to renew their pesticide business license in 2020.

Disposition Summary

Powell's Property Care LLC was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide applications in the course of an investigation. A civil penalty in the amount of \$250.00 was assessed for this violation.

Derek Powell was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide applications in the course of an investigation.

Powell's Property Care LLC was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Derek Powell was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

PS21-0072 Complainant stated he observed Bundy Brothers make an application to a field adjacent to his property on April 6, 2021 between 4 and 5 pm. He further stated the wind was 8 mph gusting to 21 mph and blowing toward his property.

Disposition Summary

Bundy Brothers & Sons Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

Kevin Lee Scott was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

PS21-0080 Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive

damage to her home that she believes should have been detected by SWAT in their yearly inspections.

Disposition Summary

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Swat Pest Management Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee. A civil penalty in the amount of \$125.00 was assessed for this violation.

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee.

PS21-0089 Complainant wrote that Draw it Out company is offering Citraquin Natural Environmental Defense Spray for sale. The product does not appear to be registered for sale or use in Indiana.

Disposition Summary

Draw It Out Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$250.00 was assessed for this violation. In addition, the label requires significant revisions before it can be accepted for registration as a 25(b) product in Indiana.

PS21-0103 Complainant stated the field next to their pasture was sprayed by Ceres Solutions on May 1, 2021, at approximately 1 pm. The complainant further stated it was very windy with the wind blowing toward their pasture at the time of the application.

Disposition Summary

Ceres Solutions Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Dusty Jason Robinson was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Justin Todd Hurd was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

PS21-0107 Upon my inspection of Christopher Mejia of Livin' Green Lawn & Landscape, I found Mr. Mejia was making applications of fertilizer and pesticides by himself without a Registered Technician credential from OISC.

Disposition Summary

Livin Green Lawn & Landscape Inc was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual. A civil penalty in the amount of \$250.00 (2 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Livin Green Lawn & Landscape Inc cooperated during the investigation.

Desmond L. Corn was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual.

PS21-0109 Complainant stated he was sprayed by Wagner Farms on May 14, 2021 at approximately 1:30 pm. The complainant stated there was a strong wind from the south at the time of the application.

Disposition Summary

Wagner Turkey Farms Inc., was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. 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 there was potential for human harm.

Kasey Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Joseph D. Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

PS21-0118 On May 18, 2021, the complainant, Brian Weekly, with Bugg Products advised OISC that he believed an unregistered pesticide product was being sold at Menards Stores. The product was Bug Soother.

Disposition Summary

Simply Soothing was cited for two (2) counts (2020 & 2021) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

PS21-0123 On May 27, 2021, I witnessed Registered Technician, Blake Fisher; Spring Green Lawn Care, make a granular fertilizer & pesticide application to the lawn of 7326 Graymont Dr., Indianapolis, and leave the residence without first removing the granular product from the residence's hardscapes.

Disposition Summary

Viridis LLC DBA Spring Green Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. A civil penalty in the amount of \$125.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

Kyle A Haines was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

PS21-0127 Officer Harmon stated he has information that Dave Feichter is using fly bait in a styrafoam bowl to poison ground hogs.

Disposition Summary

David A Fiechter was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for applying to a kill a non-target pest. 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.

PS21-0129 Complainant is concerned applications to a field that are within 50 to 100 feet of wellheads may contaminate a community water source.

Disposition Summary

Helena Agri Enterprises LLC of Ligonier was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Tyler Gilbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. Consideration was given to the fact a restricted use pesticide was involved.

PS21-0158 Complainant stated she and her father were sprayed by Co-Alliance while working on a fence.

Disposition Summary

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. 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 Mr. Higgins' second violation of similar nature. See case number PS20-0130.

Timothy Wayne Higgins Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact there was potential for human harm and this was Mr. Higgins' second violation of similar nature. See case number PS20-0130.

PS21-0164 Complainant stated he arrived home from work at approximately 6 pm on June 14, 2021, and was drenched with spray as he exited his vehicle. Complainant stated the spray was from an unknown farmer making an application to an adjacent field.

Disposition Summary

Cloverdale Agri Center was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

William Frank Bailey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

PS21-0183 During a not-for-cause Marketplace inspection at Midwest Veterinary Supply, two unregistered pesticide products were being offered for sale and distribution. Located during the inspection were two 25(b) pesticide products being offered for sale. The products were not registered for sale in the State of Indiana. A sample of each was collected and Action Order was issued to Midwest Veterinary Supply.

Disposition Summary

Midwest Veterinary Supply was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana.

Kenetic Vet was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

- PS21-0332 Complainant stated an application made to an adjacent farm field on June 18, 2021, drifted onto her pasture killing some of the grass near the property line.

Disposition Summary

Shane Allen Love 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 \$100.00 was assessed for this violation. Consideration was given to the fact this was Mr. Love's first violation of similar nature. Consideration was also given to the fact two (2) restricted use pesticides were involved.

- PS21-0345 Failed to renew their 2021 pesticide business license

Disposition Summary

Disingers Grounds Maintenance & Pest Control was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Brett Disinger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

- PS21-0352 On September 8, 2021, I observed Stacey Hibbard making a for-hire pesticide application with a backpack spray to the rip-rap at the entrance to the Heritage Heights mobile home park in Columbus, Indiana. Stacey Hibbard and RCR Contracting are not licensed by OISC to perform for-hire pesticide applications.

Disposition Summary

RCR Contracting was cited for 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.

Stacey Hibbard was cited for 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 \$300.00. Consideration was given to the fact Stacey Hibbard cooperated during the investigation and corrective action was taken.

Stacey Hibbard was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the use of personal

protective equipment (PPE). Consideration was given to the fact this was her first violation of similar nature.

PS21-0373 Complainant stated on May 24, 2021, at approximately 11:00 am, an applicator hung the spray boom over her fence and sprayed her kids in the face and body. At the time of my on-site investigation on June 7, 2021, The complainant also reported injury to the vegetation across her property due to pesticide drift and misuse. Additional case to #PS21-0116.

Disposition Summary

Benjamin Yager 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 PS20-0173.



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

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In Re: Case PS21-0071

Department	Pesticide
Originated	04/07/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Powells Property Care LLC Syracuse, IN 46567
Respondent	Derek H Powell Syracuse, IN 46567

Overviews

07/01/2021 **Investigation Summary**

On 04/07/21 OISC received an anonymous complaint alleging Powell's Property Care was sending out unlicensed personnel to make pesticide and fertilizer applications. OISC records indicated owner Derek Powell failed to renew his pesticide business license in 2020.

I made contact with owner Derek Powell. He admitted he had made at least one turf fertilizer application in Indiana without a pesticide applicator license or pesticide business license. I issued an Action Order for him to stop advertising as a pesticide business and to cease all pesticide/fertilizer applications until properly licensed with OISC.

While he claimed to be in the process of obtaining his pesticide applicator and business license, on 7/1/21 I learned from Purdue Pesticide Programs (PPP) and OISC Licensing Section Derek Powell has never taken the required exam to obtain his licensing.

Mr. Derek Powell was given the opportunity to provide his fertilizer application records. As of this date he has failed to do so.

Not only did Mr. Powell not obtain his pesticide applicator and pesticide business license, but he also failed to cease advertising for fertilization on his company's web-site.

Mr. Derek Powell is in violation of making and/or advertising for turf fertilization without a category 3B pesticide license and category 3B business license.

Submitted By: Kevin W. Gibson
Role: Investigator

07/02/2021 **Disposition Summary**

Powell's Property Care LLC was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide applications in the course of an investigation. A civil penalty in the amount of \$250.00 was assessed for this violation.

Derek Powell was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide applications in the course of an investigation.

Powell's Property Care LLC was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Derek Powell was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/07/2021 Intake Referral Filed

Anonymous complainant alleged that Powell's Property Care is sending unlicensed people out to make for-hire pesticide applications. A check of OISC records showed that Powell's failed to renew their pesticide business license in 2020.

Original Event: Intake Referral (Pesticide) #1878
Complainant: Anonymous
Respondent: Powells Property Care LLC
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

04/07/2021 Case Created

Original Event: Case PS21-0071
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

04/13/2021 Investigator Called Business Interaction

I spoke to owner Derek Powell. I explained that situation for advertising and making pesticide applications without a pesticide applicator's license and a pesticide business license.. I requested all pesticide application records from 2020. At first he stated he made just a few pesticide applications but when I requested all applications, he told me with his customer base, he would be in front of a computer "for weeks" trying to print those records. I further explained at the time of our conversation the fines for his non-compliance could be as much as \$500.00 He said he understood and would work on printing the records. He also told me he planned to contact OISC Licensing section to work toward receiving his applicator's license.

Original Event: Investigation Activity (Pesticide) #2823
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson
Photos:



File 66668

04/13/2021 Notice of Inspection Issued

NOI issued to owner/operator Derek Powell via email.

Original Event: Notice of Inspection #286
Client: Powells Property Care LLC
Firm Representative: Derek Powell
Submitted By: Kevin W. Gibson
Photos:



File 66670

04/15/2021 Action Order Issued

Unlicensed applicator Derek Powell was issued an **Action Order** via email which stated "Subject to I.C. 15-16-5-65(6), you are hereby ordered to: *Stop making or advertising for pesticide applications in a category for which you or your business is not currently licensed.* (See item #12 below)

Original Event: Action Order #197
Issued To: Powells Property Care LLC
Firm Representative: Derek Powell
Submitted By: Kevin W. Gibson
Photos:



File 66671

04/15/2021 Investigator Sent Fax/Email to Business

Communication

An email was sent to Derek Powell as an "official request" for all pesticide applications for 2020.

Original Event: Investigation Activity (Pesticide) #2851
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson
Photos:



File 66681

04/26/2021 Investigator Sent Fax/Email to Business Communication

I sent an email reminder to respondent Derek Powell for his pesticide application records. I also notified him regarding removal of fertilizer advertising on his company's website. He told me he has tried to remove the information from the website, however, he does not know how to do so. He is not sure who to contact. Mr.

Powell also told me he is working on the pesticide application records. He is in the process of obtaining study materials for the category 3B test. When he was contacted

Purdue Pesticide Programs, he has been told the materials have been mailed but he has yet to receive them. Derek Powell called later this date to inform me he removed all information from his web-site pertaining to fertilizer and pesticide applications.

Original Event: Investigation Activity (Pesticide) #2865
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson
Photos:



File 66798

05/05/2021 Investigator Sent Fax/Email to Business Communication

I sent the third email requesting 2020 application records.

Original Event: Investigation Activity (Pesticide) #2944
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson
Photos:



File 67372

06/28/2021 Investigation Activity Activity

As of this date (6/28/21) I have not received any pesticide/fertilizer application records from Mr. Powell.

Original Event: Investigation Activity (Pesticide) #3342
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson

07/01/2021 Online Investigation Activity Screenshots

On a previous date (04/26/21) owner Derek Powell told me he removed all references to pesticide and fertilizer applications from his web page. On this date I checked Powell Property web-site through it's Facebook page. I learned Powell's Property Care (dba Total Property Care Inc.) was still advertising for lawn fertilization. There is no evidence to indicate the "fertilization" claim was ever removed from the web-site.

Original Event: Investigation Activity (Pesticide) #3387
Subject: Powells Property Care LLC
Submitted By: Kevin W. Gibson
Photos:



File 72274

07/02/2021 **Judgement; Civil Penalty Assessed**

Citation

Derek Powell was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide application records in the course of an investigation.

Citation

Derek Powell was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

Civil Penalty

Powell's Property Care LLC was cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law for failure to produce pesticide application records in the course of an investigation. A civil penalty in the amount of \$250.00 was assessed for this violation.

Civil Penalty

Powell's Property Care LLC was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event:	Judgement #758
Primary:	Powells Property Care LLC
Secondary:	Derek H Powell
Submitted By:	George Saxton
Legal Citations:	IC 15-16-5-65(7); IC 15-16-5-65(9)
Penalty Amount:	500

07/07/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #843
To:	Powells Property Care LLC
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7305
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 72965; PS21-0071EL CP ~ Powells Property Care - Derek H. Powell.docx File 76011; PS21-0071EL CP ~ Powells Property Care - Derek H. Powell.pdf

07/12/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1193
Subject:	Powells Property Care LLC
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7305
Received:	07/12/2021
Attachments:	File 73667; CM 7019 0140 0000 6113 7305.pdf

08/23/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1296
Subject:	Powells Property Care LLC
Submitted By:	Joni Herman
Payment Expected:	\$500.00
Payment Received:	\$500.00
Attachments:	File 85942; PS21-0071 ~ Powells Property Care ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found



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

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In Re: Case PS21-0072

Department	Pesticide
Originated	04/07/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Matthew Allan Norman Mitchell, IN 47446	
Respondent	Bundy Brothers & Sons Inc Medora, IN 47260	Licensed Business
Respondent	Kevin Lee Scott Medora, IN 47260	Certified Applicator

Overviews

10/26/2021 **Investigation Summary**

The complainant advised he observed a pesticide application being made to a neighboring farm field. The complainant advised the pesticide application drifted onto himself, his hayfield, and his pasture.

During my on-site investigation I located two potential sources of pesticide application in the area. Both target field applications were made on the same day back to back, by the same applicator, and contained the same tank mix. Collected samples of injured weeds and grasses from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL). Collected the complainant's shirt worn during the time of exposure. Collected a vegetation sample from the area the complainant was standing at the time of exposure. Collected a composite vegetation sample from the complainant's pasture. Collected gradient vegetation samples from the complainant's hayfield. Collected composite soil samples from the target fields. The residue samples were submitted to the OISC Residue Laboratory for analysis.

The application record and wind data indicate at the time of the application the wind was out of the south and west blowing towards where the complainant was standing at the time of exposure and the complainant's hayfield and pasture. The OISC Residue Laboratory analyses detected the active ingredients dicamba and thiencazuron-methyl on the shirt worn by the complainant at the time of exposure. The OISC Residue Laboratory analyses also detected the active ingredients dicamba, thiencazuron-methyl, atrazine, and paraquat in the area the complainant was standing at the time of exposure in levels consistent with off target movement. The OISC Residue Laboratory analyses detected the active ingredients dicamba, atrazine, and paraquat in the off-target pasture sample and all three of the off-target hayfield gradient samples at levels consistent with off target movement.

The label for *Paraquat 3SL*, EPA Reg.# 87290-35, Active Ingredient = paraquat states: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift" and "Do not apply when weather conditions favor drift from treated areas".

The label for *Vision*, EPA Reg.# 5905-576, Active Ingredient = dicamba states: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift".

The Label for *Corvus*, EPA Reg.# 264-1066, Active Ingredient = isoxaflutole, thiencazuron-methyl states: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift" and "Do not apply when wind speeds exceed 10 miles per hour at the application site".

The label for *Atrazine*, EPA Reg.# 34704-69, Active Ingredient = atrazine states: "Do not apply this product in a way that will contact workers or other persons, either directly or through drift" and "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, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)".

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

10/26/2021 **Disposition Summary**

Bundy Brothers & Sons Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

Kevin Lee Scott was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/07/2021 **Intake Referral Filed**

Complainant stated he observed Bundy Brothers make an application to a field adjacent to his property on April 6, 2021 between 4 and 5 pm. He further stated the wind was 8 mph gusting to 21 mph and blowing toward his property.

Original Event: Intake Referral (Pesticide) #1879
Complainant: Matthew Allan Norman
Respondent: Bundy Brothers & Sons Inc
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

04/07/2021 **Case Created**

Original Event: Case PS21-0072
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

04/07/2021 **Investigator Called Business Communication**

On April 7, 2021 I contacted Bundy Brothers and Sons located in Medora, Indiana. I spoke with the Mike Bundy. I advised Mr. Bundy I was a pesticide Investigator for OISC and of the complaint I was investigating. Mr. Bundy advised Bundy Brothers and Sons made a pesticide application to the field to the south of the complainant's property. I advised Mr. Bundy 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) #2782
Subject: Bundy Brothers & Sons Inc
Submitted By: Nathan J. Davis

04/12/2021 **Investigator Received Fax/Email from Business Investigation Inquiry**

On April 14, 2021 I received a completed pesticide investigation inquiry from Mr. Bundy for the application which indicated the following:

Inquiry Overview

Certified Applicator Kevin Scott
Company Bundy Brothers and Sons
Application Type Commercial
Target Field #1 North Target Field
Target Field #2 South Target Field

Tank Mix

Product	EPA	Rate
Corvus	264-1066	3oz/acre
Atrazine 4L	34704-69	1qt/acre
Vision	5905-576	6oz/acre
Paraquat 3SL	87290-35	1qt/acre
Scanner		1qt/100

Application Date

Field	Date	Start	End
F1 F2	04/06/2021	4:30pm	5:35pm

Air Conditions

Time Temp Direction Speed

Start 79°F SW 12.5mph

End 79°F SW 12.5mph

Original Event: Investigation Activity (Pesticide) #2799
Subject: Bundy Brothers & Sons Inc
Submitted By: Nathan J. Davis
PPLS Labels: [000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf
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https://www3.epa.gov/pesticides/chem_search/ppls/034704-00069-20130425.pdf
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https://www3.epa.gov/pesticides/chem_search/ppls/005905-00576-20200622.pdf
[087290-00035-20200827.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/087290-00035-20200827.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/087290-00035-20200827.pdf

04/12/2021 New Respondent Identified

Original Event: Investigation Change #30
Respondent: Kevin Lee Scott
Submitted By: Nathan J. Davis

04/14/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #398
Submitted By: Nathan J. Davis
Target Analyte: Corvus
Target Analyte: Atrazine 4L
Target Analyte: Vision
Target Analyte: Paraquat 3SL
PPLS Labels: [000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf
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https://www3.epa.gov/pesticides/chem_search/ppls/034704-00069-20130425.pdf
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https://www3.epa.gov/pesticides/chem_search/ppls/005905-00576-20200622.pdf
[087290-00035-20200827.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/087290-00035-20200827.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/087290-00035-20200827.pdf

04/15/2021 Investigator Met with Complainant Interaction

On April 15, 2021 I met with the complainant at his property. The complainant advised he observed a pesticide application being made to a neighboring farm field. The complainant advised the pesticide application drifted onto himself, his hayfield, and his pasture.

During my on-site investigation I did the following:

Looked for and found two potential sources of herbicide application in the area. The target fields are located to the northwest and southwest of the complainant's property. Both target field applications were made on the same day back to back, by the same applicator, and contained the same tank mix.

Observed and photographed weeds and grasses in the pasture and hayfield with necrotic leaf spots and yellow and brown leaf tips.

Collected samples of injured weeds and grasses from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL)

Collected the complainant's shirt worn during the time of exposure. Collected a vegetation sample from the area the complainant was standing at the time of exposure. Collected a composite vegetation sample from the complainant's pasture. Collected gradient vegetation samples from the complainant's hayfield. Collected composite soil samples from the target fields. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #2804
Subject: Matthew Allan Norman
Submitted By: Nathan J. Davis

04/15/2021 Notice of Inspection Issued

Original Event:
Client:
Firm Representative:
Submitted By:

Notice of Inspection #268
Matthew Allan Norman
Matthew Norman
Nathan J. Davis

04/15/2021

Investigator Met with Complainant Photographs

Photographs taken during the on-site investigation.

Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #2805
Matthew Allan Norman
Nathan J. Davis



File 66403



File 66404



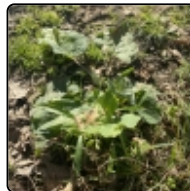
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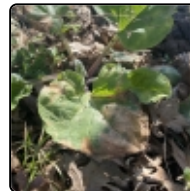
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File 66407



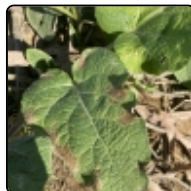
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File 66409



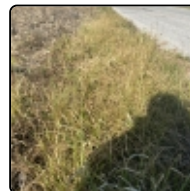
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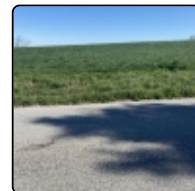
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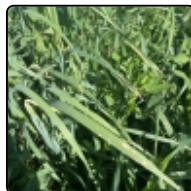
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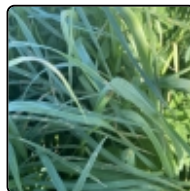
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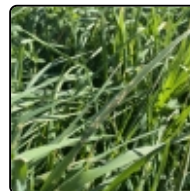
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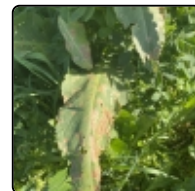
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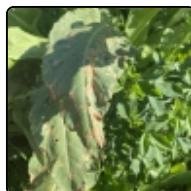
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File 66417



File 66418



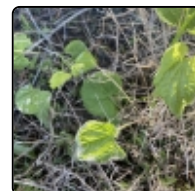
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File 66420



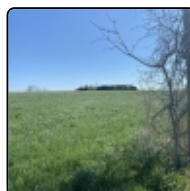
File 66421



File 66422



File 66423



File 66424

04/15/2021

Residue Samples Collected

Original Event:	Residue Collection #175080 (21-4-0013 1)
Client:	Matthew Allan Norman
Submitted By:	Nathan J. Davis
Sample:	21-4-0013 1 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-0014 9 Veg; Grab; Area Standing During Exposure; OFF-T
Sample:	21-4-0015 4 Veg; Grab; Hayfield; OFF-T, Grad1, NE
Sample:	21-4-0016 5 Veg; Grab; Hayfield; OFF-T, Grad2, NE
Sample:	21-4-0017 7 Veg; Grab; Hayfield; OFF-T, Grad3, NE
Sample:	21-4-0018 3 Veg; Comp; Pasture; OFF-T, SE
Sample:	21-4-0019 6 Veg; Ctrl; OFF-T, E
Sample:	21-4-0020 3 Soil; Comp; 2-4"; Target, N
Sample:	21-4-0021 9 Soil; Comp; 2-4"; Target, S

04/15/2021 **External Lab Sample Collected**

Original Event:	External Lab Sample Collection #175083 (X21-B85C6E)
Client:	Matthew Allan Norman
Submitted By:	Nathan J. Davis
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-B85C6E Assortment of weeds and grasses from hayfield and pasture

04/23/2021 **Received External Lab Report**

A few broadleaf weeds (curly dock and/or broadleaf dock) in sample 21-00227 show necrotic spots that resemble injury from a contact herbicide such as gramoxone (paraquat) and atrazine. Similarly, some of the grasses on the photos show necrotic spots that

resemble injury from a contact herbicide such as paraquat. There were no visible symptoms in the sample that could be associated with injury from the herbicides dicamba, isoxaflutole, and thiencazuron. The overall severity of herbicide injury to the pasture and hayfield could not be evaluated from the pictures provided.

The images provided only showcased a few plants and the overall pattern of injury to the crops could not be evaluated accurately, although the level of crop injury appears to be low.

The Eastern redcedar had some needle blight caused by the fungus Passalora, but this was not causing extensive damage. Disease was not found on the other sample material.

Original Event:	External Lab Report #175972 (X21-B85C6E)
Submitted By:	Nathan J. Davis
Sample:	X21-B85C6E

07/21/2021 **Received Residue Lab Report**
Lab Remarks

Released 07/21/21

Investigatory Summary

The OISC Residue Laboratory analyzed the soil and vegetation samples collected for the active ingredients atrazine, dicamba, isoxaflutole, thiencazuron-methyl and paraquat and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients dicamba and thiencazuron-methyl in the shirt worn by the complainant at the time of exposure. The OISC Residue Laboratory analysis detected the active ingredients atrazine, dicamba, thiencazuron-methyl, and paraquat in the vegetation sample taken from the area the complainant was standing during exposure. The OISC Residue Laboratory analysis detected the active ingredients atrazine, dicamba, and paraquat in all three of the off target NE hayfield gradient vegetation samples. Further the active ingredients atrazine, dicamba, and paraquat were detected in the off target SE pasture vegetation sample.

First Page of Lab Report

OCM Collection #	175080	Investigator	DAVISN			
Collection Date	04/15/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-0013 1	Clothing; Grab; Shirt; OFF-T	Clothing	Dicamba	137000 ng/clothing	1200 ng/clothing	
			Thiencarbazone-methyl	1390 ng/clothing	280 ng/clothing	
21-4-0014 9	Veg; Grab; Area Standing During Exposure; OFF-T	Veg	Dicamba	180 ppb	2 ppb	
			Atrazine	763 ppb * Estimated Ammount	0.3 ppb	
			Isoxaflutole	BDL ppb	3 ppb	
			Thiencarbazone-methyl	6.69 ppb	3 ppb	
			Paraquat	1710 ppb	1 ppb	
21-4-0015 4	Veg; Grab; Hayfield; OFF-T, Grad1, NE	Veg	Dicamba	32.9 ppb	2 ppb	
			Atrazine	56.2 ppb	0.3 ppb	
			Isoxaflutole	BDL ppb	3 ppb	
			Thiencarbazone-methyl	BDL ppb	3 ppb	
			Paraquat	138 ppb	1 ppb	

Original Event: Residue Lab Report #185338 (175080-R395)
Submitted By: SYSTEM
Lab Report: Lab Report 175080-R395.pdf

10/25/2021 Wind Data Researched

The wind data from the and Louisville International Airport (KSDF) ASOS, Lawrenceville-Vincennes International Airport (KLWV) ASOS and Terre Haute Regional Airport (KHUF) ASOS indicate the wind speed during the application was between 10 and 20 mph with gusts up to 25 mph out of the south west.

Louisville International Airport (KSDF) ASOS

Louisville , Kentucky (52 miles SE of site)

Time Temp (°F) Direction Speed (mph) Gust (mph)

3:56pm 79 WSW 13 21
4:56pm 80 WSW 12 20
5:56pm 80 S 10 0

Lawrenceville-Vincennes International Airport (KLWV) ASOS

Lawrenceville, Illinois (66 miles W of site)

Time Temp (°F) Direction Speed (mph) Gust (mph)

3:53pm 79 S 15 0
4:53pm 80 SSW 20 25
5:53pm 80 SSW 16 0

Terre Haute Regional Airport (KHUF) ASOS

Terre Haute , Indiana (69 miles NW of site)

Time Temp (°F) Direction Speed (mph) Gust (mph)

3:53pm 77 S 10 0
4:53pm 79 SW 17 25
5:53pm 79 SSW 12 25

Original Event: Wind Data #58
Submitted By: Nathan J. Davis
Date of Weather: 04/06/2021

10/25/2021 Investigation Activity**Photographs**

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



Original Event:
Submitted By:
Attachments:

Investigation Activity (Pesticide) #4016
Nathan J. Davis
File 82802; PS21-0072.png

Activity

The application record and wind data indicate at the time of the application the wind was out of the south and west blowing towards where the complainant was standing at the time of exposure and the complainant's hayfield and pasture. The OISC Residue Laboratory analyses detected the active ingredients dicamba and thien carbazon-methyl on the shirt worn by the complainant at the time of exposure. The OISC Residue Laboratory analyses also detected the active ingredients dicamba, thien carbazon-methyl, atrazine, and paraquat in the area the complainant was standing at the time of exposure in levels consistent with off target movement. The OISC Residue Laboratory analyses detected the active ingredients dicamba, atrazine, and paraquat in the off-target pasture sample and all three of the off-target hayfield gradient samples at levels consistent with off target movement.

The label for *Paraquat 3SL*, EPA Reg.# 87290-35, Active Ingredient = paraquat states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not apply when weather conditions favor drift from treated areas**".

The label for *Vision*, EPA Reg.# 5905-576, Active Ingredient = dicamba states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**".

The Label for *Corvus*, EPA Reg.# 264-1066, Active Ingredient = isoxaflutole, thien carbazon-methyl states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not apply when wind speeds exceed 10 miles per hour at the application site**".

The label for *Atrazine*, EPA Reg.# 34704-69, Active Ingredient = atrazine states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**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, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)**".

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) #4020
Subject: Kevin Lee Scott
Submitted By: Nathan J. Davis

10/26/2021 **Judgement; Civil Penalty Assessed Citation**

Kevin Lee Scott was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

Civil Penalty

Bundy Brothers & Sons Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was potential for human harm.

Original Event: Judgement #810
Primary: Bundy Brothers & Sons Inc
Secondary: Kevin Lee Scott
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

11/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #919
To: Bundy Brothers & Sons Inc
Submitted By: Joni Herman
USPS: 7019 1640 0001 2602 0841
Enclosed: Notice of Enforcement
Attachments: File 83821; PS21-0072EL CP ~ Bundy Brothers and Sons - Kevin L. Scott.docx

11/22/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1287
Subject: Bundy Brothers & Sons Inc
Submitted By: Joni Herman
USPS: 7019 1640 0001 2602 0841
Received: 11/22/2021
Attachments: File 85843; CM 7019 1640 0001 2602 0841 ~ PS21-0072.pdf

11/30/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1329
Subject: Bundy Brothers & Sons Inc
Submitted By: Joni Herman
Payment Expected: \$250.00
Payment Received: \$250.00
Attachments: File 86204; PS21-0072 ~ Bundy Brothers & Sons ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

This record was generated on **January 31, 2022, 09:33 AM EST**. 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 **January 31, 2022, 09:35 AM EST**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0080

Department	Pesticide
Originated	04/15/2021
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	Karen Beliles Evansville, IN 47720
Respondent	Swat Pest Management Inc Evansville, IN 47715
Respondent	Jacob M Gunther Evansville, IN 47715
Respondent	Vernon Bradley Weir Evansville, IN 47715

Overviews

07/14/2021 **Investigation Summary**

On 4/15/2021 Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive damage to her home that she believes should have been detected by SWAT in their yearly inspections.

On 4/16/2021 I called complainant and talked with her on the phone in length about her situation. She is going to email me a timeline of events and I told her I would gather up more information and then contact her to set up a time and day to go down to location of concern.

On 4/28/2021 I visited the property of Karen Beliles at 2801 Koring Road, Evansville IN 47720 to investigate the termite damage at her property. Karen Beliles had a binder full of information and documentation of the termite treatments performed by SWAT and other services regarding the termite damage at her property. My investigation found several areas of termite damage throughout the crawlspace and in the interior of the home on the drywall areas and drywall ceiling areas. No live termites were found on 4/28/2021 when I was at the home. The property had been previously treated by SWAT and Arrow Pest Control for termites. I took soil samples to determine if the active ingredient of Fipronil was found in the soil. I visited SWAT pest control and talked with Brad Weir (SWAT Pest Management Specialty Manager) to inquire more about the complaint. Brad Weir provided information and documents regarding the case. His records matched the documents and information provided by Karen Beliles.

On 1/12/2021 Derrick Work from Arrow Termite and Pest Control found live termites and shelter tubes in the crawlspace. Karen Beliles was advised to contact SWAT for a re-inspection prior to any further termite treatment. The service report 073010 filled out by Jacob G. on 1/20/21 on the description/remarks section noted the following, "No activity seen in crawlspace check bedroom, crack not by termite cause." According to Karen Beliles timeline she asked the inspector (Jacob G.) to look at the walls in her bedroom and advise if the blistered areas and brown spots on the exposed drywall were from termite activity. Jacob G. took pictures on his phone and sent them to Brad Weir and Brad replied back saying no. Brad said she would have "Mud" coming out of her walls if it was termites. At this point she called Derrick Word from Arrow Termite & Pest Control and he found live termites again. The drywall damage in the bedroom was determined to be from termites on 4/28/2021 when I visited the property. According to Karen Beliles this was the same area shown to the inspector from SWAT on 1/20/2021.

Submitted By: William R. Reid
Role: Investigator

08/04/2021 **Disposition Summary**

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Swat Pest Management Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee. A civil penalty in the amount of \$125.00 was assessed for this violation.

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/15/2021 Intake Referral Filed

Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive damage to her home that she believes should have been detected by SWAT in their yearly inspections.

Original Event: Intake Referral (Pesticide) #1887
Complainant: Karen Beliles
Respondent: Swat Pest Management Inc
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

04/15/2021 Case Created

Original Event: Case PS21-0080
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

04/16/2021 Investigator Called Complainant Communication

I called complainant and talked with her on the phone in length about her situation. She is going to email me a timeline of events and I told her I would gather up more information and then contact her to set up a time and day to go down to location of concern.

Original Event: Investigation Activity (Pesticide) #2816
Subject: Karen Beliles
Submitted By: William R. Reid

04/28/2021 Investigator Met with Complainant Records

This is a timeline from Karen Beliles. Jacob G. from SWAT service report attached noting No activity and that the crack in the bedroom was not by termite damage.

Activity

Videos of termites taken by Derrick Word from Arrow Termite and Pest Control on 1/21/2021 at the property on 2801 Koring Rd, Evansville IN 47720.

Photographs

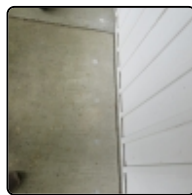
Pictures of property at 2801 Koring Road, Evansville, IN 47720.

Original Event: Investigation Activity (Pesticide) #2940
Subject: Karen Beliles
Submitted By: William R. Reid
Attachments: File 73515; Swat Jacob G service report.pdf
File 67331; Timeline.pdf
File 75287; video.mp4
File 75288; video2.mp4
File 75290; video3.mp4

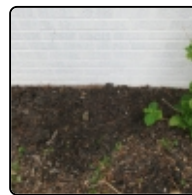
Photos:



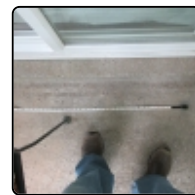
File 67332



File 67333



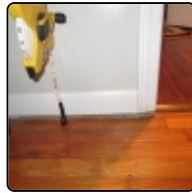
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File 67335



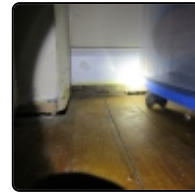
File 67336



File 67337



File 67338



File 67339



File 67340



File 67341



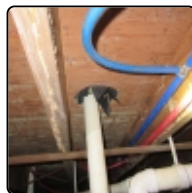
File 67342



File 67343



File 67344



File 67345



File 67346



File 67347



File 67348

04/28/2021 **Investigator Met with Business Records**

Copy of Swat's letter back to the attorney.

Original Event: Investigation Activity (Pesticide) #2941
Subject: Swat Pest Management Inc
Submitted By: William R. Reid
Attachments: File 67349; swat letter to attorney.pdf

04/28/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #310
Client: Swat Pest Management Inc
Firm Representative: Brad Weir
Submitted By: William R. Reid
Attachments: File 67350; NOI for Brad Weir.pdf

04/28/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #311
Client: Karen Beliles
Firm Representative: Karen Beliles
Submitted By: William R. Reid
Attachments: File 67351; NOI for Karen Beliles.pdf

04/28/2021 **Residue Samples Collected**

Original Event: Residue Collection #177067 (21-4-0659 2)
Client: Karen Beliles
Submitted By: William R. Reid
Sample: 21-4-0659 2 | Soil; Ctrl; 6-12"; front yard soil; OFF-T, Front Yard
Sample: 21-4-0660 3 | Soil; Comp; 6-12"; 4 sides of home soil test; Target

05/04/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #410
Submitted By: William R. Reid
Target Analyte: Termidor SC
Target Analyte: Termidor 80 WG
PPLS Labels: [007969-00209-20150313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00209-20150313.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00209-20150313.pdf
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https://www3.epa.gov/pesticides/chem_search/ppls/007969-00210-20170410.pdf

Attachments: File 83450; Reid 177067.pdf

**07/01/2021 Received Residue Lab Report
Lab Remarks**

Released 7/1/21

Investigatory Summary

Found Fipronil indicating active ingredient in termite treatment found in soil samples around home. The treatment conducted was a proper treatment.

First Page of Lab Report

Page 17 of 248 Report

OCM Collection #	177067	Investigator	REIDW			
Collection Date	04/28/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-0659 2	Soil; Ctrl; 6-12"; front yard soil; OFF-T, Front Yard	Soil	Fipronil	BDL ppb	0.3 ppb	
21-4-0660 3	Soil; Comp; 6-12"; 4 sides of home soil test; Target	Soil	Fipronil	1900 ppb * Estimated Amount	0.3 ppb	

Original Event: Residue Lab Report #183288 (177067-R383)
Submitted By: SYSTEM
Lab Report: Lab Report 177067-R383.pdf

**08/04/2021 Judgement; Civil Penalty Assessed
Warning**

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Warning

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Warning

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Citation

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee.

Civil Penalty

Swat Pest Management Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee. A civil penalty in the amount of \$125.00 was assessed for this violation.

Original Event: Judgement #766
Primary: Swat Pest Management Inc
Secondary: Vernon Bradley Weir
Additional: Jacob M Gunther
Submitted By: George Saxton
Legal Citations: IC 15-16-5-65(14); 355 IAC 4-2-3
Penalty Amount: 125

08/09/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #868
To: Swat Pest Management Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6650
Enclosed: Notice of Enforcement
Attachments: File 76771; PS21-0080EL CP ~ Swat Pest Mgmt - Vernon Weir - Jacob Gunther.docx

08/16/2021 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #1240
Subject: Swat Pest Management Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6650
Received: 08/16/2021
Attachments: File 79178; CM 7019 0140 0000 6113 6650.pdf

08/19/2021 **Received Penalty Payment for Target**
Original Event: Compliance Receipt #1295
Subject: Swat Pest Management Inc
Submitted By: Joni Herman
Payment Expected: \$125.00
Payment Received: \$125.00
Attachments: File 85935; PS21-0080 ~ SWAT Pest Mgmt ~ CP Received.pdf

09/16/2021 **Hearing Scheduled**
Erik Bryant, attorney for SWAT Pest Control requested all documents regarding this investigation and reserved their right to a hearing.
Original Event: Compliance Activity #986
Primary: Swat Pest Management Inc
Submitted By: George Saxton
Stage: Informal Review
Attachments: File 80509; Email to Dave for SWAT PC.pdf
File 80508; Letter from attorney for SWAT PC.pdf
File 80510; PS21-0080 - Swat Pest Request for Official Records (002).pdf

01/20/2022 **Compliance Activity**
I left a phone message for Erik Bryant, attorney for SWAT Pest Control, asking if they had made a decision yet about whether or not they wanted a formal hearing.
Original Event: Compliance Activity #1139
Primary: Swat Pest Management Inc
Submitted By: George Saxton

01/26/2022 **Compliance Activity**
I called and left a message. I then sent an email to attorney Eric Bryant regarding a formal hearing.
Original Event: Compliance Activity #1146
Primary: Swat Pest Management Inc
Submitted By: George Saxton
Attachments: File 85934; Swat Pest Control attorney email.pdf

01/26/2022 **Compliance Activity**
I spoke to Brandon Runyon who stated they did not want a hearing; that they only wanted earlier copies of the case for a law suit.
Original Event: Compliance Activity #1147
Primary: Swat Pest Management Inc
Submitted By: George Saxton

Chain of Custody

No electronic chain of custody found

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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In Re: Case PS21-0089

Department	Pesticide
Originated	04/20/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Central Garden & Pet Company Schaumburg, IL 60173
Respondent Registrant Issued To	Draw It Out Inc. Mendon, UT 84325

Overviews

05/24/2021 **Product Registration Summary**

Based upon my review, DIO CITRAQUIN NATURAL ENVIRONMENTAL DEFENSE SPRAY is an unregistered pesticide product. Without a specified list of ingredients, it is unclear whether the product qualifies for exemption as a 25(b) Minimum Risk pesticide product, however, should it qualify, the label requires significant revisions before it can be accepted for registration as a 25(b) product in Indiana.

Submitted By: Linda Bradford
Role: Product Registration Specialist

06/07/2021 **Investigation Summary**

On April 19, 2021 the Complainant wrote that Draw it Out company is offering Citraquin Natural Environmental Defense Spray for sale. The product does not appear to be registered for sale or use in Indiana.

On April 22, 2021 I took screenshots of the website drawliniment.com. I was able to view and purchase Citraquin Environmental Defense Spray.

On April 27, 2021 I received the sample that was ordered from the website. Once received, i was able to review the label and determine that the product does make pesticidal claims. I packaged the product for transportation to the OISC formulation lab. On April 28, 2021 i delivered the sample to the OISC formulation Lab.

On May 4, 2021 I emailed an Action Order to Draw it Out. The Action Order instructed Draw it Out to stop sales of Citraquin Natural Environmental Defense Spray in the State of Indiana.

As of the date of this report, June 7, 2021, no response from Draw it Out has been received.

Submitted By: Garret A. Creason
Role: Investigator

07/26/2021 **Disposition Summary**

Draw It Out Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$250.00 was assessed for this violation. In addition, the label requires significant revisions before it can be accepted for registration as a 25(b) product in Indiana.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/19/2021 **Intake Referral Filed**

Complainant wrote that Draw it Out company is offering Citraquin Natural Environmental Defense Spray for sale. The product does not appear to be registered for sale or use in Indiana.

Original Event: Intake Referral (Pesticide) #1896
Complainant: Central Garden & Pet Company
Respondent: Draw It Out Inc.
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason
Attachments: File 66534; Citraquin complaint.pdf

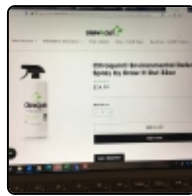
04/20/2021 **Case Created**

Original Event: Case PS21-0089
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason

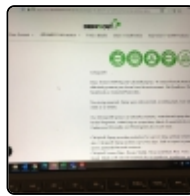
04/22/2021 **Online Investigation Activity Screenshots**

I took screenshots of the website drawliniment.com. I was able to view and purchase Citraquin Environmental Defense Spray.

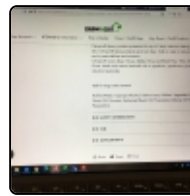
Original Event: Investigation Activity (Pesticide) #2850
Subject: Draw It Out Inc.
Submitted By: Garret A. Creason
Photos:



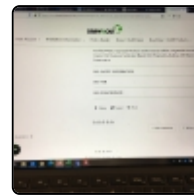
File 66673



File 66674



File 66675



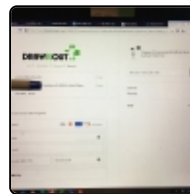
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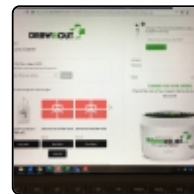
File 66677



File 66678



File 66679



File 66680

04/27/2021 **Formulation Samples Collected**

Original Event: Formulation Collection #176227 (21-3-0076 4)
Registrant: Draw It Out Inc.
Submitted By: Garret A. Creason
Sample: 21-3-0076 4 | Citraquin Natural Environmental Defense Spray
Attachments: File 67008; scan Drawitout.pdf
Photos:



File 66906



File 66907



File 66908



File 66909



File 66910



File 66911



File 66912



File 66913



File 66914

04/27/2021 **Action Order Issued**

Original Event:

Issued To:

Firm Representative:

Submitted By:

Attachments:

Action Order #199

Draw It Out Inc.

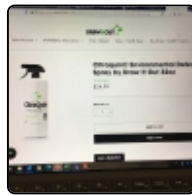
Draw It Out

Garret A. Creason

File 67310; scan0001.pdf

File 67311; scan0002.pdf

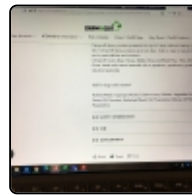
Photos:



File 67312



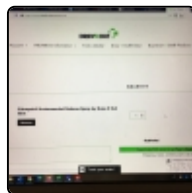
File 67313



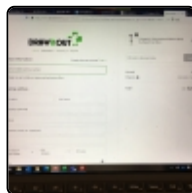
File 67314



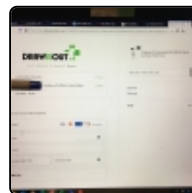
File 67315



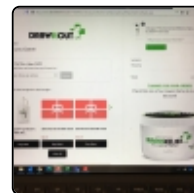
File 67316



File 67317



File 67318



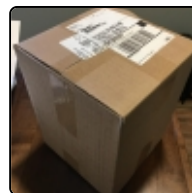
File 67319



File 67320



File 67321



File 67323



File 67324



File 67325



File 67326



File 67327



File 67328



File 67329

05/04/2021 **Label Review Conducted; Not Acceptable**

On May 4, 2021 I completed the label review for DIO Citraquin Natural Environmental Defense Spray. Through the review I identified pesticidal claims on the label and labeling. Since the product bears pesticidal claims, the product is either:

- required to be registered with Indiana and EPA as a Section 3 pesticide product
- or
- is exempt from registration with EPA but not exempt from registration with Indiana as a 25(b) Minimum Risk pesticide product.

The review below considers the product as a non-compliant 25(b) EPA exempt product.

The pesticidal claims on the label are as follows:

1. Part of the name of the product, "Defense Spray," is an implied pesticidal claim
2. 48-hour day and night protection ("up to two days")
3. Deer (flies)
4. House (flies)
5. Stable (flies)
6. Horse (flies)
7. Black Flies
8. Ticks

9. Mosquitoes

10. Gnats

To qualify as a 25(b) EPA exempt product, DIO CITRAQUIN must comply with EPA's Minimum Risk Conditions and EPA's Final Rule.

To register this product in Indiana, Draw It Out Inc. would be required to submit:

- A text searchable .PDF file of the product label
- The Statement of Formula for the product
- A copy of the Safety Data Sheet (SDS) for the product
- Efficacy data for all claims made on the label, in labeling, or in advertising

Additionally, the current product label would require revisions to meet the standards of the 25(b)

Product Label Guidance as outlined by the Association of American Pesticide Control Officials (APPCO). For example:

- The label should include an ingredient statement that clearly identifies all ingredients, including listing all active ingredients with percentages.
- The label must prominently display "Keep Out of Reach of Children" on the front panel
- The claim "safe for dogs" must be accompanied by the qualifier "When used as directed."
- The claim "Safe on open or pre-existing wounds" requires toxicity data.
- The claim no "industrial pesticides" would be considered misleading and should be removed.
- The name and address of the registrant/manufacture must be displayed prominently on the label.

A complete label review could NOT be completed without the product's Statement of Formula and SDS.

Based upon my review, DIO CITRAQUIN NATURAL ENVIRONMENTAL DEFENSE SPRAY is an unregistered pesticide product. Without a specified list of ingredients, it is unclear whether the product qualifies for exemption as a 25(b) Minimum Risk pesticide product, however, should it qualify, the label requires significant revisions before it can be accepted for registration as a 25(b) product in Indiana.

Original Event:	Label Review (Pesticide) #138 (21-3-0076 4)
Registrant:	Draw It Out Inc.
Submitted By:	Linda Bradford
Sample:	21-3-0076 4
Product:	Citraquin Natural Environmental Defense Spray

06/07/2021 **Investigator Sent Fax/Email to Registrant Communication**

On May 4, 2021 I emailed the Action Order to Draw it Out. The Action Order instructed Draw it Out to stop selling Citraquin Natural Environmental Defense Spray in the State of Indiana. As of June 7, 2021 Draw it Out has not responded to the Action Order.

Original Event:	Investigation Activity (Pesticide) #3139
Subject:	Draw It Out Inc.
Submitted By:	Garret A. Creason
Photos:	



File 69317

06/16/2021 **Formulation Lab Report #191198 (176227-01-R56176227)**
First Page of Lab Report

Office of Indiana State Chemist
Lab Report Unavailable
This sample was collected for documentary purposes only. No analysis was requested or performed.

Original Event:	Formulation Lab Report #191198 (176227-01-R56176227)
Submitted By:	SYSTEM
Lab Report:	Lab Report 176227-01-R56176227.pdf

07/26/2021 **Judgement; Civil Penalty Assessed**
Civil Penalty

Draw It Out Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$250.00 was assessed for this violation. In addition, the label requires significant revisions before it can be accepted for registration as a 25(b) product in Indiana.

Original Event:	Judgement #761
Primary:	Draw It Out Inc.
Submitted By:	George Saxton
Legal Citation:	IC 15-16-4-57(1)
Penalty Amount:	250

07/29/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #856
To:	Draw It Out Inc.
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6551
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 75392; PS21-0089EL CP ~ Draw It Out, Inc..docx

08/02/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1236
Subject:	Draw It Out Inc.
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6551
Received:	08/02/2021
Attachments:	File 79169; CM 7019 0140 0000 6113 6551.pdf

09/08/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1321
Subject:	Draw It Out Inc.
Submitted By:	Joni Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 86195; PS21-0089 ~ Draw It Out ~ 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 PS21-0103

Department	Pesticide
Originated	05/10/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	Tina Cleary Crawfordsville, IN 47933
Respondent	Ceres Solutions Cooperative Inc Wingate, IN 47994
Respondent	Justin Todd Hurd Wingate, IN 47994
Respondent	Dusty Jason Robinson Wingate, IN 47994

Overviews

08/20/2021 **Investigation Summary**

Complainant reported the farm field next to her pasture was sprayed by Ceres Solutions on 5/1/21. She reported the wind was blowing toward her property and pasture at the time of the application.

Complainant was working near the pasture when the field was sprayed. She felt the spray so at the request of the Intake Officer she saved her shirt for evidence. She feared the spray also affected the hay for her horses. She also reported her foal began having nose bleeds. The veterinarian told her he couldn't render a diagnosis without seeing the foal which did not occur.

I took swab samples and environmental samples for submission to OISC Residue Lab for analysis.

Ceres Solutions, located in Wingate Indiana, made the pesticide application to the neighboring field to the complainant's property. Registered technician Justin Hurd (Supervisor Jason Robinson) completed the PII for the application. Mr. Hurd recorded the wind blowing at toward the complainant's property at the time of application. A check of the wind at NOAA confirmed the wind information from the application.

Results from OISC Residue Lab indicated gradient environmental samples (hay) were positive for atrazine and acetochlor. The complainant's shirt was positive for atrazine (7300 ng). Swab samples were also positive for acetochlor and atrazine.

The label for Atrazine 4L (EPA #1381-158; active ingredient: atrazine) reads in part, "***Do not apply this product in a way that contact workers or other persons either directly or through drift. Only protected handlers may be in the area during application.***"

Registered technician Justin Hurd and licensed applicator-supervisor Jason Robinson were in violation of Atrazine 4L label when applicator Justin Hurd allowed Atrazine 4L to **contact workers or other persons (Tina Cleary) either directly or through drift**.

Submitted By: Kevin W. Gibson
Role: Investigator
Drift: Confirmed

08/23/2021 **Disposition Summary**

Ceres Solutions Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Dusty Jason Robinson was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Justin Todd Hurd was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/07/2021 Intake Referral Filed

Complainant stated the field next to their pasture was sprayed by Ceres Solutions on May 1, 2021, at approximately 1 pm. The complainant further stated it was very windy with the wind blowing toward their pasture at the time of the application.

Original Event: Intake Referral (Pesticide) #1943
Complainant: Tina Cleary
Respondent: Ceres Solutions Cooperative Inc
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

05/10/2021 Investigator Called Dealer Interaction

I learned Ceres Solutions in Wingate made the pesticide application allegedly caused damage to the complainant's property. I contacted Ceres Solution Manager Jason Robinson. I requested the application records for this case. Mr. Robinson complied by sending the records via email.

Original Event: Investigation Activity (Pesticide) #2970
Subject: Ceres Solutions Cooperative Inc
Submitted By: Kevin W. Gibson
Attachments: File 67703; Ceres Solutions Application REcords.pdf

05/10/2021 Investigator Sent Fax/Email to Applicator Communication

I sent a PII form via email to Ceres Solutions manager Jason Robinson to be completed by applicator Justin Hurd.

Original Event: Investigation Activity (Pesticide) #2972
Subject: Ceres Solutions Cooperative Inc
Submitted By: Kevin W. Gibson
Photos:



File 67704

05/10/2021 Investigator Called Complainant Interaction

I spoke to complainant Tina Cleary by telephone. She reiterated what she had told Intake Officer Joe Becovitz. She also told me she was working in and around the horse barn and the horse pasture when the pesticide application was made. She said she "felt" it on her skin, smelled a strong odor and then her eyes began to burn and her skin "tingled" which she attributed to the pesticide spray. She further explained for three days after the pesticide application, her young foal she nose bleeds on and off. She contacted her veterinarian who told her he couldn't make a diagnosis without physically checking the foal. Ms. Cleary said she opted to not have the foal checked at that time.

Original Event: Investigation Activity (Pesticide) #2994
Subject: Tina Cleary
Submitted By: Kevin W. Gibson

05/10/2021 Case Created

Original Event: Case PS21-0103
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

05/11/2021 Investigator Received Fax/Email from Applicator Investigation Inquiry

I received a completed Pesticide Investigation Inquiry (PII) from registered technician applicator Justin Hurd via email. I had also received a copy of the application records via email on 5/10/21 from branch manager Jason Robinson.

Inquiry Overview

Certified Applicator Jason Robinson
Supervisor Jason Robinson
Registered Technician Justin Hurd
Company Ceres Solutions
Application Type Commercial
Target Field Cooley Field

Tank Mix

Product	EPA	Rate
Resicore	62719-693	2.75 qt
Atrazine	1381-158	1.00 qt.
28-0-0		67 gal.
Interlock		2.0 oz.

Application Date

Date	Start	End
05/01/2021	10:00am	1:00pm

Air Conditions

Time	Temp	Direction	Speed
Start	66°F	S	15mph
End	66°F	S	15mph

Original Event: Investigation Activity (Pesticide) #2976
Subject: Ceres Solutions Cooperative Inc
Submitted By: Kevin W. Gibson
PPLS Labels: [001381-00158-20180124.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

Attachments: File 67774; Ceres Solutions Application REcords.pdf
File 67773; PII (Justin Hurd).pdf

Photos:



File 67775

05/11/2021 Notice of Inspection Issued

NOI issued to Registered Tech Justin Hurd via email through Manager Jason Robinson.

Original Event: Notice of Inspection #322
Client: Ceres Solutions Cooperative Inc
Firm Representative: Jason Robinson
Submitted By: Kevin W. Gibson
Photos:



File 67775



File 67775

05/12/2021 Residue Samples Collected

Original Event:	Residue Collection #177881 (21-4-0246 3)
Client:	Tina Cleary
Submitted By:	Kevin W. Gibson
Sample:	21-4-0246 3 Veg; Ctrl; Front Yard
Sample:	21-4-0252 6 Swab (Acetone); Trip Blank
Sample:	21-4-0253 5 Swab (Acetone); Ctrl; OFF-T
Sample:	21-4-0254 2 Swab (Acetone); Grab; OFF-T
Sample:	21-4-0255 7 Swab (Acetone); Grab; OFF-T
Sample:	21-4-0256 1 Swab (Acetone); Grab; OFF-T
Sample:	21-4-0257 4 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-0247 1 Veg; Comp; Grad1, Hay Field
Sample:	21-4-0248 5 Veg; Comp; Grad2, Hay Field
Sample:	21-4-0249 2 Veg; Comp; Hay field
Sample:	21-4-0250 3 Veg; Comp; Target
Sample:	21-4-0251 9 Soil; Comp; 2-4"; Target

05/12/2021 **Investigator Met with Complainant Activity**

On 5/12/21 Agent Carter and I obtained environmental samples from complainant's hayfield, complainant's property and target field for analysis by the OISC Residue Lab. We checked the complainant's property but found no signs of pesticide exposure to the vegetation. Therefore environmental samples were not obtained for Purdue Plant and Pest Diagnostic Lab (PPDL) analysis.

Original Event:	Investigation Activity (Pesticide) #2979
Subject:	Tina Cleary
Submitted By:	Kevin W. Gibson

05/12/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #416
Submitted By:	Kevin W. Gibson
Target Analyte:	Resicore
Target Analyte:	Atrazine
PPLS Labels:	001381-00158-20180124.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf 062719-00693-20170524.pdf https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

Attachments: File 68001; Ceres Solutions Application REcords.pdf
File 68000; PII (Justin Hurd).pdf
File 84892; PS21-0103.pdf

05/13/2021 **Investigator Met with Complainant Interaction**

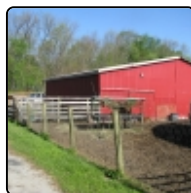
On 5/13/21 I met with the complainant at her residence. I collected a shirt she said she had worn while working near the horse barn on the day of the pesticide application. She believed it contained some of the pesticide. I also collected some swab samples in and around the horse barn. All samples were submitted for analysis by the OISC Residue Lab.

Photographs

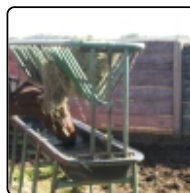
On 5/13/21, I took photos of complainant's property at or near horse pasture.

Original Event:	Investigation Activity (Pesticide) #2993
Subject:	Tina Cleary
Submitted By:	Kevin W. Gibson

Photos:



File 67812



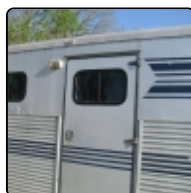
File 67813



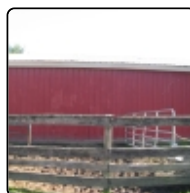
File 67814



File 67815



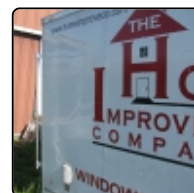
File 67816



File 67817



File 67818



File 67819

07/01/2021 **Online Investigation Activity**

Screenshots

Satellite sampling image of complainant's property.

Original Event: Investigation Activity (Pesticide) #3382
Submitted By: Kevin W. Gibson
Attachments: File 72249; Sampling image.png

08/02/2021 Received Residue Lab Report Investigatory Summary

Due to the active ingredients being found on the complainant's property, labs results would indicate a drift.

First Page of Lab Report

OCM Collection #	177881	Investigator	GIBSONK		
Collection Date	05/12/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0246 3	Veg; Ctrl; Front Yard	Veg	Clopyralid	BQL ppb	2 ppb
			Acetochlor	4.99 ppb	3 ppb
			Atrazine	48.6 ppb	1 ppb
			Mesotrione	BDL ppb	3 ppb
21-4-0247 1	Veg; Comp; Grad1, Hay Field	Veg	Clopyralid	BDL ppb	2 ppb
			Acetochlor	BDL ppb	3 ppb
			Atrazine	19.5 ppb	1 ppb
			Mesotrione	BDL ppb	3 ppb
21-4-0248 5	Veg; Comp; Grad2, Hay Field	Veg	Clopyralid	BDL ppb	2 ppb
			Acetochlor	18.7 ppb	3 ppb
			Atrazine	98.4 ppb	1 ppb
			Mesotrione	BDL ppb	3 ppb

Original Event: Residue Lab Report #186106 (177881-R397)
Submitted By: SYSTEM
Lab Report: Lab Report 177881-R397.pdf

08/23/2021 Judgement; Civil Penalty Assessed

Citation

Dusty Jason Robinson was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Citation

Justin Todd Hurd was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Civil Penalty

Ceres Solutions Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Original Event: Judgement #772
Primary: Ceres Solutions Cooperative Inc
Secondary: Dusty Jason Robinson
Additional: Justin Todd Hurd
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

08/26/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #882
To: Ceres Solutions Cooperative Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6674
Enclosed: Notice of Enforcement
Attachments: File 79103; PS21-0103EL CP ~ Ceres Solutions Cooperative - Dusty Robinson - Justin Hurd.docx

09/15/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1283
Subject:	Ceres Solutions Cooperative Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6674
Received:	09/15/2021
Attachments:	File 85839; CM 7019 0140 0000 6113 6674 ~ PS21-0103.pdf

11/15/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1325
Subject:	Ceres Solutions Cooperative Inc
Submitted By:	Joni Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 86200; PS21-0103 ~ Ceres Solutions Co-Op ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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In Re: Case PS21-0107

Department	Pesticide
Originated	05/12/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Business	Livin Green Lawn & Landscape Inc Indianapolis, IN 46123
Applicator	Christopher Mejia Indianapolis, IN 46234
Supervisor	Desmond L Corn Indianapolis, IN 46234
Employer	INCIDENTAL Joseph Michael Farmer Indianapolis, IN 46234

Overviews

09/13/2021 **Investigation Summary**

On May 12, 2021, I found Mr. Mejia making a for-hire fertilizer and pesticide application to Stonegate Meadows Apartments for Livin' Green Lawn & Landscape without a Registered Technician credential or proper on-site supervision.

I later found Mr. Mejia had completed 10 turf applications on two separate dates for Livin' Green Lawn & Landscape while being a non-certified user.

Submitted By: James M. Trimble
Role: Investigator

09/20/2021 **Disposition Summary**

Livin Green Lawn & Landscape Inc was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual. A civil penalty in the amount of \$250.00 (2 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Livin Green Lawn & Landscape Inc cooperated during the investigation.

Desmond L. Corn was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/12/2021 **Intake Referral Filed**

Upon my inspection of Christopher Mejia of Livin' Green Lawn & Landscape, I found Mr. Mejia was making applications of fertilizer and pesticides by himself without a Registered Technician credential from OISC.

Original Event:	Intake Referral (Pesticide) #1947
Complainant:	Office of Indiana State Chemist
Respondent:	Livin Green Lawn & Landscape Inc
Entered By:	James M. Trimble
Submitted By:	Joseph D. Becovitz

05/12/2021 **General Inspection Conducted
Credentials Inspection**

Upon my inspection of Christopher Mejia and Livin' Green Lawn and Landscape, I found Mr. Mejia to be completing a turf fertilizer and pesticide application without a Registered Technician credential or a supervisor on-site.

Lawn & Landscape Inspection

The customer notification was found to not have the applicator credential number, which Mr. Mejia did not have.

Original Event:	Pesticide Inspection (General) #1675
Client:	Livin Green Lawn & Landscape Inc
Firm Representative:	Christopher Mejia
Submitted By:	James M. Trimble

05/12/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #326
Client:	Livin Green Lawn & Landscape Inc
Firm Representative:	Christopher Mejia
Submitted By:	James M. Trimble
Attachments:	File 67829; LivinGreenNOI.pdf

05/12/2021 **Action Order Issued**

Stop pesticide or fertilizer applications for hire until you obtain a Registered Technician (RT) credential from OISC.

Original Event:	Action Order #202
Issued To:	Christopher Mejia
Firm Representative:	Christopher Mejia
Submitted By:	James M. Trimble
Attachments:	File 67841; LivinGreenAO.pdf

05/12/2021 **Investigator Met with Business
Photographs**

On May 12, 2021, while performing routine inspections, I located a white and black truck with the name "Livin' Green Lawn & Landscape" affixed to its door, parked on Crown Pointe Rd., Lebanon, IN, near the entrance to Stonegate Meadows apartments. I observed the truck's bed to have a large, liquid holding tank, a "Z-Spray" sprayer/spreader, liquid pesticide containers, and a pallet of dry fertilizer in its bed, which I identified as equipment commonly used for applying pesticides and fertilizers for-hire. I observed the truck travel to a new location and park near 721 Crown Pointe Dr., where a male, later identified as Christopher Mejia, exited the vehicle and unloaded the truck's application equipment.


I then approached Mr. Mejia and identified myself as a Pesticide Investigator with the Office of Indiana State Chemist (OISC) and showed him my credential. Mr. Mejia stated he was treating the turf with fertilizer and a herbicide. I asked Mr. Mejia for his OISC applicator's credential, which he stated he did not have. Mr. Mejia stated did not have a for-hire or Registered Technician (RT) credential and was still in training. Mr. Mejia stated he had been making applications with his supervisor, Desmond Corn, but was assigned by Mr. Corn to make applications by himself to locations that limited human exposure. Mr. Mejia stated he had been making pesticide and fertilizer application by himself for approximately 2-3 weeks. I advised Mr. Mejia that he could not perform pesticide and/or fertilizer applications by himself, without a licensed supervisor.

Mr. Mejia then showed me the customer notifications (invoices) for the turf applications he had already made on the above date. I found Mr. Mejia had made two previous herbicide and fertilizer applications to 1360 S. Lebanon St. and 1722 Riley Rd. before he began the application at Stonegate Meadows. I then issued Mr. Mejia an Action Order, ordering him to stop pesticide or fertilizer applications for-hire until he obtained a RT credential from OISC.

I then spoke with Mr. Corn, using Mr. Mejia's phone.

Flag Cds		Scheduled Specials		Total \$	After Adj	Tax	Net \$

DATE	CD	BY	AMOUNT	PRODUCTS	CONDITIONS	NOTES
05/04/20	T	L 01	MD	10-0-3		
06/05/20	T	L 02	JM	30-0-4 3W		
06/19/20	P	CK				
07/15/20	T	L 04	MD			
09/14/20	T	L 05	MD			
09/28/20	P	VI				
04/07/21	T	L 01	MS	10-0-3		



Livin Green Lawn and
(317)852-5263

Cust. #3103
Invoice #29373

Service Address:
Stonegate Meadows
721 Crown Pointe Dr
Lebanon IN 46052

Late Spring Application

Today we applied a balanced slow release fertilizer, with a blanket spray weed control (Lesco Threesome) Please allow 10-14 days for weeds to curl up and start dying. We applied 1 pound of nitrogen per 1000sf and 1.35oz per 1000sf of 3-way weed control. Please keep flag in yard for 24 Hrs after treatment.

REMARKS / RECOMMENDATIONS:

☐ DO NOT MOW FOR _____ HRS ☐ RAISE MOWER HEIGHT
☐ DO NOT WATER FOR _____ HRS ☐ KEEP CHILDREN AND PETS
☐ WATER LAWN MORE OFTEN OFF LAWN FOR _____ HRS
☐ SHARPEN MOWER BLADE(S)

TIME: 10:10 am DATE: 05/12/21
TECHNICIAN: Christopher Mejia

WIND DIRECTION

N
W — E
S

WIND SPEED

☐ 0-5
☐ 6-10
☐ 11-15

Weather Cond. _____
Temperature _____

Today's Service Charge

Today's Total

Prev. Balance as of 05/11/21

Please Remit


Please pay within 10 days. Net 30 days 1.5% thereafter. Please call with any questions about your lawn. You can now pay online at www.livinggreeninc.com

For your convenience, service continues from season to season. For a change in service, please call our office.

PLEASE RETURN THIS PORTION WITH PAYMENT TO ENSURE PROPER CREDIT. THANK YOU.

Livin Green Lawn and Landscape Inc.
10635 US HIGHWAY 136 SUITE 101 Indianapolis, IN

Billing Address
Stonegate Meadows
721 Crown Pointe Dr
Lebanon IN 46052



Livin Green Lawn and Landscape Inc.
10635 US HIGHWAY 136 SUITE 101
Indianapolis, IN 46234

AMOUNT CHECK NO.

Charge by: ☐ VISA Exp: / /

Card # _____

Signature: _____ Security Code _____

Your balance is over 30 days old. Please remit. Thank you.

Today's Service Charge

Today's Total

Prev. Balance as of 05/11/21

Please Remit

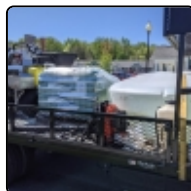
Cust. #3103
Invoice #29373

Livin' Green (File 67874)



Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #2996
Livin Green Lawn & Landscape Inc
James M. Trimble



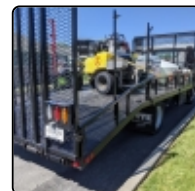
File 67872



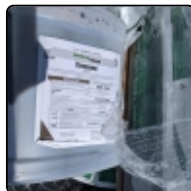
File 67870



File 80229



File 67873



File 68142



File 67874

05/12/2021 Investigator Met with Applicator Label Use

During my investigation, I found Mr. Mejia was applying the herbicide **Threesome** (EPA Reg. #86064-5, active ingredients of **2,4-D, mecoprop-p, and dicamba**).

Original Event:
Subject:
Submitted By:
PPLS Labels:

Investigation Activity (Pesticide) #3025
Christopher Mejia
James M. Trimble

[086064-00005-20110323.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/086064-00005-20110323.pdf)

https://www3.epa.gov/pesticides/chem_search/ppls/086064-00005-20110323.pdf

05/12/2021 Supervisor Called Investigator

Communication

I then spoke Mr. Corn, who confirmed he was the supervisor for Mr. Mejia. I informed Mr. Corn that Mr. Mejia could not make pesticide or fertilizer applications by himself since he was unlicensed through OISC. Mr. Corn stated that Mr. Mejia had been making applications by himself for only a couple of days and that he had only been sewing grass seed and making aeration treatments prior to that.

I advised Mr. Corn that I would need all of the invoices where Mr. Mejia had made a pesticide and/or a fertilizer application by himself, without a certified applicator supervising. I informed Mr. Corn that I would text him my contact information and requested that the owner, Joe Farmer, to contact me.

Original Event: Investigation Activity (Pesticide) #3023
Subject: Desmond L Corn
Submitted By: James M. Trimble

05/12/2021 **New Respondent Identified**
Respondent Identified

Mr. Corn was found to be the credentialed supervisor for Mr. Mejia.

Original Event: Investigation Change #38
Respondent: Desmond L Corn
Submitted By: James M. Trimble

05/12/2021 **Business Called Investigator**
Communication

On May 12, 2021, Mr. Farmer called me and explained that Mr. Mejia had not yet been through the process of obtaining a RT credential because he had trouble finding an open Core training class. Mr. Farmer stated that he was unaware that Mr. Mejia was making applications by himself and believed he was still being trained by on-site supervision. Mr. Farmer stated he was currently in the process of finding Mr. Mejia a class to attend to obtain his RT credential.

I advised Mr. Farmer that I would send him an email requesting the records for Mr. Mejia's unlicensed turf applications while employed by Livin' Green Lawn & Landscape.

Original Event: Investigation Activity (Pesticide) #3024
Subject: Joseph Michael Farmer
Submitted By: James M. Trimble

05/12/2021 **Investigator Sent Fax/Email to Business**
Communication

On May 12, 2021, I sent Mr. Farmer an emailed requesting the invoices for any and all fertilizer or pesticide applications Mr. Mejia has performed while working by himself as a RT no later than Friday, May 21, 2021.

Original Event: Investigation Activity (Pesticide) #3026
Subject: Joseph Michael Farmer
Submitted By: James M. Trimble
Attachments: File 68145; 5-12-21email.pdf

05/12/2021 **Case Created**

Original Event: Case PS21-0107
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

05/18/2021 **Investigator Received Fax/Email from Business**
Records

On May 18, 2021, I received an email from Mr. Farmer that contained the records of Mr. Mejia's fertilizer and/or pesticide applications he had made for Livin' Green Lawn & Landscape while being a non-certified user and without the required supervision.

Using the records provided by Mr. Farmer, I found Mr. Mejia had completed a total of 10 turf applications on two separate dates for Livin' Green Lawn & Landscape while being a non-certified user.

- **May 11, 2021 - 7 applications**
- **May 12, 2021 - 2 applications**

Original Event: Investigation Activity (Pesticide) #3072
Subject: Joseph Michael Farmer
Submitted By: James M. Trimble
Attachments: File 68665; 5-18-21email.pdf
File 80230; Mejia file 2021_Redacted.pdf

09/20/2021 **Judgement; Civil Penalty Assessed**
Citation

Desmond L. Corn was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual.

Civil Penalty

Livin Green Lawn & Landscape Inc was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual. A civil penalty in the amount of \$250.00 (2 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Livin Green Lawn & Landscape Inc cooperated during the investigation.

Original Event:	Judgement #782
Primary:	Livin Green Lawn & Landscape Inc
Secondary:	Desmond L Corn
Submitted By:	George Saxton
Legal Citation:	355 IAC 4-2-3
Penalty Amount:	188

09/21/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #894
To:	Livin Green Lawn & Landscape Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6759
Enclosed:	Notice of Enforcement
Attachments:	File 81086; PS21-0107 EL CP ~ Livin Green Lawn and Landscape - Desmond L. Corn.docx

09/28/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1289
Subject:	Livin Green Lawn & Landscape Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6759
Received:	09/28/2021
Attachments:	File 85845; CM 7019 0140 0000 6113 6759 ~ PS21-0107.pdf

10/04/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1323
Subject:	Livin Green Lawn & Landscape Inc
Submitted By:	Joni Herman
Payment Expected:	\$188.00
Payment Received:	\$188.00
Attachments:	File 86198; PS21-0107 ~ Livin Green Lawn & Landscape ~ 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 PS21-0109

Department	Pesticide
Originated	05/17/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Richard Dauby Tell City, IN 47586	
Respondent	Kasey J Wagner St Meinrad, IN 47577	Private Applicator/Supervisor
Respondent	Joseph David Wagner St Meinrad, IN 47577	Noncertified Applicator
Respondent	Wagner Turkey Farms Inc. St Meinrad, IN 47577	

Overviews

10/27/2021 **Investigation Summary**

Complainant stated he was sprayed by Wagner Farms on May 14, 2021 at approximately 1:30 pm. The complainant stated there was a strong wind from the south at the time of the application.

During my on-site investigation I located one potential source of pesticide application in the area. The target field is located to the south of the complainant's property. Observed and photographed trees and ornamental plants with necrotic leaf edges. Collected samples of injured trees and ornamental plants from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL). Collected the complainant's shirt worn during the time of exposure. Collected a vegetation sample from the area the complainant was standing at the time of exposure. Collected a composite vegetation sample from the complainant's property. Collected a composite vegetation sample from the target field. The residue samples were submitted to the OISC Residue Laboratory for analysis.

The application record and wind data indicate at the time of the application the wind varied out of the south and east blowing towards where the complainant was standing at the time of exposure and the complainant's property. The OISC Residue Laboratory analyses detected the active ingredients glyphosate, atrazine, and saflufenacil on the shirt worn by the complainant at the time of exposure. The OISC Residue Laboratory analyses also detected the active ingredients glyphosate, acetochlor, and atrazine in the area the complainant was standing at the time of exposure and the off target composite vegetation sample in levels consistent with off target movement.

The label for *Volley ATZ NXT, EPA. Reg.# 62719-671-55467, Active Ingredients = acetochlor, atrazine* states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not apply when wind conditions favor drift to non-target sites**".

The label for *Buccaneer 5 Extra, EPA. Reg.# 55467-15, Active Ingredient = glyphosate* states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation**".

The label for *Verdict, EPA. Reg.# 7969-279, Active Ingredient = saflufenacil, dimethenamide-P* states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**".

Submitted By: Nathan J. Davis
Role: Investigator

10/27/2021 **Disposition Summary**

Wagner Turkey Farms Inc., was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. 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 there was potential for human harm.

Kasey Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Joseph D. Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/14/2021 Intake Referral Filed

Complainant stated he was sprayed by Wagner Farms on May 14, 2021 at approximately 1:30 pm. The complainant stated there was a strong wind from the south at the time of the application.

Original Event: Intake Referral (Pesticide) #1949
Complainant: Richard Dauby
Respondent: Kasey J Wagner
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

05/17/2021 Investigator Called Farmer Communication

On May 17, 2021 I contacted private applicator Kasey Wagner. I advised Ms. Wagner I was a pesticide investigator for OISC and of the complaint I was investigating. Ms. Wagner advised they made a pesticide application to the field to the south of the complainant's property. I advised Ms. Wagner I would be sending her via email a pesticide investigation inquiry to complete for the application and return to me.

Original Event: Investigation Activity (Pesticide) #3083
Subject: Kasey J Wagner
Submitted By: Nathan J. Davis

05/17/2021 Case Created

Original Event: Case PS21-0109
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

05/20/2021 New Respondent Identified

Original Event: Investigation Change #41
Respondent: Joseph David Wagner
Submitted By: Nathan J. Davis

05/20/2021 Investigator Sent Fax/Email to Farmer Investigation Inquiry

On May 20, 2021 I received a completed pesticide investigation inquiry from Ms. Wagner for the application which indicated the following.

Inquiry Overview

Certified Applicator Kasey Wagner
Non-Certified Applicator Joe Wagner
Application Type Farmer
Target Field 5606 Attic Road

Tank Mix

Product	EPA	Rate
Verdict	796-279	10.66oz/acre
Volley ATZ NXT	62719-671-55467	1.5qt/acre
Buccaneer 5 extra	55467-15	1.5qt/acre

Application Date

Date	Start	End
05/14/2021	1:00pm	3:00pm

Air Conditions

Time Temp Direction Speed

Start 68°F SE 4mph

End 71°F SE 4mph

Original Event: Investigation Activity (Pesticide) #3084

Subject: Kasey J Wagner

Submitted By: Nathan J. Davis

PPLS Labels: [055467-00015-20180920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf)

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

[062719-00671-20131126.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00671-20131126.pdf)

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

05/26/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #355

Client: Richard Dauby

Firm Representative: Richard Dauby

Submitted By: Nathan J. Davis

05/26/2021 Investigator Met with Complainant Interaction

On May 26, 2021 I met with the complainant at his property. The complainant advised he observed a pesticide application being made to the field across the road from his property. The complainant advised the pesticide application drifted onto himself and his property.

During my on-site investigation I did the following:

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

Observed and photographed trees and ornamental plants with necrotic leaf edges.

Collected samples of injured trees and ornamental plants from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL)

Collected the complainant's shirt worn during the time of exposure. Collected a vegetation sample from the area the complainant was standing at the time of exposure. Collected a composite vegetation sample from the complainant's property. Collected a composite vegetation sample from the target field. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #3093

Subject: Richard Dauby

Submitted By: Nathan J. Davis

05/26/2021 Investigator Met with Complainant Photographs

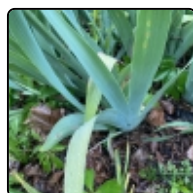
Photographs taken during the on-site investigation.

Original Event: Investigation Activity (Pesticide) #3099

Subject: Richard Dauby

Submitted By: Nathan J. Davis

Photos:



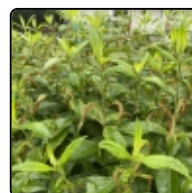
File 68942



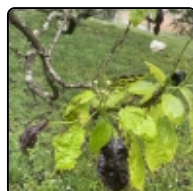
File 68943



File 68944



File 68945



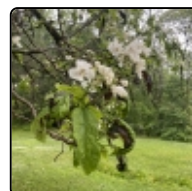
File 68946



File 68947



File 68948



File 68949



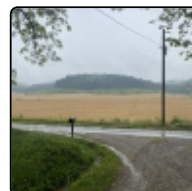
File 68950



File 68951



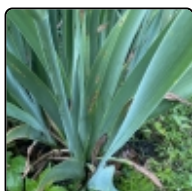
File 68931



File 68932



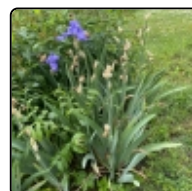
File 68933



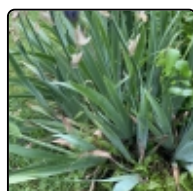
File 68934



File 68935



File 68936



File 68937



File 68938



File 68939



File 68940



File 68941

05/26/2021 Residue Samples Collected

Original Event:	Residue Collection #179518 (21-4-0037 1)
Client:	Richard Dauby
Submitted By:	Nathan J. Davis
Sample:	21-4-0037 1 Veg; Comp; Target, S
Sample:	21-4-0038 5 Veg; Comp; OFF-T, N
Sample:	21-4-0039 2 Veg; Grab; Area Standing During Exposure; OFF-T
Sample:	21-4-0040 7 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-0041 1 Veg; Ctrl; OFF-T, N

05/26/2021 External Lab Sample Collected

Original Event:	External Lab Sample Collection #179521 (X21-399193)
Client:	Richard Dauby
Submitted By:	Nathan J. Davis
Lab:	Purdue Plant and Pest Diagnostic Laboratory
Sample:	X21-399193 Catalpa Tree, Ornamental Plants

05/27/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #426
Submitted By: Nathan J. Davis
Target Analyte: Verdict
Target Analyte: Volley ATZ NXT
Target Analyte: Buccaneer 5 Extra
PPLS Labels: [055467-00015-20180920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf
[062719-00671-20131126.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00671-20131126.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00671-20131126.pdf
[007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf

05/28/2021 **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

Plants show interveinal chlorosis followed by necrosis and also necrosis towards the edges of leaves.

These symptoms are characteristic of exposure to contact herbicides in group #5 such as atrazine (one of the active ingredients in Volley ATZ NXT) or metribuzin.

None of the injury symptoms present could be associated with glyphosate (Buccaneer) or saflufenacil (Verdict). However, low rates of exposure to these actives may not cause visible injury symptoms.

No significant diseases observed in the sample or the photos provided.

Original Event: External Lab Report #179771 (X21-399193)
Submitted By: Nathan J. Davis
Sample: X21-399193

06/17/2021 **Received Residue Lab Report**

Lab Remarks

Released 6/17/21

Investigatory Summary

The OISC Residue Laboratory analyzed the clothing and vegetation samples collected for the active ingredients glyphosate, acetochlor, atrazine, and saflufenacil and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients glyphosate, acetochlor, and atrazine in the off target composite vegetation sample. The OISC Residue Laboratory analysis detected the active ingredients glyphosate, acetochlor, and atrazine in the off target area the complainant was standing during exposure vegetation sample, saflufenacil was also detected, but was below quantification limits. The OISC Residue Laboratory analysis detected the active ingredients glyphosate, saflufenacil, and atrazine in the shirt worn by the complainant at the time of exposure.

First Page of Lab Report

OCM Collection #	179518	Investigator	DAVISN			
Collection Date	05/26/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-0037 1	Veg; Comp; Target, S	Veg	No Analysis Required	Done		
21-4-0038 5	Veg; Comp; OFF-T, N	Veg	AMPA	BDL ppb	66 ppb	
			Glyphosate	101 ppb	6 ppb	
			Acetochlor	164 ppb	6 ppb	
			Atrazine	501 ppb	3 ppb	
			Saflufenacil	BDL ppb	3 ppb	
21-4-0039 2	Veg; Grab; Area Standing During Exposure; OFF-T	Veg	AMPA	BDL ppb	66 ppb	
			Glyphosate	12.1 ppb	6 ppb	
			Acetochlor	308 ppb	6 ppb	
			Atrazine	581 ppb	3 ppb	
			Saflufenacil	BQL ppb	3 ppb	

Original Event: Residue Lab Report #181735 (179518-R377)
Submitted By: SYSTEM
Lab Report: Lab Report 179518-R377.pdf

08/27/2021 Compliance Activity

Kathryn Watson of law firm Katz, Korin and Cunningham sent an email requesting copies of the case report when the report has been finalized.

Original Event:	Compliance Activity #952
Primary:	Richard Dauby
Submitted By:	George Saxton
Attachments:	File 79075; Richard Dauby, Tell City overspray complaint.pdf

10/26/2021 Wind Data Researched

The wind data from the Owensboro-Daviess County Regional Airport (KOWB) AWOS, Evansville Regional Airport (KEVV) ASOS, and Louisville International Airport (KSDF) ASOS, indicate the wind speed during the application was between 3 and 12 mph with one gusts of 16 mph varying out of the east, west, south and north.

Owensboro-Daviess County Regional Airport (KOWB) AWOS

Owensboro , Kentucky (34 miles SW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
12:56pm	70	E	12	0
1:56pm	71	VAR	5	0
2:56pm	71	E	8	0

Evansville Regional Airport (KEVV) ASOS

Evansville , Indiana (45 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
12:54pm	68	ESE	5	0
1:54pm	69	E	6	0
2:54pm	70	VAR	6	0

Louisville International Airport (KSDF) ASOS

Louisville , Kentucky (53 miles E of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
12:56pm	71	ESE	6	0
1:56pm	72	NNW	5	16
2:56pm	70	SW	3	0

Original Event:	Wind Data #59
Submitted By:	Nathan J. Davis
Date of Weather:	05/14/2021

**10/26/2021 Investigation Activity
Photographs**

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



Original Event: Investigation Activity (Pesticide) #4029
 Submitted By: Nathan J. Davis
 Attachments: File 82937; PS21-0109 Correct.png

10/27/2021 Investigation Activity Activity

The application record and wind data indicate at the time of the application the wind varied out of the south and east blowing towards where the complainant was standing at the time of exposure and the complainant's property. The OISC Residue Laboratory analyses detected the active ingredients glyphosate, atrazine, and saflufenacil on the shirt worn by the complainant at the time of exposure. The OISC Residue Laboratory analyses also detected the active ingredients glyphosate, acetochlor, and atrazine in the area the complainant was standing at the time of exposure and the off target composite vegetation sample in levels consistent with off target movement.

The label for *Volley ATZ NXT*, EPA. Reg.# 62719-671-55467, Active Ingredients = acetochlor, atrazine states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not apply when wind conditions favor drift to non-target sites**".

The label for *Buccaneer 5 Extra*, EPA. Reg.# 55467-15, Active Ingredient = glyphosate states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**" and "**Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation**".

The label for *Verdict*, EPA. Reg.# 7969-279, Active Ingredient = saflufenacil, dimethenamide-P states: "**Do not apply this product in a way that will contact workers or other persons, either directly or through drift**".

Original Event: Investigation Activity (Pesticide) #4031
 Subject: Kasey J Wagner
 Submitted By: Nathan J. Davis

10/27/2021 Judgement; Civil Penalty Assessed Citation

Kasey Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Citation

Joseph D. Wagner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. Consideration was given to the fact a restricted use pesticide was involved and there was potential for human harm.

Civil Penalty

Wagner Turkey Farms Inc., was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift, especially to people. 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 there was potential for human harm.

Original Event:	Judgement #811
Primary:	Wagner Turkey Farms Inc.
Secondary:	Kasey J Wagner
Additional:	Joseph David Wagner
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

11/18/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #918
To:	Wagner Turkey Farms Inc.
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7008
Enclosed:	Notice of Enforcement
Attachments:	File 83820; PS21-0109EL CP ~ Wagner Turkey Farms - Kasey J. Wagner - Joseph D. Wagner.docx

11/22/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1292
Subject:	Wagner Turkey Farms Inc.
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7008
Received:	11/22/2021
Attachments:	File 85848; CM 7019 0140 0000 6113 7008 ~ PS21-0109.pdf

11/30/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1328
Subject:	Wagner Turkey Farms Inc.
Submitted By:	Joni Herman
Payment Expected:	\$100.00
Payment Received:	\$100.00
Attachments:	File 86203; PS21-0109 ~ Wagner Turkey Farms ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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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 PS21-0118

Department	Pesticide
Originated	05/26/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Bugg Products Long Lake, MN 55356
Issued To	Menards Angola, IN 46703
Respondent Registrant	Simply Soothing Cedar Rapids, IA 52402

Overviews

07/27/2021 **Product Registration Summary**

On July 26, 2020 I completed the label review for Bug Soother Spray. Through the review I identified pesticidal claims on the label and labeling. Since there are pesticidal claims, the product is required to be either registered with Indiana and EPA as a Section 3 pesticide product or is exempt from registration with EPA but not Indiana as a 25(b) Minimum Risk pesticide product. The review indicates the products are unregistered 25(b) EPA exempt products.

Submitted By: Linda Bradford
Role: Product Registration Specialist

09/16/2021 **Investigation Summary**

On May 18, 2021 the complainant, Brian Weekly, with Bugg Products advised OISC that he believed an unregistered pesticide product was being sold at Menards Stores. The product was Bug Soother.

On May 25, 2021 I conducted a Marketplace inspection at Menards in Angola, IN. I was able to locate Bug Soother, an unregistered 25b pesticide product, being offered for sale at Menards in Angola, IN. I collected an evidentiary sample of the product.

A sample was collected and an action order was issued to Menards instructing them to stop all sales of Bug Soother until released in writing by the state chemist.

On September 13, 2021 I received an email from Todd Lemanski, Senior Corporate Counsel for Menard Inc. Mr. Lemanski provided documentation stating that the Bug Soother product has been carried by Menards Inc since 2020. Mr. Lemanski asked that the documents be kept Confidential, therefore they will not be added into the OISC Case Management system.

Submitted By: Garret A. Creason
Role: Investigator

09/21/2021 **Disposition Summary**

Simply Soothing was cited for two (2) counts (2020 & 2021) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/18/2021 **Intake Referral Filed**

On May 18, 2021 the complainant, Brian Weekly, with Bug Products advised OISC that he believed an unregistered pesticide product was being sold at Menards Stores. The product was Bug Soother.

Original Event: Intake Referral (Pesticide) #1962
Complainant: Bug Products
Location: Menards
Respondent: Simply Soothing
Entered By: Garret A. Creason
Submitted By: George Saxton
Photos:



File 68774

05/25/2021 **Formulation Samples Collected**

Original Event: Formulation Collection #179379 (21-3-0078 6)
Registrant: Simply Soothing
Client: Menards
Firm Representative: Shane Williams
Submitted By: Garret A. Creason
Sample: 21-3-0078 6 | Bug Soother
Attachments: File 68981; scan0002.pdf
Photos:



File 69008



File 69009



File 69010



File 69011



File 69012



File 69013

05/25/2021 **Action Order Issued**

Original Event: Action Order #203
Issued To: Menards
Firm Representative: Shane Williams
Submitted By: Garret A. Creason
Attachments: File 69047; scan0005.pdf

05/25/2021 **Investigator Met with Distributor Interaction**

I was able to locate Bug Soother, and unregistered 25b pesticide product, being offered for sale at Menards in Angola, IN. I collected an evidentiary sample of the product.

Original Event: Investigation Activity (Pesticide) #3102
Subject: Menards
Submitted By: Garret A. Creason

05/25/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #357
Client: Menards
Firm Representative: Shane Williams
Submitted By: Garret A. Creason
Attachments: File 68980; scan.pdf

05/25/2021 **Marketplace Inspection Conducted Marketplace**

A sample was collected and an action order was issued to Menards instructing them to stop all sales of Bug Soother until released in writing by the state chemist.

Original Event:	Pesticide Inspection (Product) #221
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason

05/25/2021 **INCIDENTAL Marketplace Inspection Conducted**
Marketplace

An action order was issued to Menards to stop all sales of "Disinfect" until released in writing by OISC.

Original Event:	Pesticide Inspection (Product) #222
Linked From:	Notice of Inspection #357
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason

05/25/2021 **INCIDENTAL Marketplace Inspection Conducted**
Marketplace

An action order was issued to Menards instructing them to stop sales of this product until released in writing by OISC.

Original Event:	Pesticide Inspection (Product) #223
Linked From:	Notice of Inspection #357
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason

05/26/2021 **Case Created**

Original Event:	Case PS21-0118
Submitted By:	George Saxton
Assigned To:	Garret A. Creason

07/14/2021 **Formulation Lab Report #191199 (179379-01-R56179379)**
First Page of Lab Report

Office of Indiana State Chemist
Lab Report Unavailable
This sample was collected for documentary purposes only. No analysis was requested or performed.

Original Event:	Formulation Lab Report #191199 (179379-01-R56179379)
Submitted By:	SYSTEM
Lab Report:	Lab Report 179379-01-R56179379.pdf

07/26/2021 **Label Review Conducted; Not Acceptable**

My review of the product label indicates that the product is a FIFRA exempt 25b product which requires registration in Indiana. In order to comply with Indiana law, the label must be revised to remove all pesticidal claims or the registrant must submit a product registration packet to our office for review (efficacy, statement of formula, Safety Data Sheet, .PDF file of the label, application, and fee).

Original Event:	Label Review (Pesticide) #140 (21-3-0078 6)
Registrant:	Simply Soothing
Submitted By:	Linda Bradford
Sample:	21-3-0078 6
Product:	Bug Soother
Attachments:	File 75047; SIMPLY SOOTHING - BUG SOOTHER.pdf

09/13/2021 **Investigator Received Fax/Email from Distributor**
Communication

On September 13, 2021 i received an email from Todd Lemanski, Senior Corporate Counsel for Mendard Inc. Mr. Lemanski provided documentation stating that the Bug Soother product has been carried by Menards Inc since 2020. Mr. Lemanski asked that the documents be kept Confidential, therefore they will not be added into the OISC Case Management system.

Original Event:	Investigation Activity (Pesticide) #3828
Subject:	Menards
Submitted By:	Garret A. Creason

09/21/2021 **Judgement; Civil Penalty Assessed**
Civil Penalty

Simply Soothing was cited for two (2) counts (2020 & 2021) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Original Event:	Judgement #783
Primary:	Simply Soothing
Submitted By:	George Saxton
Legal Citation:	IC 15-16-4-57(1), IC 15-16-4-66(1)
Penalty Amount:	500

09/21/2021 **Notice of Enforcement Mailed to Target**
Original Event: Outgoing Mail #895
To: Simply Soothing
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6742
Enclosed: Notice of Enforcement
Attachments: File 81089; PS21-0118EL CP ~ Simply Soothing.docx

09/27/2021 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #1293
Subject: Simply Soothing
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6742
Received: 09/27/2021
Attachments: File 85849; CM 7019 0140 0000 6113 6742 ~ PS21-0118.pdf

10/12/2021 **Received Penalty Payment for Target**
Original Event: Compliance Receipt #1324
Subject: Simply Soothing
Submitted By: Joni Herman
Payment Expected: \$500.00
Payment Received: \$500.00
Attachments: File 86199; PS21-0118 ~ Simply Soothing ~ 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 PS21-0123

Department	Pesticide
Originated	05/27/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Viridis LLC DBA Spring Green Lawn Care Columbus, IN 47202
Applicator	Blake Lee Fisher Columbus, IN 47202
Supervisor	Kyle A Haines Columbus, IN 47202
Employer	Stephen Robert Downin Columbus, IN 47203
Respondent	Blake Lee Fisher

Overviews

10/27/2021 **Investigation Summary**

On May 27, 2021, I observed Mr. Fisher, with Spring-Green Lawn Care, make a fertilizer and pesticide application without wearing proper PPE and he did not remove the granular product from the hardscapes. Mr. Fisher also did not have a SAFS, legible product labels, and had missing information on the customer notification. I later found Mr. Fisher had made 19 applications on the above date with the listed violations.

Submitted By: James M. Trimble
Role: Investigator

10/28/2021 **Disposition Summary**

Viridis LLC DBA Spring Green Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. A civil penalty in the amount of \$125.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

Kyle A Haines was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/27/2021 **Intake Referral Filed**

On May 27, 2021, I witnessed Registered Technician, Blake Fisher; Spring Green Lawn Care, make a granular fertilizer & pesticide application to the lawn of 7326 Graymont Dr., Indianapolis, and leave the residence without first removing the granular product from the residence's hardscapes.

Original Event:	Intake Referral (Pesticide) #1967
Complainant:	Office of Indiana State Chemist
Respondent:	Viridis LLC DBA Spring Green Lawn Care
Entered By:	James M. Trimble
Submitted By:	George Saxton

05/27/2021 **General Inspection Conducted
Credentials Inspection**

I observed Mr. Fisher make a fertilizer and pesticide application to 7326 Graymont Dr., Indianapolis, without wearing gloves and a long sleeved shirt. Once Mr. Fisher completed the application, I found he did not remove the granular fertilizer/pesticide from the property's driveway and sidewalks. I later found Mr. Fisher did not have a Site Assessment Fact Sheet (SAFS) or legible labels for the products he was applying.

Lawn & Landscape Inspection

I found Spring-Green Lawn Care's customer notification to be missing the technician's credential number, the pesticide's brand name, instructions to the customer to remove the lawn marker no sooner than the next day, and instructions to contact the business for more information.

Original Event:	Pesticide Inspection (General) #1691
Client:	Viridis LLC DBA Spring Green Lawn Care
Firm Representative:	Blake Fisher
Submitted By:	James M. Trimble

05/27/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #360
Client:	Viridis LLC DBA Spring Green Lawn Care
Firm Representative:	Blake Fisher
Submitted By:	James M. Trimble
Attachments:	File 69144; Spring-GreenIncNOI.pdf

05/27/2021 **Investigator Met with Business
Photographs**

On May 27, 2021, while performing routine inspections, I located a white truck with the name "Spring-Green Professional Lawn & Tree Care" affixed to it. I also observed the truck to have a liquid holding tank and a self-propelled sprayer/spreader, which I identified as equipment commonly used for applying pesticides and fertilizers. I observed the truck park in front of 7326 Graymont Dr., Indianapolis, IN, where I observed a male, later identified as Blake Fisher, exit the vehicle and proceed to perform a fertilizer and pesticide application to the above property's turf. Once Mr. Fisher completed the application, I observed that he did not remove the granular fertilizer/pesticide from the property's driveway and sidewalks before he left the property.

Mr. Fisher proceeded to 7337 Jackie Ct., Indianapolis, where I approached him, identified myself as a Pesticide Investigator with the Office of Indiana State Chemist (OISC), and showed him my credential. I found Mr. Fisher to have a valid Registered Technician (RT) credential with OISC. I then conducted an inspection with Mr. Fisher and found Mr. Fisher had been applying **Pro Ap Cavalcade 0.37% Plus Fertilizer (EPA Reg. #60063-40-040249, active ingredient of prodiamine)** (granular fertilizer combined with a herbicide). I observed Mr. Fisher had a broom to remove the granular product from the hardscapes but had not been utilizing it. Mr. Fisher stated he had made approximately 15 turf applications prior my inspection and had not removed the granular fertilizer from any of them.

Mr. Fisher was also found to have a pesticide container that had an illegible label. I was unable to read the pesticide's active ingredients or brand name from its label but was able to determine it EPA registration number, #10404-43. Mr. Fisher stated he did not have a copy of the pesticide labels he was using and he was unsure of its name. I identified the pesticide by the above EPA registration number as **Lesco Three-Way Selective Herbicide (EPA Reg. #10404-43, active ingredient of 2,4-D, Mecoprop-p, and Dicamba)**. I later found that Lesco Three-Way required Mr. Fisher to wear a long-sleeved shirt, which he was not at the time of application and did not have one available in his truck.

I had also observed Spring-Green Lawn Care's customer notification to be missing the technician's credential number, the pesticide's brand name, instructions to the customer to remove the lawn marker no sooner than the next day, and instructions to contact the business for more information.

Mr. Fisher identified Steve Downin as his supervisor and advised me of his telephone number. I advised Mr. Fisher to return to all of the previous locations of his treatments and remove the granular product from their hardscapes, which he agreed to do.

Spring-Green app (File 69148)



Product on hardscapes (File 69154)

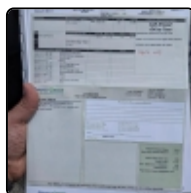


Product container (File 69159)

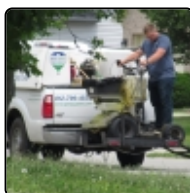


Original Event:
Subject:
Submitted By:
Photos:

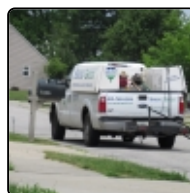
Investigation Activity (Pesticide) #3109
Viridis LLC DBA Spring Green Lawn Care
James M. Trimble



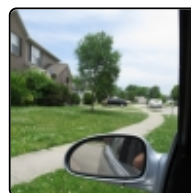
File 69147



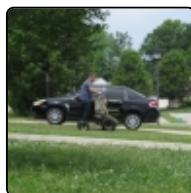
File 69148



File 69150



File 69151



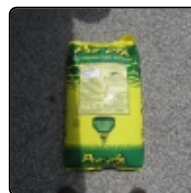
File 69152



File 69153



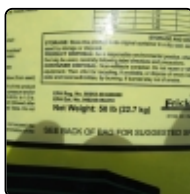
File 69154



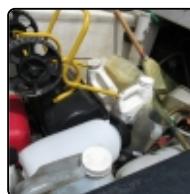
File 69155



File 69156



File 69157



File 69158



File 69159



File 69160

05/27/2021 **New Respondent Identified**
Respondent Identified

Upon my inspection of Spring-Green Lawn Care, I found the applicator to be Blake Fisher.

Original Event: Investigation Change #44
Respondent: Blake Lee Fisher
Submitted By: James M. Trimble

05/27/2021 **Investigator Called Business**
Communication

After I completed my inspection with Mr. Fisher, I called and spoke with Mr. Downin, the owner of Spring-Green Lawn Care. Mr. Downin identified Kyle Haines as Mr. Fisher's credentialed supervisor. I listed and explained the violations I had observed with Mr. Fisher's application with Mr. Downin. Mr. Downin stated that Mr. Fisher is supplied with the required personal protective equipment, equipment, and the necessary forms to do the job correctly but Mr. Fisher or Mr. Haines had failed to implement the proper practices.

Mr. Downin stated that the missing information on the customer notification was due to an employment issue and he would correct the problems.

Original Event: Investigation Activity (Pesticide) #3110
Subject: Stephen Robert Downin
Submitted By: James M. Trimble

05/27/2021 **New Respondent Identified**
Respondent Identified

Upon my inspection of Spring-Green Lawn Care and Registered Technician, Blake Fisher, I later found Mr. Fisher's credentialed supervisor to be Kyle Haines.

Original Event: Investigation Change #45
Respondent: Kyle A Haines
Submitted By: James M. Trimble

05/27/2021 **Investigator Sent Fax/Email to Business**
Communication

On May 27, 2021, I sent Mr. Downin an email with instructions and material to correct the violations I had observed during my inspection.

Original Event: Investigation Activity (Pesticide) #3116
Subject: Stephen Robert Downin
Submitted By: James M. Trimble
Attachments: File 69490; 5-27-21 email.pdf

05/27/2021 **Case Created**

Original Event: Case PS21-0123
Submitted By: George Saxton
Assigned To: James M. Trimble

06/14/2021 **Investigator Received Fax/Email from Business**
Records

On June 14, 2021, I received an email from Spring-Green Lawn Care containing the records for the applications Mr. Fisher had made on May 27, 2021. The records list 19 applications occurred on May 27, 2021.

Original Event: Investigation Activity (Pesticide) #3258
Subject: Viridis LLC DBA Spring Green Lawn Care
Submitted By: James M. Trimble
Attachments: File 70645; 6-14-21 email.pdf
File 70641; Beck Rocker_20210614_105446.pdf

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

On June 14, 2021, I called and spoke with Mr. Downin. Mr. Downin stated that he has had multiple meetings/trainings with his employees to affirm the importance of wearing their required PPE and removing granular fertilizer and/or pesticides from hardscapes. Mr. Downin stated that he had also equipped all of his applicators with a power blower. Mr. Downin stated that he changed their customer notifications to add the applicator's license number, the pesticide's brand name, and instructions to the customer.

Original Event: Investigation Activity (Pesticide) #3259
Subject: Stephen Robert Downin
Submitted By: James M. Trimble

10/28/2021 **Judgement; Civil Penalty Assessed**

Citation

Kyle A Haines was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

Civil Penalty

Viridis LLC DBA Spring Green Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to properly supervise a registered employee. A civil penalty in the amount of \$125.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature and corrective action was taken.

Abeyance

The civil penalty was held in abeyance and not assessed for five (5) years provided Viridis LLC DBA Spring Green Lawn Care commits no further violations of the Indiana Pesticide Use and Application Law.

Original Event:	Judgement #812
Primary:	Viridis LLC DBA Spring Green Lawn Care
Secondary:	Kyle A Haines
Additional:	Blake Lee Fisher
Submitted By:	George Saxton
Legal Citation:	355 IAC 4-2-5
Penalty Amount:	125

11/18/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #917
To:	Viridis LLC DBA Spring Green Lawn Care
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7015
Enclosed:	Notice of Enforcement
Attachments:	File 83819; PS21-0123EL CP Abeyance ~ Viridis dba Spring Green LC - Kyle A. Haines.docx

11/22/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1291
Subject:	Viridis LLC DBA Spring Green Lawn Care
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7015
Received:	11/22/2021
Attachments:	File 85847; CM 7019 0140 0000 6113 7015 ~ PS21-0123.pdf

Chain of Custody

No electronic chain of custody found

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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In Re: Case PS21-0127

Department	Pesticide
Originated	05/31/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Derrick Deininger Bluffton, IN 46714	
Referred By	Indiana Department of Natural Resources	
Respondent	David A Fiechter Bluffton, IN 46714	Private Applicator

Overviews

09/28/2021 **Investigation Summary**

The OISC Residue Laboratory report detected the active ingredient methomyl in the styrofoam container. The OISC Residue Laboratory report and statements given by the respondent indicate the respondent poured the pesticide *Golden Malrin, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene* into two styrofoam containers and placed the containers along the edge of his soybean field with the intention to kill groundhogs. Statements and pictures supplied by the complainant indicate one opossum and two baby opossums were killed due to ingesting the *Golden Malrin, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene*. The area the containers were located was readily accessible on the ground in the soybean field and within close proximity to the complainant's property who has pets.

Submitted By: Nathan J. Davis
Role: Investigator

09/28/2021 **Disposition Summary**

David A Fiechter was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for applying to a kill a non-target pest. 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.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/28/2021 **Intake Referral Filed**

Officer Harmon stated he has information that Dave Feichter is using fly bait in a styrafoam bowl to poison ground hogs.

Original Event: Intake Referral (Pesticide) #1971
Complainant: Derrick Deininger
Respondent: David A Fiechter
Referred By: Indiana Department of Natural Resources
Entered By: Joseph D. Becovitz
Submitted By: Mark Sobers
Assigned To: Nathan J. Davis

05/31/2021 **Case Created**

Original Event:	Case PS21-0127
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis

06/02/2021 **Investigator Called Complainant Communication**

On June 2, 2021 I contacted the complainant via telephone. The complainant advised he witnessed the farmer of the field neighboring his property put out two white containers on the edge of his field. The complainant advised the following day he found a dead opossum near the white container. The complainant advised he contacted the farmer of the field and the farmer advised it was a "fly bait" he used to kill groundhogs. The complainant advised out of concern for his dog, he dug a hole and poured the remaining substance left in the white container in the hole along with the opossum and covered the hole. Further, the complainant advised he kept both of the white containers that were in the field.

Original Event:	Investigation Activity (Pesticide) #3146
Subject:	Derrick Deininger
Submitted By:	Nathan J. Davis

06/03/2021 **Investigator Called Farmer Interview**

On June 3, 2021 I contacted private applicator David Fiechter. I advised Mr. Fiechter I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Fiechter advised he had groundhogs eating his soybeans and he wanted to kill them. Mr. Fiechter advised he placed two containers of "fly bait" on the edge of his field to kill the groundhogs with. I asked Mr. Fiechter if he knew the brand name of the "fly bait" he used. Mr. Fiechter advised he was unsure of the brand name. I advised Mr. Fiechter to send me a picture of the label for the "fly bait" he used in the containers. Mr. Fiechter advised he would send me a picture of the label.

Original Event:	Investigation Activity (Pesticide) #3147
Subject:	David A Fiechter
Submitted By:	Nathan J. Davis

06/04/2021 **Farmer Sent Text Message to Investigator Photographs**

On June 4, 2021 I received a text message from Mr. Fiechter, which include the front of the label for the pesticide *Golden Malrin*, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene.

Original Event:	Investigation Activity (Pesticide) #3148
Subject:	David A Fiechter
Submitted By:	Nathan J. Davis
Attachments:	File 69477; Golden Malrin.png

06/08/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #370
Client:	Derrick Deininger
Firm Representative:	Derrick Deininger
Submitted By:	Nathan J. Davis

06/08/2021 **Investigator Met with Complainant Interaction**

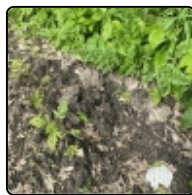
On June 8, 2020 I met with complainant at his property. During my on-site investigation the complainant showed me the area the white containers were located along the tree line next to the field and where he buried the opossum. The complainant also retrieved the two white containers from a cabinet in his garage. The two white containers were enclosed inside a clear zip lock bag. I observed blue residue inside the container. I took a swab sample from inside the container. The residue sample was submitted to the OISC Residue Laboratory for analysis.

Original Event:	Investigation Activity (Pesticide) #3143
Subject:	Derrick Deininger
Submitted By:	Nathan J. Davis

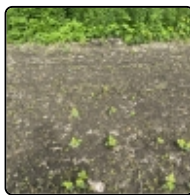
06/08/2021 **Investigator Met with Complainant Photographs**

Photographs taken during the on-site investigation.

Original Event:	Investigation Activity (Pesticide) #3145
Subject:	Derrick Deininger
Submitted By:	Nathan J. Davis
Photos:	



File 69377



File 69378



File 69379



File 69380



File 69381



File 69382



File 69376

06/08/2021 **Investigator Met with Complainant Statement**

On June 8, 2021 during my on-site investigation the complainant supplied me with the written statements I requested. Both the complainant and his wife completed a written statement.

The complainant's written statement states: "May 23rd I Derrick witnessed Dave Fiechter carry white tray from his truck and place them in a field behind my house. We had a conversation after he realized we Casey and Derrick was standing at property looking at ground I had worked for seed. On May 24th I Derrick was seeding ground and noticed a dead opossum with babies crawling on her. I called Dave at 6:37pm and asked him what he put in trays due to blue substance in them and he said a fly poison he puts it out to kill groundhogs in his field".

The complainant's wife's written statement states: "On Sunday, May 23, 2021 my husband Derrick and I were walking towards the back part of our property to look at some ground my husband had worked up to be able to plant grass seed. As we were walking, we saw Dave Fiechter pull up the abandoned road between our property and the neighbor's field. We watched him get out of his truck and put out a couple of white trays in the tree line next to the field. We then had a conversation with him once he realized we were there. The next day, my husband was seeding the ground and noticed something in the field. When he went to look at it, it was a dead possum with babies crawling on her a few feet away from one of the trays with blue residue in it. My Husband called Dave on speaker phone and Dave said that it was a fly poison that he was using to kill whatever was eating the crops in the fields and that he uses it on all his fields".

Original Event: Investigation Activity (Pesticide) #3150
Subject: David A Fiechter
Submitted By: Nathan J. Davis

06/08/2021 **Investigator Met with Complainant Photographs**

Photographs taken by the complainant. Including photographs of the white containers filled with a blue substance and of a dead opossum next to one of the white containers.

Original Event: Investigation Activity (Pesticide) #3144
Subject: Derrick Deininger
Submitted By: Nathan J. Davis
Photos:



File 69370



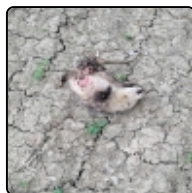
File 69371



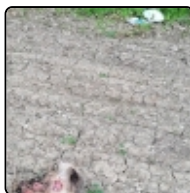
File 69372



File 69373



File 69374



File 69375

06/08/2021 **Residue Samples Collected**

Original Event: Residue Collection #180554 (21-4-0042 4)
Client: Derrick Deininger
Submitted By: Nathan J. Davis
Sample: 21-4-0042 4 | Swab (Acetone); Trip Blank
Sample: 21-4-0043 0 | Swab (Acetone); Grab; Styrofoam Container; Target

06/08/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #436
Submitted By: Nathan J. Davis
Target Analyte: GOLDEN MALRIN
PPLS Labels: [002724-00274-20161006.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/002724-00274-20161006.pdf

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

Lab Remarks

Released 6/25/21

Investigatory Summary

The OISC Residue Laboratory analyzed the swab samples collected for the active ingredient methomyl and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredient methomyl in the swab sample taken from the styrofoam container.

First Page of Lab Report

Page 67 of 148 Report

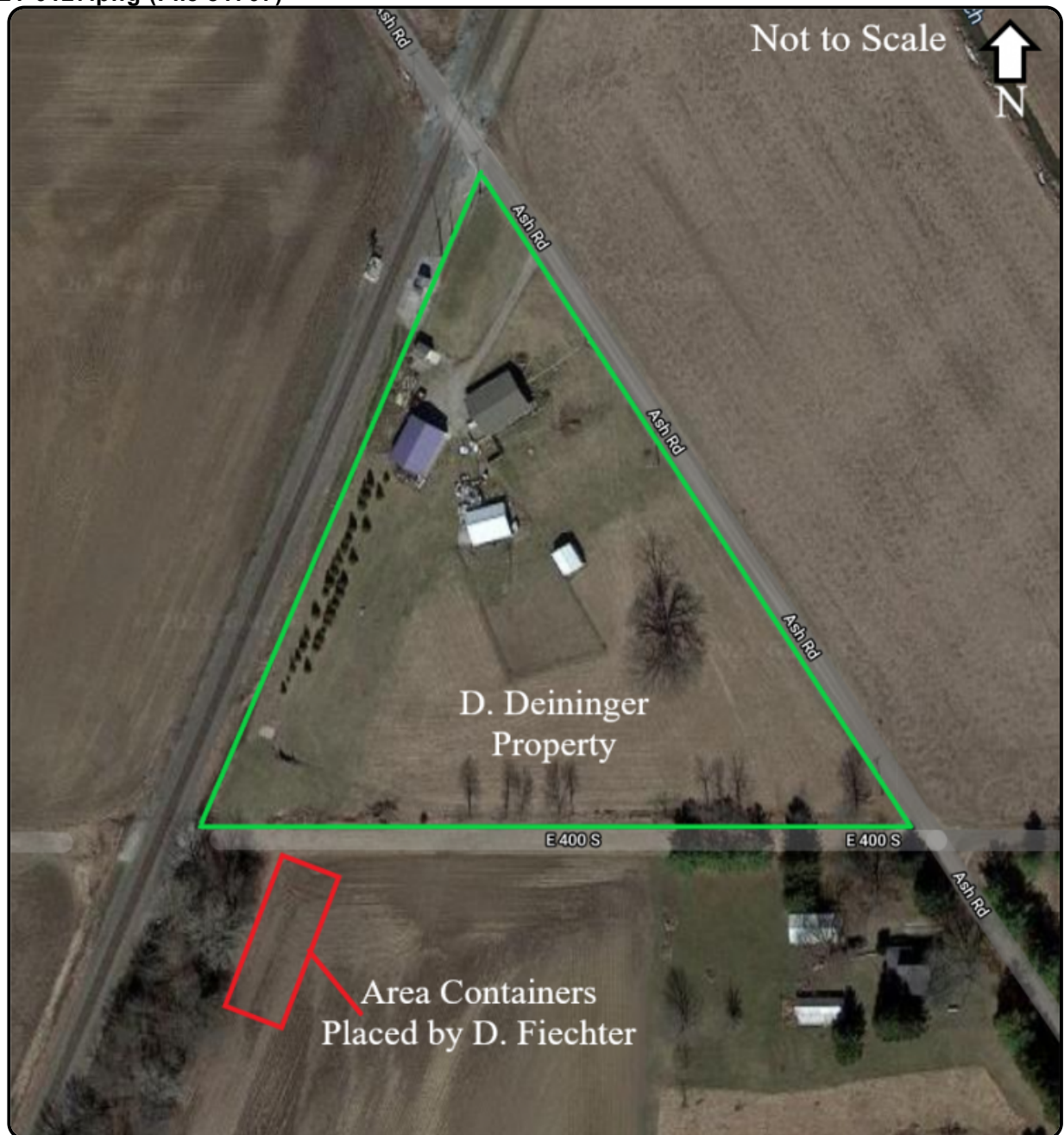
OCM Collection #	180554	Investigator	DAVISN		
Collection Date	06/08/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0042 4	Swab (Acetone); Trip Blank	Swab (Acetone)	Methomyl	BQL ng/swab	2 ng/swab
21-4-0043 0	Swab (Acetone); Grab; Styrofoam Container; Target	Swab (Acetone)	Methomyl	666000 ng/swab	2 ng/swab

Original Event: Residue Lab Report #182443 (180554-R379)
Submitted By: SYSTEM
Lab Report: Lab Report 180554-R379.pdf

09/28/2021 **Investigation Activity**

Photographs

An aerial diagram including property lines and where the styrofoam containers, containing the *Golden Malrin*, EPA Reg.# 2724-274, *Active Ingredients = Methomyl, Tricosene* were located.



Original Event:	Investigation Activity (Pesticide) #3900
Submitted By:	Nathan J. Davis
Attachments:	File 81707; PS21-0127.png

09/28/2021 Investigation Activity Activity

The OISC Residue Laboratory report detected the active ingredient methomyl in the styrofoam container. The OISC Residue Laboratory report and statements given by the respondent indicate the respondent poured the pesticide *Golden Malrin*, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene into two styrofoam containers and placed the containers along the edge of his soybean field with the intention to kill groundhogs. Statements and pictures supplied by the complainant indicate one opossum and two baby opossums were killed due to ingesting the *Golden Malrin*, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene. The label for *Golden Malrin*, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene states: "**It is illegal to use this product with intention to kill raccoons, skunks, opossums, coyotes, wolves, dogs, cats, or any other non-target species**". The area the containers were located was readily accessible on the ground in the soybean field and within close proximity to the complainant's property who has pets. The label for *Golden Malrin*, EPA Reg.# 2724-274, Active Ingredients = Methomyl, Tricosene states: "**Use only in areas inaccessible to food producing animals, children, and pets**".

Original Event:	Investigation Activity (Pesticide) #3902
Subject:	David A Fiechter
Submitted By:	Nathan J. Davis

09/28/2021 Judgement; Civil Penalty Assessed

Civil Penalty

David A Fiechter was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for applying to a kill a non-target pest. 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.

Original Event:	Judgement #793
Primary:	David A Fiechter
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

11/05/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #907
To:	David A Fiechter
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6872
Enclosed:	Notice of Enforcement
Attachments:	File 83591; PS21-0127EL CP ~ David A. Fiechter.docx

11/12/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1282
Subject:	David A Fiechter
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6872
Received:	11/12/2021
Attachments:	File 85838; CM 7019 0140 0000 6113 6872 ~ PS21-0127.pdf

12/03/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1330
Subject:	David A Fiechter
Submitted By:	Joni Herman
Payment Expected:	\$100.00
Payment Received:	\$100.00
Attachments:	File 86205; PS21-0127 ~ David Fiechter ~ 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 PS21-0129

Department	Pesticide
Originated	05/31/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	Denny Merritt North Webster, IN 46555
-	Indiana Department of Environmental Management South Bend, IN 46601
Respondent	Helena Agri Enterprises LLC Ligonier, IN 46767
Respondent	Tyler A Gilbert Ligonier, IN 46767

Overviews

09/17/2021 **Investigation Summary**

Complainant Denny Merritt was concerned applications to a nearby farm field may be contaminating the well heads at Culver Hills Community.

I met with complainant Denny Merritt and his co-worker J.B. Garrett. They both explained they work with the "community water supply" program through the Indiana Department of Environmental Management (IDEM). Mr. Merritt said it appeared to him the farmer for the field in question was using more than normal amounts of chemical (pesticides) along the outer edges of the field. Hed was concerned the pesticides would contaminate the wells in the Culver Hills Community.

I took samples from the closest wells (well 5, well 7, well 8) in the community in relation to the farm field.

I learned Mr. Tom Max farmed the field east of Culver Hills Community. I learned from Mr. Max Helena Agri-Ent, LLC located in Ligonier made the application to the field.

I made contact with Helena Agri Ent LLC manager Kevin Strater about the complainant. He agreed to submit a PII for the application.

Kevin Strater and licensed applicator Tyler Gilbert submitted a completed PII. According to the PII one of the pesticides- restricted use pesticide Acuron (EPA #100-1466; active ingredients: metolachlor; atrazine; mesotrione; bicyclopyrone)- had been applied while wind speeds were greater than 10 mph (12-15 mph) at the beginning and the end of the application. A check of Local Climatological Data (LCD) at Goshen Municipal Airport confirmed the information in the PII for date and time of application.

OISC Residue Lab results indicated analysis for Diflexx (EPA #264-1173; active ingredient: dicamba) Roundup Power Max (EPA #524-529; active ingredient: glyphosate) and Acuron (EPA #100-1466; active ingredients: metolachlor; atrazine; mesotrione; bicyclopyrone) was Below Detectable Limits (BDL) for the water samples.

No violation(s) occurred for drift causing water contamination. However, licensed applicator Tyler Gilbert was in violation of the Acuron label ("**Do not apply when the wind speed is greater than 10 mph**") when he applied it while the wind was blowing at 12 miles per hour at the beginning of the application and 15 miles per hour at the end of the application.

Submitted By: Kevin W. Gibson
Role: Investigator

09/21/2021 **Disposition Summary**

Helena Agri Enterprises LLC of Ligonier was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Tyler Gilbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. Consideration was given to the fact a restricted use pesticide was involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/28/2021 Intake Referral Filed

Complainant is concerned applications to a field that are within 50 to 100 feet of wellheads may contaminate a community water source.

Original Event: Intake Referral (Pesticide) #1973
Complainant: Denny Merritt
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson
Attachments: File 69127; Culvers Hill WELLLOCATIONMAP.pdf

05/31/2021 Case Created

Original Event: Case PS21-0129
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

06/16/2021 Residue Samples Collected

Original Event: Residue Collection #181692 (21-4-0267 2)
Client: Denny Merritt
Submitted By: Kevin W. Gibson
Sample: 21-4-0267 2 | Ground Water; Grab; Well 8
Sample: 21-4-0268 6 | Ground Water; Grab; Well 7
Sample: 21-4-0269 3 | Ground Water; Grab; Well 5
Photos:



File 70429



File 70430



File 70431

06/16/2021 Investigator Met with Complainant Interaction

I met with complainant Denny Merritt at 515 N. Panorama Dr. in North Webster. He told me he and J.B. Garrett do a "Community Water Supply" program for the Indiana Department of Environmental Management (IDEM) in the area of 515 Panorama Dr. Three times a week they check the quality of the water from the ten wells used by the residents in the Culver's Hill residential complex. Mr. Merritt told me while working there on 5/7/21, he witnessed a farmer spraying his field to the east of the complex. It appeared to him the farmer was using more than normal amounts of pesticide during the application along the edge of the field. He was concerned the chemicals might contaminate the wells in the complex and therefore at the suggestion of IDEM's Sophia Andrews, Mr. Merritt contacted OISC.

I spoke to Mr. Merritt's co-worker J.B. Garrett. He said he samples the wells' water as part of the "Community Water Supply" program. At one time, two of the wells tested for higher than normal nitrates. Those wells were put on a mitigation program through their water softeners. With the assistance of Mr. Garrett, I was able to sample the water from well 8 (533 Panorama Dr.), well 7 (505 Panorama Dr.), and well 5 (414 Overlook Dr.) which seemed to be across from the heaviest spraying in the farm field.

Original Event: Investigation Activity (Pesticide) #3250
Subject: Denny Merritt
Submitted By: Kevin W. Gibson
Attachments: File 70432; WELLLOCATIONMAP.pdf

06/16/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #452
Submitted By: Kevin W. Gibson
Target Analyte: DiFlexx
Target Analyte: Acuron
Target Analyte: Roundup Powermax
PPLS Labels: 000100-01466-20180523.pdf
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01466-20180523.pdf

[000264-01173-20191231.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01173-20191231.pdf

[000524-00549-20200225.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf

Attachments:

File 73629; Helena Agri application record.pdf
File 84890; PS21-0129.pdf

07/13/2021 **Investigator Called Subject Interaction**

I spoke to IDEM representative Sophia Andrews. She told me Culvers Hill Community was part of a government water program. She did not have information about the depth of the wells. I up-dated her concerning the sampling of wells 5, 7, and 8. Sophia told me she checked the GIS program with Elkhart County government to learn Bart's Water Sports located in North Webster Indiana was the owner of the farm field east of Culver Hill Community.

Original Event: Investigation Activity (Pesticide) #3484
Subject: Indiana Department of Environmental Management
Submitted By: Kevin W. Gibson

07/13/2021 **Investigator Called Business Interaction**

I spoke to Bart's Water Sports employee Starr Senter. She told me the the land in question was leased to Max Tom of Syracuse Indiana.

Original Event: Investigation Activity (Pesticide) #3485
Subject: Bart's Water Sports
Submitted By: Kevin W. Gibson

07/14/2021 **Investigator Called Business Interaction**

I spoke to farmer Max Tom. He confirmed he leases the farm land in question. However, Mr. Tom said Helena Agri Enterprises makes all pesticide application for his farm.

Original Event: Investigation Activity (Pesticide) #3486
Subject: Max G Tom
Submitted By: Kevin W. Gibson

07/15/2021 **Investigator Received Fax/Email from Applicator Communication**

I received an email from Helena Agri-Enterprises employee Trevor Moser with the pesticide application records attached. The company records indicated the pesticide application (DiFlexx, Acuron, Roundup PowerMax) in question was made 5/19/21. I emailed a Pesticide Investigation Inquiry (PII) to Mr. Moser to be completed by the pesticide applicator.

Activity

I attached labels for DiFlexx, Acuron, Roundup Powermax.

Original Event: Investigation Activity (Pesticide) #3487
Subject: Helena Agri Enterprises LLC
Submitted By: Kevin W. Gibson
Attachments: File 74383; Acuron Herbicide.pdf
File 74384; Diflexx.pdf
File 73674; Helena Agri application record.pdf
File 74385; Roundup Powermax label.pdf

Photos:



File 73673

07/19/2021 **Investigator Received Fax/Email from Applicator Investigation Inquiry**

Received an email from Helena Agri Enterprise manager Kevin Strater with a completed PII attached. PII recorded licensed pesticide applicator Tyler Gilbert made a pesticide application to a field east of the complainant's property area.

Inquiry Overview

Certified Applicator Tyler Gilbert
Company Helena Agri Enterprises
Application Type Commercial
Target Field North of Syracuse

Tank Mix

Product	EPA	Rate
Diflaxx	264-1173	8 oz/acre
Roundup PowerMax	524-529	32 oz/acre
Acuron	100-1466	2.5 qt./acre
Request		2 qt/100 acre

Application Date

Date	Start	End
05/19/2021	12:00pm	12:40pm

Air Conditions

Time	Temp	Direction	Speed
Start	71°F	S	12mph
End	71°F	S	15mph

Original Event: Investigation Activity (Pesticide) #3515
Subject: Helena Agri Enterprises LLC
Submitted By: Kevin W. Gibson
PPLS Labels: [000100-01466-20180523.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01466-20180523.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01466-20180523.pdf
[000264-01173-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01173-20191231.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01173-20191231.pdf
[000524-00529-20131107.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00529-20131107.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00529-20131107.pdf

Attachments: File 74312; Helena Ag PII.pdf
Photos:



File 74319

09/03/2021 Received Residue Lab Report Investigatory Summary

Analysis of well water completed for 2,4-D, Dicamba, AMPA, Glyphosate, Acetochlor, Atrazine, Mesotrione, Metolachlor. All results were "BDL" (Below Detectable Limits).

First Page of Lab Report

Page 67 of 88 Report

OCM Collection #	181692	Investigator	GIBSONK		
Collection Date	06/16/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0267 2	Ground Water; Grab; Well 8	Ground Water	2,4-D	BDL ppb	0.005 ppb
			Dicamba	BDL ppb	0.005 ppb
			AMPA	BDL ppb	20 ppb
			Glyphosate	BDL ppb	1 ppb
			Acetochlor	BDL ppb	0.0008 ppb
			Atrazine	BDL ppb	0.0002 ppb
			Mesotrione	BDL ppb	0.0008 ppb
			Metolachlor	BDL ppb	0.004 ppb

Original Event: Residue Lab Report #188826 (181692-R412)
Submitted By: SYSTEM
Lab Report: Lab Report 181692-R412.pdf

09/15/2021 Investigator Called Business

Interaction

I made contact with Helena Agri Ent-LLC manager Kevin Strater to discuss the Pesticide Investigation Inquiry (PII) he and licensed applicator Tyler Gilbert submitted. I had compared the application records with the PII. I found the wind direction for the application records showed the wind from the west while the wind direction from the PII showed the wind from the south. Mr. Strater told me the information on the PII was correct. It was taken from a weather station. We also had conversation about the wind speed at the time of the application. He told me the information reported on both forms was correct; 12 mph at the beginning and 15 mph at the end of the application. I advised him the label for one of the pesticides applied (Acuron (EPA #100-1466; active ingredient: metolachlor; atrazine; mesotrione; bicyclopyrone)) read in part, "***Do not apply when the wind speed is greater than 10 mph***". Mr. Strater admitted it was probably too windy to have made that application.

Original Event: Investigation Activity (Pesticide) #3837
Subject: Helena Agri Enterprises LLC
Submitted By: Kevin W. Gibson
Attachments: File 80624; Helena Agri application record.pdf

09/17/2021 Wind Data Researched

Wind was blowing 14-17 miles per hour from the southwest in a northeasterly direction away from Culver Hills Community at 12:00pm on 5/19/21.

Goshen Municipal Airport

Goshen, Indiana (18 miles N of site)

Time	Temp (°F)	Direction	Speed (mph)
11:53pm	75	SSW	17

Original Event: Wind Data #49
Submitted By: Kevin W. Gibson
Date of Weather: 05/19/2021
Attachments: File 80606; weather Goshen 51921.pdf

09/21/2021 Judgement; Civil Penalty Assessed Citation

Tyler Gilbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. Consideration was given to the fact a restricted use pesticide was involved.

Civil Penalty

Helena Agri Enterprises LLC of Ligonier was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding wind speed. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Original Event: Judgement #784
Primary: Helena Agri Enterprises LLC
Secondary: Tyler A Gilbert
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

09/22/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #898
To: Helena Agri Enterprises LLC
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6810
Enclosed: Notice of Enforcement
Attachments: File 81095; PS21-0129EL CP ~ Helena Agri Enterprises - Tyler A. Gilbert.docx

09/27/2021 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1290
Subject: Helena Agri Enterprises LLC
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6810
Received: 09/27/2021
Attachments: File 85846; CM 7019 0140 0000 6113 6810 ~ PS21-0129.pdf

10/01/2021 Received Penalty Payment for Target

Original Event: Compliance Receipt #1322
Subject: Helena Agri Enterprises LLC
Submitted By: Joni Herman
Payment Expected: \$250.00
Payment Received: \$250.00
Attachments: File 86197; PS21-0129 ~ Helena Agri Enterprises ~ 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 PS21-0158

Department	Pesticide
Originated	06/15/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Rebecca Judy Roachdale, IN 46172
Business	Co Alliance Cooperative Inc Bainbridge, IN 46105
Applicator	Timothy Wayne Higgins Bainbridge, IN 46105

Overviews

10/08/2021 **Investigation Summary**

Rebecca Judy reported Co-Alliance had made a pesticide application to a soybean field that drifted onto her while she worked on a fence.

I found Mr. Higgins, with Co-Alliance, had made the pesticide application to the soybean field while the wind was blowing towards Ms. Judy at 16 MPH. Mr. Higgins stated he observed two people downwind of his application but believed he was a sufficient distance away from them to not cause harm.

The OISC Residue Lab results from the clothing and vegetation samples I collected from Ms. Judy and the surrounding area found that the vegetation and Ms. Judy were exposed to Mr. Higgins' application. Mr. Higgins' application was found to be in violation of the Roundup PowerMax and Zidua SC labels.

Submitted By: James M. Trimble
Role: Investigator

10/11/2021 **Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. 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 Mr. Higgins' second violation of similar nature. See case number PS20-0130.

Timothy Wayne Higgins Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact there was potential for human harm and this was Mr. Higgins' second violation of similar nature. See case number PS20-0130.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/14/2021 **Intake Referral Filed**

Complainant stated she and her father were sprayed by Co-Alliance while working on a fence.

Original Event:	Intake Referral (Pesticide) #2004
Complainant:	Rebecca Judy
Respondent:	Co Alliance Cooperative Inc
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/15/2021 **Case Created**

Original Event:	Case PS21-0158
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/15/2021 **Case Created**

Original Event:	Case PS21-0159
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/16/2021 **Investigator Met with Complainant Photographs**

On June 16, 2021, I met with Rebecca Judy at 3830 E. S.R. 236, Roachdale, IN, to conduct my on-site investigation. Ms. Judy stated that on June 14, 2021, at approximately 2:00 PM, she and Mike Summers (see case #PS21-0159) were at the above address, working on a fence near the roadside, when they observed a agricultural sprayer enter the soybean field located to their north. Ms. Judy and Mr. Summers stated the sprayer began treating the field with a liquid substance that drifted and exposed them to the substance. Ms. Judy stated that she entered their work truck to escape the drift while Mr. Summers proceeded to finish his work on the fence. Ms. Judy stated that she drove the truck along side of Mr. Summers in attempt to shield him from the drift. Ms. Judy and Mr. Summers stated that the wind was coming out of the north (towards them) at approximately 16 MPH for the entirety of the sprayer's application to the field. Ms. Judy and Mr. Summers stated they believed the sprayer's applicator had saw them working on the fence but had treated the field anyway.

Ms. Judy and Mr. Summers stated after they had finished working on the fence, they went home, removed their clothing, and showered. Ms. Judy stated that she later called OISC to report the incident and was instructed to preserve their clothing in a paper bag, which they did. Ms. Judy stated they had also contacted Co-Alliance, Bainbridge, IN, who confirmed to her that they were responsible for the field's application. Ms. Judy stated that the exposure to the drift had caused her to have red, burning eyes, head congestion, and a sore throat. Mr. Summers stated that his symptoms included red, burning eyes and had a bleeding nose the following morning. Ms. Judy and Mr. Summers stated their symptoms seemed to have cleared by the following day and they did not seek medical assistance.

During my on-site investigation, I observed and photographed the area where Ms. Judy and Mr. Summers stated they were working, along with the field in question. I found the south edge of the soybean field to be approximately 70 yards from the fence that Ms. Judy and Mr. Summers were working on. Due to the short period of time from the field's application to my arrival, I did not observe symptoms of injury to the vegetation in or around the area.

I then collected the shirts Ms. Judy and Mr. Summers stated they were wearing during the drift occurrence, which they had preserved in a paper bag, which had been taped closed. I also collected three gradient vegetation samples and a control sample from the area that surrounded the fence, as well as a soil sample from the target soybean field for analysis by the OISC Residue Lab.

Fence to target field (File 70398)



Target field to fence (File 70427)



Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3248
Rebecca Judy
James M. Trimble



File 70396



File 70398



File 70401



File 70403



File 70405



File 70408



File 70411



File 70414



File 70417



File 70419



File 70422



File 70425



File 70427

06/16/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #396
Client:	Rebecca Judy
Firm Representative:	Rebecca Judy
Submitted By:	James M. Trimble
Attachments:	File 70657; rebeccajudyNOI.pdf

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

Original Event:	Residue Collection #181650 (21-4-1167 2)
Client:	Rebecca Judy
Submitted By:	James M. Trimble
Sample:	21-4-1167 2 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-1168 6 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-1169 3 Veg; Comp; OFF-T, Grad1, 150yd S
Sample:	21-4-1170 5 Veg; Comp; OFF-T, Grad2, 70yd S
Sample:	21-4-1171 4 Veg; Comp; OFF-T, Grad3, 35yd S
Sample:	21-4-1172 2 Veg; Ctrl; OFF-T
Sample:	21-4-1173 3 Soil; Comp; 0-2"; Target

06/16/2021 **Investigator Met with Business Records**

On June 16, 2021, after meeting with Ms. Judy and Mr. Summers, I traveled to Co-Alliance; Bainbridge, where I met with Branch Manager, Dylan Miller. Mr. Miller confirmed that Tim Higgins had made the application to the field in question on June 14, 2021 at approximately 2:00 PM. Mr. Miller provided me with their application report and Mr. Higgins phone number. Later that day, I emailed Mr. Miller the Pesticide Investigation Inquiry (PII) with instructions to have the completed form returned to me within 15 days of my email.

Original Event:	Investigation Activity (Pesticide) #3262
Subject:	Co Alliance Cooperative Inc
Submitted By:	James M. Trimble
Attachments:	File 71047; CoAllianceDocs.pdf

06/16/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #399
Client:	Co Alliance Cooperative Inc
Firm Representative:	Dylon Miller
Submitted By:	James M. Trimble
Attachments:	File 70661; CoAllianceNOI.pdf

06/16/2021 **New Respondent Identified**
Respondent Identified

Mr. Miller identified Mr. Higgins as the applicator for the field in question.

Original Event:	Investigation Change #59
Respondent:	Timothy Wayne Higgins
Submitted By:	James M. Trimble

06/16/2021 **Investigator Called Applicator**
Communication

On June 16, 2021, after speaking with Mr. Miller at Co-Alliance, I called and spoke with Mr. Higgins about his application to the soybean field in question. Mr. Higgins acknowledged that it was a windy day at the time of his application and admitted that he observed two people to the south, across the street, and near the fence. Mr. Higgins stated he proceeded with his application to the soybean field because he believed he was a sufficient distance away from them to not cause harm.

Original Event:	Investigation Activity (Pesticide) #3283
Subject:	Timothy Wayne Higgins
Submitted By:	James M. Trimble

06/16/2021 **Lab Advised of Target Analytes**

Original Event:	Residue Collections Follow Up #450
Submitted By:	James M. Trimble
Target Analyte:	Liberty 280 SL280
Target Analyte:	Roundup PowerMax
Target Analyte:	Zidua SC
PPLS Labels:	000524-00549-20200225.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf 007969-00374-20200507.pdf https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf

Attachments: File 79125; Trimble 181650.pdf

06/21/2021 **Online Investigation Activity**
Activity

On June 21, 2021, I created a map of my sample collection for cases #PS21-0158 & #PS21-0159.

Collection map (File 71002)



Original Event:

Submitted By:

Photos:

Investigation Activity (Pesticide) #3275

James M. Trimble



File 71002

06/22/2021 Investigator Received Fax/Email from Business Investigation Inquiry

On June 22, 2021, I received an email from Mr. Miller that contained the completed PII, which advised Mr. Higgins application to the north field had occurred on June 14, 2021 with the wind blowing from the Northwest at 16 MPH.

Inquiry Overview

Certified Applicator Timothy Wayne Higgins

Company Co-Alliance

Application Type Commercial

Target Field North field

Tank Mix

Product	EPA	Rate
Liberty SL280	264-829	32oz/A
RU PowerMax	524-549	32oz/A
Zidua SC	7969-374	2.75oz/A

Application Date

Date Start End
06/14/2021 13:51 13:59

Air Conditions

Time Temp Direction Speed
Start 85°F NW 16mph
End 85°F NW 16mph

Original Event: Investigation Activity (Pesticide) #3310
Subject: Co Alliance Cooperative Inc
Submitted By: James M. Trimble
PPLS Labels: [000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf
[007969-00374-20200507.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf
Attachments: File 71188; noreply@co-alliance.com_20210622_165941.pdf

07/21/2021 **Received Residue Lab Report**
Lab Remarks

Released 07/21/21

Investigatory Summary

On July 21, 2021, I received the lab report from the OISC Residue Lab, which listed that the analytes of glyphosate and pyrooxasulfone tested positive on Sample #21-4-1167 (Mr. Summers' shirt) and on off-target vegetation samples #21-4-1169, #21-4-1170, and #21-4-1171. Pyrooxasulfone was the sole analyte found on Sample #21-4-1168 (Ms. Judy's shirt). The levels of glyphosate found on the samples above were greater than the environmental baseline (20 pbb) while pyrooxasulfone does not have environment background level. The fact that both the off-target vegetation and the clothing tested positive for pyrooxasulfone indicated that Mr. Summers and Ms. Judy, along with the off-target vegetation, were exposed to pesticide drift from Mr. Higgins' pesticide application to the north soybean field. The greater amounts of the analytes detected on Mr. Summers' shirt compared to the lesser amounts found on Ms. Judy's shirt were consistent with their story that Mr. Summers stayed outside during the field's application while Ms. Judy escaped to the inside of their truck after she was briefly exposed.

First Page of Lab Report

Page 37 of 40 - Response

OCM Collection #	181650	Investigator	TRIMBLEJ			
Collection Date	06/16/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-1167 2	Clothing; Grab; Shirt; OFF-T	Clothing	AMPA	BDL ng/clothing	2000 ng/clothing	
			Glufosinate	BQL ng/clothing	10000 ng/clothing	
			Glyphosate	12500 ng/clothing	10000 ng/clothing	
			MPP	BDL ng/clothing	20000 ng/clothing	
			Pyrooxasulfone	555 ng/clothing	0.1 ng/clothing	
21-4-1168 6	Clothing; Grab; Shirt; OFF-T	Clothing	AMPA	BDL ng/clothing	2000 ng/clothing	
			Glufosinate	BDL ng/clothing	10000 ng/clothing	
			Glyphosate	BQL ng/clothing	10000 ng/clothing	
			MPP	BDL ng/clothing	20000 ng/clothing	
			Pyrooxasulfone	163 ng/clothing	0.1 ng/clothing	

Original Event: Residue Lab Report #185341 (181650-R395)
Submitted By: SYSTEM
Lab Report: Lab Report 181650-R395.pdf

Label Use

I found Mr. Higgins' June 14, 2021 application of Roundup Powermax (EPA Reg. #524-549, active ingredient of glyphosate) & Zidua SC (EPA Reg. #7969-374, active ingredient of pyroxasulfone) to the soybean field located north of 3830 E. S.R. 236, Roachdale, IN, while the wind was blowing from the northwest (towards Mr. Summers & Ms. Judy) at 16 MPH was in violation of the above pesticide labels for allowing the pesticides to drift onto Mr. Summers, Ms. Judy, and the residential area that surrounded them. The above pesticide labels stated following:

Roundup PowerMax

- *" DO NOT apply this product in a way that will contact workers or other persons, either directly or through drift."*
- *"Apply this product 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 (eg., when wind is blowing away from the sensitive areas)."*

Zidua SC

- *" DO NOT apply this product in a way that will contact workers or other persons, either directly or through drift."*
- **" Mandatory Spray Drift Management"**

"Ground Applications"

" DO NOT apply when wind speeds exceed 10 miles per hour at the application site."

Original Event: Investigation Activity (Pesticide) #3968
Subject: Timothy Wayne Higgins
Submitted By: James M. Trimble
PPLS Labels: [000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf
[007969-00374-20200507.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20200507.pdf

10/11/2021 Judgement; Civil Penalty Assessed

Citation

Timothy Wayne Higgins Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact there was potential for human harm and this was Mr. Higgins' second violation of similar nature. See case number PS20-0130.

Civil Penalty

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. 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 Mr. Higgins' second violation of similar nature. See case number PS20-0130.

Original Event: Judgement #796
Primary: Co Alliance Cooperative Inc
Secondary: Timothy Wayne Higgins
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 500

11/08/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #908
To: Co Alliance Cooperative Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6933
Enclosed: Notice of Enforcement
Attachments: File 83592; PS21-0158EL CP ~ Co-Alliance Co-op - Timothy W. Higgins.docx

11/17/2021 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1281
Subject: Co Alliance Cooperative Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6933
Received: 11/17/2021
Attachments: File 85837; CM 7019 0140 0000 6113 6933 ~ PS21-0158.pdf

11/29/2021 Received Penalty Payment for Target

Original Event: Compliance Receipt #1327
Subject: Co Alliance Cooperative Inc
Submitted By: Joni Herman
Payment Expected: \$500.00
Payment Received: \$500.00

Chain of Custody

No electronic chain of custody found

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State Chemist &
Seed Commissioner

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In Re: Case PS21-0164

Department	Pesticide
Originated	06/16/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Tyler White Poland, IN 47868
Applicator	William Frank Bailey Cloverdale, IN 46120
Business	Cloverdale Agri Center Inc Cloverdale, IN 46120

Overviews

10/18/2021 **Investigation Summary**

On June 15, 2021, Mr. White reported that he was exposed to a pesticide after it drifted from an application made to an adjacent corn field on June 14.

On June 17, 2021, I conducted my on-site investigation at Mr. White's property, where I surveyed the properties in question and collected samples for analysis.

Later that day, I found Mr. Bailey, with Cloverdale Agri Center, had been responsible for the field's pesticide application.

Using the OISC Residue Lab report, along with the other evidence collected, I found that the pesticides used in Mr. Bailey's application on the target field had moved off-target onto Mr. White and his property.

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

10/25/2021 **Disposition Summary**

Cloverdale Agri Center was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

William Frank Bailey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/15/2021 **Intake Referral Filed**

Complainant stated he arrived home from work at approximately 6 pm on June 14, 2021, and was drenched with spray as he exited his vehicle. Complainant stated the spray was from an unknown farmer making an application to an adjacent field.

Original Event:	Intake Referral (Pesticide) #2010
Complainant:	Tyler White
Respondent:	Unknown
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/16/2021 **Case Created**

Original Event:	Case PS21-0164
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

06/17/2021 **Residue Samples Collected**

Original Event:	Residue Collection #181729 (21-4-1174 6)
Client:	Tyler White
Submitted By:	James M. Trimble
Sample:	21-4-1174 6 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-1175 1 Clothing; Grab; Shirt; OFF-T
Sample:	21-4-1176 7 Clothing; Grab; Pants; OFF-T
Sample:	21-4-1177 9 Veg; Comp; OFF-T, Grad1, 120yd S
Sample:	21-4-1178 0 Veg; Comp; OFF-T, Grad2, 80yd S
Sample:	21-4-1179 8 Veg; Comp; OFF-T, Grad3, 30yd S
Sample:	21-4-1180 8 Veg; Ctrl; OFF-T
Sample:	21-4-1181 2 Soil; Comp; 0-2"; Target
Sample:	21-4-1182 0 Swab (Acetone); Grab; Playset; OFF-T, Grad1, 110yd S
Sample:	21-4-1183 1 Swab (Acetone); Grab; wood burner; OFF-T, Grad2, 70yd S
Sample:	21-4-1184 9 Swab (Acetone); Grab; camper; OFF-T, Grad3, 35yd S
Sample:	21-4-1185 4 Swab (Acetone); Ctrl; porch light; OFF-T
Sample:	21-4-1186 5 Swab (Acetone); Trip Blank

06/17/2021 **Investigator Met with Complainant Photographs**

On June 17, 2021, I met with Mr. White at his residence to conduct my on-site investigation. Mr. White reported that on June 14, 2021, at approximately 6:00 PM, he had returned home and parked on the north end of his property. Mr. White stated that as soon as he exited his vehicle, he was exposed to drift from a liquid substance being applied to the corn field located to the north of his property. Mr. White stated that he observed the substance coming from the sprayer was drifting high into the air and was traveling to the south, far past his home. Mr. White stated the wind was coming out of the north (towards him) at approximately 20 MPH during the time of the application and his exposure.

Mr. White stated that his eyes instantly began to burn after being exposed to the substance and promptly went into his residence, where he removed his clothing and took a shower. Mr. White stated after he had taken his shower, he went outside and attempted to speak with the applicator, who had moved to treat a neighboring field. Mr. White stated that when he began approaching the sprayer, the applicator drove away from the area after seeing him. Mr. White reported that the exposure had caused his eyes to burn and to have a light headache later that day. Mr. White stated that his symptoms subsided approximately 24 hours after the reported exposure and did not seek medical assistance. Mr. White stated that he later called OISC to report the incident and was instructed to preserve his clothing in a paper bag. Mr. White stated that he placed all of the clothing he was wearing at the time of the exposure inside a plastic garbage bag.

During my on-site investigation, I observed and photographed Mr. White's property and the corn field in question. I measured and found the south edge of the corn field to be approximately 35 yards from the area Mr. White stated he had exited his truck and had been exposed. Due to the short period of time from the field's pesticide application to my arrival, I did not observe symptoms of injury to the vegetation in or around the area.

I then collected two t-shirts and a pair of pants from Mr. White, which he stated he was wearing during the drift exposure. Mr. White stated he was wearing both shirts at the time but could not remember which shirt was worn on the outside of the other. I also collected three gradient vegetation samples and three gradient swab samples from Mr. White's property, along with a soil sample from the corn field for analysis by the OISC Residue Lab.

Corn field & White property (File 71102)



North end of White property (File 71113)

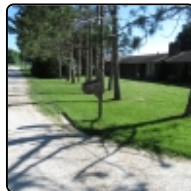


South edge of corn field (File 71108)

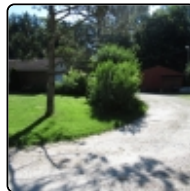


Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3261
Tyler White
James M. Trimble



File 71099



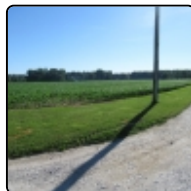
File 71100



File 71101



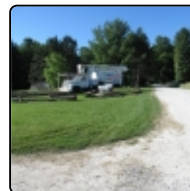
File 71102



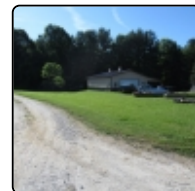
File 71103



File 71104



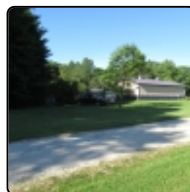
File 71105



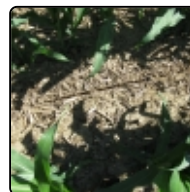
File 71106



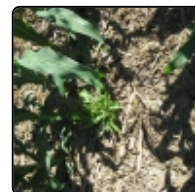
File 71107



File 71108



File 71109



File 71110



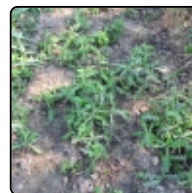
File 71111



File 71112



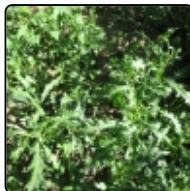
File 71113



File 71114



File 71115



File 71116

06/17/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #398
Client: Tyler White
Firm Representative: Tyler White
Submitted By: James M. Trimble
Attachments: File 70660; tylerwhiteNOI.pdf

06/17/2021 **Investigator Called Applicator Communication**

On June 17, 2021, after leaving Mr. White's residence, I called and spoke with Frank Bailey, with Cloverdale Agri Center, who confirmed with me that he was responsible for the pesticide applications to the corn field in question. Mr. Bailey stated that he did not observe anyone outside of Mr. White's residence or in the surrounding area during the time of his application. Mr. Bailey stated he believed the day was somewhat windy and blowing towards Mr. White's and other residential properties. I later emailed Mr. Bailey the Pesticide Investigation Inquiry (PII) with instructions to have the completed form returned to me within 15 days of my email.

Original Event: Investigation Activity (Pesticide) #3300
Subject: William Frank Bailey
Submitted By: James M. Trimble

06/17/2021 **New Respondent Identified Respondent Identified**

On June 17, 2021, Mr. Bailey, with Cloverdale Agri Center, confirmed he was responsible for the pesticide application to the corn field in question.

Original Event: Investigation Change #61
Respondent: William Frank Bailey
Submitted By: James M. Trimble

06/17/2021 **New Respondent Identified Respondent Identified**

On June 17, 2021, Mr. Bailey, with Cloverdale Agri Center, confirmed he was responsible for the pesticide application to the corn field in question.

Original Event: Investigation Change #62
Respondent: Cloverdale Agri Center Inc
Submitted By: James M. Trimble

06/17/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #454
Submitted By: James M. Trimble
Target Analyte: Halex GT
Target Analyte: Atrazine
PPLS Labels: [000100-01282-20161215.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf
[066222-00036-20150825.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf

Attachments: File 79126; Trimble 181729.pdf

06/22/2021 **Online Investigation Activity Activity**

On June 22, 2021, I created a map of my sample collection from Mr. White's property and the corn field.

Sample collection map (File 71117)



Original Event:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3301
James M. Trimble



File 71117

07/01/2021 Investigator Received Fax/Email from Business Investigation Inquiry

On July 1, 2021, I received the completed PII from Cloverdale Agri-Center. Upon my initial inspection I found the PII to have the pesticide's EPA establishment numbers listed, instead of the EPA registration numbers. On July 2, 2021, I contact Mr. Bailey and informed him of the mistake. A short time later, I received a email that had corrected the issue.

On July 6, 2021, after reviewing the PII, I observed that the application date and time was listed as June 15, 2021, at 8:00 to 8:45 AM. Mr. White stated he had witnessed the application occur on June 14, 2021, at approximately 6:00 PM. I then called Mr. Bailey, who advised that the application to the field in question had occurred on June 14, 2021, but he had listed June 15 because that was the date listed on their ticket. Mr. Bailey stated that the grower for the field in question had hired him to make multiple applications to several fields and that he had finished all of the fields on June 15, 2021. In regards to the time of application, Mr. Bailey stated that he believed the application time listed on the PII was correct, because he remembered doing the application in the morning, not in the evening. Mr. Bailey gave me permission to change the date of the application on the PII from June 15 to June 14. I attached the three PIIs that were mentioned above.

Inquiry Overview

Certified Applicator	William F. Bailey
Company	Cloverdale Agri-Center
Application Type	Commercial
Target Field	Field 1, 75 ac

Tank Mix

Product EPA Rate
Halex GT 100-1282 3.6 pt/ac
Atrazine 66222-36 1 qt/ac

Application Date

Date Start End
06/14/2021 8:00-8:15 AM 8:30-8:45 AM

Air Conditions

Time Temp Direction Speed
Start 60°F N 6mph
End 60°F NE 6mph

Original Event: Investigation Activity (Pesticide) #3390
Subject: Cloverdale Agri Center Inc
Submitted By: James M. Trimble
PPLS Labels: [000100-01282-20161215.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf
[066222-00036-20150825.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf

Attachments: File 72709; PII edit.pdf
File 72708; Scan_0013.pdf
File 72639; Scan_0014.pdf

09/13/2021 Received Residue Lab Report Investigatory Summary

On September 13, 2021, I received the lab report from the OISC Residue Lab, which found positive amounts of Atrazine on every sample I collected from Mr. White's property, including his three articles of clothing. Metolachlor was also found on all gradient swab and vegetation samples collected with Mesotrione being found in only one vegetation sample. The levels of Atrazine found on the swab samples and vegetation samples were found to be above the environmental baseline of 20 parts per billion (ppb). The positive amounts of Atrazine and Metolachlor found in the samples collected from the White property show that Mr. Bailey's application to the north field had moved off-target onto Mr. White and his property.

First Page of Lab Report

OCM Collection #	181729	Investigator	TRIMBLEJ			
Collection Date	06/17/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-1174 6	Clothing; Grab; Shirt; OFF-T	Clothing	Atrazine	515 ng/clothing	60 ng/clothing	
			Mesotrione	BDL ng/clothing	300 ng/clothing	
			Metolachlor	BDL ng/clothing	1500 ng/clothing	
21-4-1175 1	Clothing; Grab; Shirt; OFF-T	Clothing	Atrazine	1170 ng/clothing	60 ng/clothing	
			Mesotrione	BDL ng/clothing	300 ng/clothing	
			Metolachlor	BQL ng/clothing	1500 ng/clothing	
21-4-1176 7	Clothing; Grab; Pants; OFF-T	Clothing	Atrazine	803 ng/clothing	60 ng/clothing	
			Mesotrione	BDL ng/clothing	300 ng/clothing	
			Metolachlor	BDL ng/clothing	1500 ng/clothing	
21-4-1177 9	Veg; Comp; OFF-T, Grad1, 120yd S	Veg	Atrazine	61.5 ppb	0.7 ppb	
			Mesotrione	2.89 ppb	1 ppb	
			Metolachlor	4.93 ppb	1 ppb	

Original Event: Residue Lab Report #189381 (181729-R421)
Submitted By: SYSTEM
Lab Report: Lab Report 181729-R421.pdf

10/11/2021 **Wind Data Researched**

Mr. Bailey's PII listed his application time for the north corn field at approximately 8:00-8:45 AM with the wind blowing from the north at 6 MPH at the start time and from the northeast at 6 MPH at the end time. Mr. White stated that he had witnessed and was exposed to the north field's application when he returned home from work at approximately 6:00 PM with the wind blowing from the north at approximately 20 MPH.

On October 11, 2021, I collected the wind data from four weather stations that surrounded the north field's location for June 14, 2021, at 8:00 AM and 6:00 PM. The four weather stations were consistent with each other that the winds were blowing from the west, southwest or the southwest at 6-8 MPH at Mr. Bailey's listed start time of 8:00 AM. The weather stations were also consistent that the winds were blowing from the north at 14-17 MPH at 6:00 PM, when Mr. White stated the application took place.

Indianapolis International Airport Station

Indianapolis, Indiana (36 miles NE of site)

Time	Direction	Speed (mph)
8:00 AM	SW	8
6:00 PM	N	17

Terre Haute International Airport Station

Terre Haute, Indiana (23.5 miles W of site)

Time	Direction	Speed (mph)
8:00 AM	WSW	7
6:00 PM	N	14

Vincennes International Station

Lawrenceville, Illinois (60 miles SW of site)

Time	Direction	Speed (mph)
8:00 AM	WSW	6
6:00 PM	N	14

Purdue University Station

West Lafayette, Indiana (68 miles N of site)

Time	Direction	Speed (mph)
8:00 AM	WSW	6
6:00 PM	N	14

Original Event:
Submitted By:
Date of Weather:
Photos:

Wind Data #53
James M. Trimble
06/14/2021



File 82449



File 82446



File 82447



File 82448

Label Use

I found Mr. Bailey's June 14, 2021 application of **Atrazine 4L** (EPA Reg. #66222-36, active ingredient of atrazine) & **Halex GT** (EPA Reg. #100-1282, active ingredients of S-metolachlor, glyphosate, & mesotrione) to the corn field located north of 9746 Lasuer Rd., Poland, IN, was in violation of their labels, which stated the following:

Atrazine 4L

- *"Do not apply this product in a way that will contact workers or other persons, either directly or through drift."*

Halex GT

- *"Do not apply this product in a way that will contact workers or other persons, either directly or through drift."*
- *"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)."*

Although there was a time discrepancy between Mr. White's (6:00 PM) and Mr. Bailey's (8:00 AM) recollection for when Mr. Bailey's application had taken place to the north corn field, the wind direction at the time of application that was listed on Mr. Bailey's PII and what was recalled by Mr. White corresponded as coming from the north (towards Mr. White's residential property). The wind speed during the above times varied greatly but the above pesticide labels did not have application restrictions on the maximum wind speed allowed and therefore was irrelevant. The OISC Residue Lab's findings of positive amounts of Atrazine and/or Metolachlor in the clothing, vegetation, and swab samples collected from the White property showed that Mr. Bailey's application to the north corn field had moved off-target onto Mr. White and his property.

Original Event: Investigation Activity (Pesticide) #4008
Subject: William Frank Bailey
Submitted By: James M. Trimble
PPLS Labels: [000100-01282-20161215.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf
[066222-00036-20150825.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/066222-00036-20150825.pdf

10/25/2021 Judgement; Civil Penalty Assessed

Citation

William Frank Bailey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

Civil Penalty

Cloverdale Agri Center was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

Original Event: Judgement #804
Primary: Cloverdale Agri Center Inc
Secondary: William Frank Bailey
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

11/09/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #911
To: Cloverdale Agri Center Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6988
Enclosed: Notice of Enforcement
Attachments: File 83698; PS21-0164EL CP ~ Cloverdale Agri Center - William F. Bailey.docx

11/17/2021 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1288
Subject: Cloverdale Agri Center Inc
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6988
Received: 11/17/2021
Attachments: File 85844; CM 7019 0140 0000 6113 6988 ~ PS21-0164.pdf

11/30/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1326
Subject:	Cloverdale Agri Center Inc
Submitted By:	Joni Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 86201; PS21-0164 ~ Cloverdale Agri Center ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

<p>This record was generated on January 31, 2022, 10:10 AM EST. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
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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

This record was generated on **January 31, 2022, 10:13 AM EST**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0183

Department	Pesticide
Originated	06/29/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Midwest Veterinary Supply Fort Wayne, IN 46818
Registrant Respondent	Kenetic Vet Lexington, KY 40509

Overviews

07/27/2021 **Product Registration Summary**

On July 26, 2020 I completed the label review for EquiShield FG Fly-Guard - Roll-On and Spray. Through the review I identified pesticidal claims on the labels and labeling. Since there are pesticidal claims, the products are required to either be registered with Indiana and EPA as a Section 3 pesticide products or are exempt from registration with EPA but not Indiana as 25(b) Minimum Risk pesticide products. The review indicated the products are unregistered 25(b) EPA exempt products.

Submitted By: Linda Bradford
Role: Product Registration Specialist

08/04/2021 **Disposition Summary**

Midwest Veterinary Supply was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana.

Kenetic Vet was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Submitted By: George Saxton
Role: Compliance Officer

08/11/2021 **Investigation Summary**

During a not-for-cause Marketplace inspection at Midwest Veterinary Supply, two unregistered pesticide products were being offered for sale and distribution.

Located during the inspection were two 25(b) pesticide products being offered for sale. The products were not registered for sale in the State of Indiana. A sample of each was collected and an Action Order was issued to Midwest Veterinary Supply.

Submitted By: Garret A. Creason
Role: Investigator

Chronology of Events

06/28/2021 **Intake Referral Filed**

two unregistered pesticide products were being offered for sale and distribution at Midwest Veterinary Supply

Original Event:	Intake Referral (Pesticide) #2029
Complainant:	Office of Indiana State Chemist
Respondent:	Midwest Veterinary Supply
Entered By:	Garret A. Creason
Submitted By:	George Saxton

06/28/2021 **Formulation Samples Collected**

Original Event:	Formulation Collection #182637 (21-3-0080 3)
Registrant:	Kenetic Vet
Client:	Midwest Veterinary Supply
Firm Representative:	Kayleen Greener
Submitted By:	Garret A. Creason
Sample:	21-3-0080 3 Equishield FG Fly-Guard Roll on
Sample:	21-3-0081 9 Equishield FG Flyguard Spray
Attachments:	File 74493; scan0007.pdf
Photos:	



File 74494



File 74495



File 74496



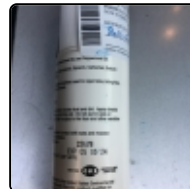
File 74489



File 74490



File 74491



File 74492

06/28/2021 **Investigator Met with Distributor Interaction**

During a not-for-cause Marketplace inspection at Midwest Veterinary Supply, two unregistered pesticide products were being offered for sale and distribution.

Original Event:	Investigation Activity (Pesticide) #3436
Subject:	Midwest Veterinary Supply
Submitted By:	Garret A. Creason

06/28/2021 **Marketplace Inspection Conducted Marketplace**

Located during the inspection were two 25(b) pesticide products being offered for sale. The products were not registered for sale in the State of Indiana. A sample of each was collected and and Action Order was issued to Midwest Veterinary Supply.

Original Event:	Pesticide Inspection (Product) #229
Client:	Midwest Veterinary Supply
Firm Representative:	Kayleen Greener
Submitted By:	Garret A. Creason

06/28/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #435
Client:	Midwest Veterinary Supply
Firm Representative:	Kayleen Greener
Submitted By:	Garret A. Creason
Attachments:	File 73271; scan0013.pdf

06/28/2021 **Stop Sale Order Issued**

Original Event:	Action Order #213
Issued To:	Midwest Veterinary Supply
Firm Representative:	Kayleen Greener
Submitted By:	Garret A. Creason
Attachments:	File 75768; scan0011.pdf

06/29/2021 **Case Created**

Original Event:	Case PS21-0183
Submitted By:	George Saxton
Assigned To:	Garret A. Creason

07/26/2021 **Label Review Conducted; Not Acceptable**

The review indicates the product is an unregistered 25(b) EPA exempt product.

The pesticidal claims on the labels are as follows:

- 1. "NATURAL FLY & TICK REPELLENT"
- 2. "REPELS MOST INSECTS"
- 3. "a natural repellent used to repel ticks, biting flies, mosquitoes, and gnats."

The label also states "This product has not been registered by the United States Environmental Protection Agency. Kinetic Vet represents that this product qualifies for exemption from registration under the Federal Insecticide Fungicide & Rodenticide Act."

Original Event:	Label Review (Pesticide) #143 (21-3-0080 3)
Registrant:	Kenetic Vet
Submitted By:	Linda Bradford
Sample:	21-3-0080 3
Product:	Equishield FG Fly-Guard Roll on
Attachments:	File 75053; KENETIC VET - EQUISHIELD FG FLY-GUARD ROLL ON.pdf

07/26/2021 **Label Review Conducted; Not Acceptable**

The review indicates the product is an unregistered 25(b) EPA exempt product.

The pesticidal claims on the labels are as follows:

- 1. "NATURAL FLY & TICK REPELLENT"
- 2. "REPELS MOST INSECTS"
- 3. "a natural repellent used to repel ticks, biting flies, mosquitoes, and gnats."

The label also states "This product has not been registered by the United States Environmental Protection Agency. Kinetic Vet represents that this product qualifies for exemption from registration under the Federal Insecticide Fungicide & Rodenticide Act."

Original Event:	Label Review (Pesticide) #144 (21-3-0081 9)
Registrant:	Kenetic Vet
Submitted By:	Linda Bradford
Sample:	21-3-0081 9
Product:	Equishield FG Flyguard Spray

08/04/2021 **Judgement; Civil Penalty Assessed
Warning**

Midwest Veterinary Supply was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana.

Civil Penalty

Kenetic Vet was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticides that are not registered in the state of Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Original Event:	Judgement #764
Primary:	Midwest Veterinary Supply
Secondary:	Kenetic Vet
Submitted By:	George Saxton
Legal Citation:	IC 15-16-4-57(1)
Penalty Amount:	500

08/09/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #862
To:	Midwest Veterinary Supply
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6599
Enclosed:	Notice of Enforcement
Attachments:	File 76764; PS21-0183EL WRN ~ Midwest Veterinary Supply.docx

08/09/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #863
To:	Kenetic Vet
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6605
Enclosed:	Notice of Enforcement
Attachments:	File 76765; PS21-0183EL CP ~ Kenetic Vet.docx

08/16/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1238
Subject:	Kenetic Vet
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6605
Received:	08/16/2021
Attachments:	File 79174; CM 7019 0140 0000 6113 6605.pdf

08/16/2021 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #1239
Subject: Midwest Veterinary Supply
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6599
Received: 08/16/2021
Attachments: File 79175; CM 7019 0140 0000 6113 6599.pdf

08/17/2021 **Formulation Lab Report #191200 (182637-01-R56182637)**
First Page of Lab Report

Office of Indiana State Chemist
Lab Report Unavailable
This sample was collected for documentary purposes only. No analysis was requested or performed.

Original Event: Formulation Lab Report #191200 (182637-01-R56182637)
Submitted By: SYSTEM
Lab Report: Lab Report 182637-01-R56182637.pdf

08/17/2021 **Formulation Lab Report #191201 (182637-02-R56182637)**
First Page of Lab Report

Office of Indiana State Chemist
Lab Report Unavailable
This sample was collected for documentary purposes only. No analysis was requested or performed.

Original Event: Formulation Lab Report #191201 (182637-02-R56182637)
Submitted By: SYSTEM
Lab Report: Lab Report 182637-02-R56182637.pdf

08/23/2021 **Received Penalty Payment for Target**
Original Event: Compliance Receipt #1297
Subject: Kenetic Vet
Submitted By: Joni Herman
Payment Expected: \$500.00
Payment Received: \$500.00
Attachments: File 85947; PS21-0183 ~ Kenetic Vet ~ 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 PS21-0332

Department	Pesticide
Originated	08/26/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Mechelle Reynolds Modoc, IN 47358
Respondent	Unknown
Respondent	Shane Allen Love Winchester, IN 47394

Overviews

10/25/2021 **Investigation Summary**

Complainant alleges applicator made an application to adjacent corn field resulting in overspray onto her yard killing a swath of grass.

Applicator, Shane Love, made application on June 10, 2021.

Residue Lab reported detection of glyphosate, atrazine, Metolachlor and Mesotrione (BQL) in samples collected from target field (Love) and complainant's property (Reynolds). All product A. I.'s used by Mr. Love.

No priors found in OCM.

Mr. Love provided PII during investigation.

Submitted By: Paul Jay Kelley
Role: Investigator

11/10/2021 **Disposition Summary**

Shane Allen Love 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 \$100.00 was assessed for this violation. Consideration was given to the fact this was Mr. Love's first violation of similar nature. Consideration was also given to the fact two (2) restricted use pesticides were involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/25/2021 **Intake Referral Filed**

Complainant stated an application made to an adjacent farm field on June 18, 2021, drifted onto her pasture killing some of the grass near the property line.

Original Event: Intake Referral (Pesticide) #2190
Complainant: Mechelle Reynolds
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

08/26/2021 **Case Created**

Original Event: Case PS21-0332
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

08/27/2021 **Investigator Called Complainant Communication**

On August 27, 2021, I spoke with Mechelle Reynolds. Ms. Reynolds stated an application on June 18, 2021, to an adjacent field has killed grass on her property. Ms. Reynolds believes the field is farmed by Groth farms.

Photographs

Photographs submitted by Ms. Reynolds at intake.

Records

Email sent at intake.

Original Event: Investigation Activity (Pesticide) #3748
Subject: Mechelle Reynolds
Submitted By: Paul Jay Kelley
Attachments: File 79039; email.pdf
Photos:



File 79008



File 79009

08/27/2021 **Investigator Called Target Communication**

On August 27, 2021, I spoke with Alfred Groth. Mr. Groth stated his employee Shane Love made an application to the field adjacent to Ms. Reynolds property. Mr. Groth stated he would have Mr. Love complete the PII and return.

Records

On August 30, 2021, I received the application information with corrected EPA Reg. #.

Original Event: Investigation Activity (Pesticide) #3749
Subject: Shane Allen Love
Submitted By: Paul Jay Kelley
Attachments: File 79165; Dell Scan_new p11.PDF

08/30/2021 **Investigator Met with Complainant Photographs**

On August 30, 2021, I met with Mechelle Reynolds at her property in Modoc, Indiana, regarding a June 18, 2021, application by Shane Love of Groth Farms. Ms. Reynolds stated the applicator over sprayed the corn field and sprayed into her yard killing the grass.

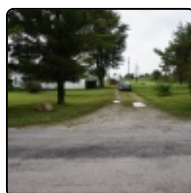
I did not observe any dead grass on my investigation date. The area in question appeared green and lush just like the surrounding vegetation. I explained to Ms. Reynolds that I may not be able to detect pesticides in the area in question. Furthermore, I explained that Mr. Groth believed the area in question may be on his property. I collected a soil sample from the area in question and a soil sample from the corn field.

Mr. Love's PII indicated he made an application on June 10, 2021, using Abundit Edge (EPA Reg. #352-922, active ingredient glyphosate), Willowood Lambda 1 EC (EPA Reg. #66222-104-87290, active ingredient lambda-cyhalothrin), Cinch ATX (EPA Reg. #352-624, active ingredient atrazine), and incinerate (EPA Reg. # 100-1131-1381, active ingredient mesotrione).

Screenshots

Site Diagram illustrating site with samples plotted.

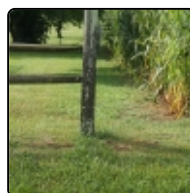
Original Event: Investigation Activity (Pesticide) #3761
Subject: Mechelle Reynolds
Submitted By: Paul Jay Kelley
Attachments: File 82794; Site Diagram 2.pdf
Photos:



File 79182



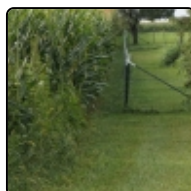
File 79183



File 79184



File 79185



File 79186



File 79187



File 79188



File 79189



File 79190



File 79191



File 79192



File 79193



File 79194



File 79195



File 79196



File 79197



File 79198



File 79199



File 79200

08/30/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #521
 Client: Mechelle Reynolds
 Firm Representative: Mechelle Reynolds
 Submitted By: Paul Jay Kelley
 Attachments: File 79202; noi 0332.pdf

08/30/2021 Residue Samples Collected

Original Event: Residue Collection #188175 (21-4-1471 8)
 Client: Mechelle Reynolds
 Submitted By: Paul Jay Kelley
 Sample: 21-4-1471 8 | Soil; Comp; 0-2"; Target
 Sample: 21-4-1472 5 | Soil; Comp; 0-2"; OFF-T

08/30/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #538
 Submitted By: Paul Jay Kelley
 Target Analyte: Abundit edge
 Target Analyte: Willowood lambda 1 ec
 Target Analyte: Cinch atz
 Target Analyte: incinerate
 PPLS Labels: [000100-01131-20180313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf
[000352-00624-20200115.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00624-20200115.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00624-20200115.pdf
[000352-00922-20200501.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf

Attachments: File 79203; DUPONT ABUNDIT EDGE HERBICIDE.pdf
File 79204; DUPONT CINCH ATZ HERBICIDE.pdf
File 79205; incenrate.pdf
File 79361; Kelley 188175.pdf
File 83149; Kelley 188175.pdf
File 79284; WILLOWOOD LAMBDA 1EC INSECTICIDE.pdf

10/22/2021 **Received Residue Lab Report**
First Page of Lab Report

OCM Collection #	188175	Investigator	KELLEYJ		
Collection Date	08/30/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1471 8	Soil; Comp; 0-2"; Target	Soil	AMPA	391 ppb	40 ppb
			Glyphosate	176 ppb	4 ppb
			Atrazine	7.86 ppb	0.1 ppb
			Mesotrione	12.5 ppb	3 ppb
			Metolachlor	135 ppb * Estimated Amount	3 ppb
21-4-1472 5	Soil; Comp; 0-2"; OFF-T	Soil	AMPA	68.4 ppb	40 ppb
			Glyphosate	5.42 ppb	4 ppb
			Atrazine	0.359 ppb	0.1 ppb
			Mesotrione	BQL ppb	3 ppb
			Metolachlor	3.47 ppb	3 ppb

Original Event: Residue Lab Report #192843 (188175-R463)
Submitted By: SYSTEM
Lab Report: Lab Report 188175-R463.pdf

10/25/2021 **Investigation Activity**
Records

Label language for Adundit Edge Herbicide states in part, "Spray Drift Management
AVOID CONTACT OF THIS HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF
CROPS, DESIRABLE PLANTS AND TREES, EXCEPT AS DIRECTED FOR USE ON GLYPHOSATE TOLERANT CROPS, AS
SEVERE PLANT INJURY OR DESTRUCTION COULD RESULT

Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation, as small quantities of this product can
cause severe damage or destruction to the crop, plants or other vegetation on which application was not intended."

Original Event: Investigation Activity (Pesticide) #4009
Subject: Shane Allen Love
Submitted By: Paul Jay Kelley
Attachments: File 82793; DUPONT ABUNDIT EDGE HERBICIDE.pdf

11/10/2021 **Judgement; Civil Penalty Assessed**
Civil Penalty

Shane Allen Love 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 \$100.00 was assessed for this violation. Consideration was given to the
fact this was Mr. Love's first violation of similar nature. Consideration was also given to the fact two (2) restricted use pesticides
were involved.

Original Event: Judgement #827
Primary: Shane Allen Love
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 100

12/14/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #941
To: Shane Allen Love
Submitted By: Joni Herman
USPS: 7019 1640 0001 2601 9883
Enclosed: Notice of Enforcement
Attachments: File 84913; PS21-0332EL CP ~ Shane Allen Love.docx

12/20/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1315
Subject:	Shane Allen Love
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 9883
Received:	12/20/2021
Attachments:	File 86188; CM 7019 1640 0001 2601 9883 ~ Shane Love.pdf

01/04/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1334
Subject:	Shane Allen Love
Submitted By:	Joni Herman
Payment Expected:	\$100.00
Payment Received:	\$100.00
Attachments:	File 86209; PS21-0332 ~ Shane A. Love ~ CP Received.pdf

01/14/2022 **Compliance Activity**

Shane Love contacted Joe Becovitz to inquire about receiving two letters from OISC and the civil penalty payment he sent to us. I spoke to Mr. Love by phone and informed him the letters were the same. I explained I could not confirm receipt of his civil penalty payment at this time, but once the backlog of mail was caught up I could let him know whether his payment was received.

Original Event:	Compliance Activity #1149
Primary:	Shane Allen Love
Submitted By:	Joni Herman
Attachments:	File 86187; PS21-0332 ~ Email JDB - JDH ~ RE Shane Love.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 PS21-0345

Department	Pesticide
Originated	09/06/2021
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Disingers Grounds Maintenance & Pest Control Frankfort, IN 46041
Respondent	Brett Dean Disinger Frankfort, IN 46041

Overviews

09/21/2021 **Investigation Summary**

In September of 2021, I contacted Disinger's Ground Maintenance & Pest Control regarding the non-renewal of their business license. I spoke with Mr. Brett Disinger. He stated he had not made any for-hire pest applications and was primarily a handyman. He also stated he was dealing with some health issues.

During this investigation, I documented two Facebook posts from the spring of 2021 where Disinger's Ground Maintenance and Pest Control advertised '*perimeter pest control*' and '*pre-emergent*' weed control.

Submitted By: Elizabeth C. Carter
Role: Investigator

09/26/2021 **Disposition Summary**

Disingers Grounds Maintenance & Pest Control was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Brett Disinger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

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) #2203
Complainant: Office of Indiana State Chemist
Respondent: Disingers Grounds Maintenance & Pest Control
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter
Attachments: File 79761; Disingers Grounds (1).pdf
File 79762; Disingers Grounds.pdf

09/06/2021 **Case Created**

Original Event:
Submitted By:
Assigned To:

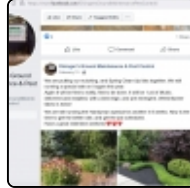
Case PS21-0345
Joseph D. Becovitz
Elizabeth C. Carter

09/07/2021 **Online Investigation Activity**
Screenshots

This is a screenshot from facebook. On March 1, 2021, it states, "We are also noticing alot of insect activity, please call for your perimeter pest treatment."

Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3854
Disingers Grounds Maintenance & Pest Control
Elizabeth C. Carter



File 80825



File 80822

09/09/2021 **Investigator Called Business**
Interaction

On September 9, 2021, I went to the business address listed for Disinger's Ground Maintenance & Pest Control regarding the non-renewal of their license. No one came to the door.

I then called the phone number and left a message. Later, Mr. Brett Disinger called me back. I asked if he had made any turf or pest applications for hire. He stated he was primarily doing handyman work and had some health issues. I then asked him to review his records and to confirm with me via email and let me know if he planned to renew his license.

Original Event:
Subject:
Submitted By:

Investigation Activity (Pesticide) #3853
Disingers Grounds Maintenance & Pest Control
Elizabeth C. Carter

09/09/2021 **Online Investigation Activity**
Records

This is the email I received from Disinger regarding records.

Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3855
Disingers Grounds Maintenance & Pest Control
Elizabeth C. Carter



File 80824

09/14/2021 **Investigator Called Business**
Communication

I called Mr. Disinger again regarding his applications and whether he intended to renew his license. Mr. Disinger said he was primarily a handyman and reiterated he had health issues. He was uncertain if he would renew or get a license in 2022. I asked him to think about this and let me know. As of September 21, 2021, I have not heard anything from him.

Original Event:
Subject:
Submitted By:

Investigation Activity (Pesticide) #3856
Disingers Grounds Maintenance & Pest Control
Elizabeth C. Carter

09/26/2021 **Judgement; Civil Penalty Assessed**
Citation

Brett Disinger was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

Civil Penalty

Disingers Grounds Maintenance & Pest Control was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event:	Judgement #790
Primary:	Disingers Grounds Maintenance & Pest Control
Secondary:	Brett Dean Disinger
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	250

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

Original Event:	Outgoing Mail #902
To:	Disingers Grounds Maintenance & Pest Control
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6520
Enclosed:	Notice of Enforcement
Attachments:	File 83583; PS21-0345EL CIT ~ Disingers Grounds Maint.PC - Brett D. Disinger.docx

11/10/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1269
Subject:	Disingers Grounds Maintenance & Pest Control
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6520
Received:	11/10/2021
Attachments:	File 85805; CM 7019 0140 0000 6113 6520 ~ PS21-0345.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 PS21-0352

Department	Pesticide
Originated	09/08/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	RCR Contracting Greenfield, IN 46140
Respondent Issued To	Stacey Hibbard Greenfield, IN 46140

Overviews

09/08/2021 **Investigation Summary**

Stacey Hibbard nor RCR Contracting are licensed.

Owner of RCR was not aware Ms. Hibbard was using pesticides

Ms. Hibbard was not wearing proper PPE for the product used.

Submitted By: Paul Jay Kelley
Role: Investigator

10/22/2021 **Disposition Summary**

RCR Contracting was cited for 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.

Stacey Hibbard was cited for 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 \$300.00. Consideration was given to the fact Stacey Hibbard cooperated during the investigation and corrective action was taken.

Stacey Hibbard was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the use of personal protective equipment (PPE). Consideration was given to the fact this was her first violation of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/08/2021 **Intake Referral Filed**

On September 8, 2021, I observed Stacey Hibbard making a for-hire pesticide application with a backpack spray to the rip-rap at the entrance to the Heritage Heights mobile home park in Columbus, Indiana. Stacey Hibbard and RCR Contracting are not licensed by OISC to perform for-hire pesticide applications.

Original Event: Intake Referral (Pesticide) #2210
Complainant: Office of Indiana State Chemist
Respondent: RCR Contracting
Respondent 2: Stacey Hibbard
Entered By: Paul Jay Kelley
Submitted By: Joseph D. Becovitz
Photos:



File 79822



File 79823



File 79824

09/08/2021 **Case Created**

Original Event: Case PS21-0352
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

09/08/2021 **Investigator Met with Target Photographs**

On September 8, 2021, I observed Stacey Hibbard making a for-hire pesticide application with a backpack sprayer to the rip-rap at the entrance to the Heritage Heights mobile home park in Columbus, Indiana. Stacey Hibbard and RCR Contracting are not licensed by OISC to perform for-hire pesticide applications. Ms. Hibbard was applying ORTHO GROUND CLEAR YEAR LONG VEGETATION KILLER1 (EPA Reg. #239-2762, active ingredients Imazapyr and Nonanoic acid) while wearing a short sleeved shirt and long pants. Ms. Hibbard stated her mowing crew weed trimmed the area yesterday but she was unable to get all the rip-rap. Ms. Hibbard stated she purchased the product from Rural King. Ms. Hibbard stated she was not licensed to apply pesticide for-hire.

I contacted Jake Rawn, owner of RCR Contracting. Mr. Rawn stated RCR Contracting was not licensed and he was unaware nor did he authorize the use of pesticides by his employee.

I issued Ms. Hibbard an Action Order to cease making for-hire pesticide applications without a license from OISC.

Records

Label Language for ORTHO GROUND CLEAR YEAR LONG VEGETATION KILLER1 stated in part states,

"Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- x Protective eyewear (goggles)
- x Long sleeved shirt and long pants
- x Shoes plus socks
- x Water resistant gloves."

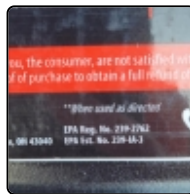
Ms. Hibbard was not wearing long sleeved shirt, protective eyewear or water resistant gloves.

Original Event: Investigation Activity (Pesticide) #3789
Subject: Stacey Hibbard
Submitted By: Paul Jay Kelley
Attachments: File 79837; 000239-02762-20191031.pdf
File 79829; business card.pdf

Photos:



File 79827



File 79828



File 79830



File 79831



File 79832

09/08/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #533
Client: Stacey Hibbard
Firm Representative: Stacey Hibbard
Submitted By: Paul Jay Kelley
Attachments: File 79833; noi.pdf

09/08/2021 Action Order Issued

cease making for-hire pesticide applications without a license from OISC.

Original Event: Action Order #217
Issued To: Stacey Hibbard
Firm Representative: Stacey Hibbard
Submitted By: Paul Jay Kelley
Attachments: File 79835; ao.pdf

10/22/2021 Judgement; Civil Penalty Assessed Warning

Stacey Hibbard was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the use of personal protective equipment (PPE). Consideration was given to the fact this was her first violation of similar nature.

Citation

RCR Contracting was cited for 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

Stacey Hibbard was cited for 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 \$300.00. Consideration was given to the fact Stacey Hibbard cooperated during the investigation and corrective action was taken.

Original Event: Judgement #802
Primary: RCR Contracting
Secondary: Stacey Hibbard
Submitted By: George Saxton
Legal Citations: IC 15-16-5-65(9); IC 15-16-5-65(2)
Penalty Amount: 300

11/09/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #910
To: RCR Contracting
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6995
Enclosed: Notice of Enforcement
Attachments: File 83689; PS21-0352EL CP ~ RCR Contracting - Stacey Hibbard.docx

12/21/2021 Mail Service Returned for Target

Certified Mail returned to OISC as Unclaimed. Regular Mail has not come back.

Original Event: Compliance Receipt #1300
Subject: RCR Contracting
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6995
Returned: 12/21/2021
Attachments: File 86176; CM 7019 0140 0000 6113 6995 ~ RCR Contracting ~ Unclaimed.pdf

12/21/2021 Mail Confirmation Assumed for Target

Regular Mail has not been returned to OISC.

Original Event: Compliance Receipt #1301
Subject: RCR Contracting
Submitted By: Joni Herman

12/21/2021 Received Penalty Payment for Target

Original Event: Compliance Receipt #1331
Subject: RCR Contracting
Submitted By: Joni Herman
Payment Expected: \$300.00
Payment Received: \$300.00
Attachments: File 86206; PS21-0352 ~ RCR Contracting ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found



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

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Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0373

Department	Pesticide
Originated	09/24/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Jill Geyman-Harcrow Madison, IN 47250
Respondent	Benjamin Yager Madison, IN 47250

Overviews

09/28/2021 **Investigation Summary**

On May 24, 2021, Ms. Geyman reported a human exposure case. Upon my on-site investigation on June 7, 2021, she also reported injury to her property's vegetation due to pesticide drift.

I later found that Benjamin Yager was responsible for an application to Field #1 a week prior to and not associated with Ms. Geyman's human exposure complaint.

I did not find physical or scientific evidence that Mr. Yager's pesticide application had drifted onto and caused harm to the vegetation on Ms. Geyman's property, although a failure to follow label directions was documented.

Submitted By: James M. Trimble
Role: Investigator

09/28/2021 **Disposition Summary**

Benjamin Yager 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 PS20-0173.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/24/2021 **Case Created**

Original Event: Case PS21-0116
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

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

Complainant stated on May 24, 2021 at approximately 11:00 am, an applicator hung the spray boom over her fence and sprayed her kids in the face and body. At the time of my on-site investigation on June 7, 2021, The complainant also reported injury to the vegetation across her property due to pesticide drift and misuse. Additional case to #PS21-0116.

Original Event: Intake Referral (Pesticide) #2231
Complainant: Jill Geyman-Harcrow
Respondent: Benjamin Yager
Entered By: James M. Trimble
Submitted By: George Saxton

On June 7, 2021, I met with Ms. Geyman at 290 Goins Rd. to conduct my on-site investigation. Ms. Geyman reported that on May 24, 2021, an operator of a large agricultural sprayer had intentionally exposed her children and struck her fence while making a pesticide application to the field located to the east and north sides of her property. Ms. Geyman stated she and her husband, Robert Harcrow, initially heard the sprayer in the neighboring field while they were inside their home and her two children, a 8 year old female and 12 year old male, were shooting a bow and arrow outside near the southeast corner of their property. Ms. Geyman stated she went outside and witnessed the sprayer "beating" her fence near where her children were located in the lawn. Ms. Geyman stated that the sprayer then raised its boom up and over their fence and intentionally sprayed the liquid substance on the children. Ms. Geyman stated that Mr. Harcrow had attempted to record the sprayer's described actions with his phone but the sprayer had traveled to the far east end of the field by the time he was able to retrieve his phone from inside the house.

Ms. Geyman stated that she first called their doctor, who advised her to remove the children's clothing and bathe them. Ms. Geyman then called the Office of Indiana State Chemist (OISC) to report the human exposure, who advised her to save the children's clothing and preserve them in a paper bag for our collection. Ms. Geyman stated that she did not have a paper bag and instead placed one article of clothing from each child into a plastic bag and left the bag outside, in her backyard. Upon asking Ms. Geyman for the children's clothing for my collection, she stated her "environmental lawyer" wanted the clothing. Ms. Geyman was reluctant but allowed me to collect one article of clothing, a dress from the female child.

Ms. Geyman stated the alleged pesticide exposure caused both children to suffer from rashes, enlarged lymph nodes, and stomach aches. Ms. Geyman stated that she believed that Mr. Harcrow, her children, and herself also suffered from acute and chronic symptoms due to intentional and prolonged pesticide exposure that included breathing issues, memory loss, and "brain fog". Ms. Geyman stated that she had taken her children to the doctor after the reported exposure. I asked Ms. Geyman to provide me with the children's medical records for anything related to the pesticide exposure, which she stated she would send me a copy.

Ms. Geyman also reported injury to the vegetation across her property, including her fruit trees, strawberries, and other ornamental plants. Ms. Geyman stated the injury to the vegetation included shriveled leaves, leaf spots, stunted growth, "fungi" growth, and death. Ms. Geyman stated that her property was "organic" and she had not used any pesticides on her property.

In addition to her report of human exposure and pesticide drift, Ms. Geyman reported full concentrate (no water dilution) pesticide applications, illegal pesticide dumping, and poisoning their water supply. Ms. Geyman also reported the pesticide exposure had caused frogs to "mutate", birth defects in birds, and dead birds. Ms. Geyman stated that she believed the local government, farmers, her former in-laws, and "the Catholics" have conspired together to work against her. Ms. Geyman stated there had been other types of dead animals and believed there may still be dead animals in the ditch on the west edge of their property. I did not observe dead animals on or around the property. Ms. Geyman was advised to email me pictures of dead animals or any other evidence of pesticide misuse.

During my on-site investigation, I observed and photographed both of Ms. Geyman's properties, 290 & 322 Goins Rd., and the surrounding farm fields. I observed Ms. Geyman's established fruit trees to have yellow, black, and/or red spots on their leaves and some brown leaves or blooms, that I believed had been caused by disease and/or old frost injury. I observed some of the newer, young fruit trees and ornamental plants to be completely dead or have minimal foliage that may have been caused by poor transplanting practices. I observed minor leaf cupping on two different trees that may have been caused by growth regulator exposure. I did not observe a pattern of injury consistent with a possible pesticide drift occurrence at the two properties. The lawn and all other vegetation where Ms. Geyman stated the children were located at the time of their exposure looked to be healthy with no show signs of herbicide injury. I did not observe evidence supporting the claim that the Geyman property had been directly exposed to a herbicide. I also did not observe damage or evidence that a large agricultural sprayer had struck Ms. Geyman's wood and wire fence, though she contributed this to the strength of the fence's construction.

I looked for potential sources of herbicide drift. I observed three separate fields surrounding 290 Goins Rd. I identified the field to the east and north to be Field #1, the south field to be Field #2, and the west field to be Field #3. I observed Field #1 and Field #3 to show symptoms of a recent herbicide application by the dead noxious weeds throughout and their defined spray line along their borders. I observed Field #2 to not show signs of a recent herbicide application but did have dead winter annuals throughout and the Oak trees along its north edge to show cupped and yellow spotted leaves.

I then collected five gradient vegetation samples and a vegetation control sample from 290 Goins Rd., a composite vegetation sample from 322 Goins Rd., vegetation samples from Field #1, Field #2, and Field #3, and the article of clothing, which were all submitted to the the OISC Residue Lab for analysis.

Curled leaves (File 69421)



Dead shrub (File 69430)



Spotted leaves (File 69414)



Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3149
Jill Geyman-Harcrow
James M. Trimble



File 69457



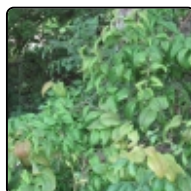
File 69458



File 69459



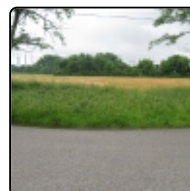
File 69460



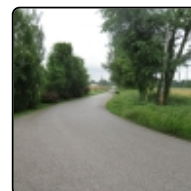
File 69402



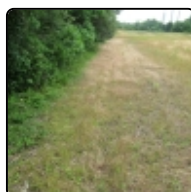
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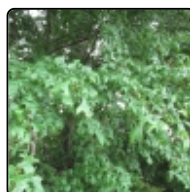
File 69404



File 69405



File 69406



File 69401



File 69407



File 69410



File 69411



File 69412



File 69413



File 69414



File 69415



File 69417



File 69419



File 69420



File 69421



File 69422



File 69425



File 69426



File 69427



File 69428



File 69429



File 69430



File 69431



File 69432



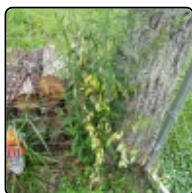
File 69433



File 69434



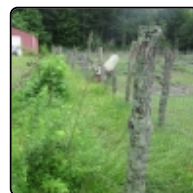
File 69436



File 69438



File 69439



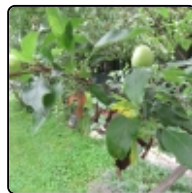
File 69441



File 69442



File 69444



File 69445



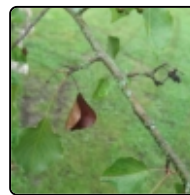
File 69446



File 69447



File 69448



File 69449



File 69450



File 69452



File 69453



File 69454



File 69455



File 69456

06/07/2021 Investigator Met with Complainant**Activity**

Attached is a audio recording of the first 40 minutes of my interaction with Ms. Geyman and Mr. Harcrow during my on-site investigation on June 7, 2021

Original Event: Investigation Activity (Pesticide) #3309
Subject: Jill Geyman-Harcrow
Submitted By: James M. Trimble
Attachments: File 73224; 210607_0858.mp3

06/07/2021 Residue Samples Collected

Original Event: Residue Collection #180516 (21-4-1149 2)
Client: Jill Chatham-Harcrow
Submitted By: James M. Trimble
Sample: 21-4-1149 2 | Clothing; Grab; Shirt; OFF-T
Sample: 21-4-1150 3 | Veg; Comp; OFF-T, Front Yard, Grad1, W
Sample: 21-4-1151 9 | Veg; Comp; OFF-T, Front Yard, Grad2, S
Sample: 21-4-1152 6 | Veg; Comp; OFF-T, Front Yard, Grad3, E
Sample: 21-4-1153 5 | Veg; Comp; OFF-T, Road, Grad1, S
Sample: 21-4-1154 2 | Veg; Comp; OFF-T, Back Yard, Grad3, N
Sample: 21-4-1155 7 | Veg; Comp; OFF-T, 322 Goins Rd
Sample: 21-4-1156 1 | Veg; Comp; Target, E, Field 1
Sample: 21-4-1157 4 | Veg; Comp; Target, S, Field 2
Sample: 21-4-1158 8 | Veg; Comp; Target, W, Field 3
Sample: 21-4-1159 0 | Veg; Ctrl; OFF-T, Back Yard, Pool

06/07/2021 External Lab Sample Collected

Original Event: External Lab Sample Collection #181382 (X21-2BFC36)
Client: Jill Geyman-Harcrow
Submitted By: James M. Trimble
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X21-2BFC36 | Multiple types of vegetation that showed varying symptoms of injury.
Attachments: File 70171; ResponseSummary (25).pdf

06/07/2021 Investigator Called Farmer

Communication

On June 7, 2021, I called and spoke with Benjamin "B.J." Yager, who confirmed he had made a pesticide application to Field #1 approximately one week prior to Ms. Geyman's complainant to OISC regarding human exposure. Due to the timing of Mr. Yager's application to Field #1, it could not be associated with Ms. Geyman's human exposure complaint (see case #PS21-0116) but would be investigated for her complaint of herbicide injury to her property's vegetation.

Mr. Yager stated that while traveling near Ms. Geyman's property to make his application to Field #1 with his tractor, Ms. Geyman and her kids came out onto the middle of the road and blocked Mr. Yager's travel to attempt to keep him from making his application. Mr. Yager stated that a verbal altercation ensued with Ms. Geyman and that he had to call for police assistance to remove her from the roadway. Mr. Yager also stated there has been previous incidents involving Ms. Geyman.

I advised Mr. Yager of the PII and later emailed him the form with instructions to complete and have returned to me within 15 days.

Original Event: Investigation Activity (Pesticide) #3899
Subject: Benjamin Yager
Submitted By: James M. Trimble

06/07/2021 **New Respondent Identified**
Respondent Identified

On June 7, 2021, I found Mr. Yager was responsible for a pesticide application to Field #1.

Original Event: Investigation Change #56
Respondent: Benjamin Yager
Submitted By: James M. Trimble

06/07/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #435
Submitted By: James M. Trimble
Target Analyte: Mad Dog Plus
Target Analyte: Gramoxone SL 2.0
Target Analyte: Cornerstone 5 plus
Target Analyte: E-99
PPLS Labels: [000100-01431-20191230.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01431-20191230.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01431-20191230.pdf
[001381-00195-20170622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00195-20170622.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00195-20170622.pdf
[001381-00241-20201123.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00241-20201123.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00241-20201123.pdf
[034704-00890-20150512.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00890-20150512.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00890-20150512.pdf
Attachments: File 79122; Trimble 180516.pdf

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

On June 9, 2021, I created a collection map for my sample collection on June 7, 2021.

Collection map (File 69508)



Original Event:
Submitted By:
Photos:

Investigation Activity (Pesticide) #3160
James M. Trimble



File 69508

06/14/2021 Received External Lab Report

On June 14, 2021, I received the report from PPDL which stated, "Report 21-00538: Multiple plant species show small necrotic spots that can be associated with exposure to contact herbicides such as paraquat or PPO inhibitors. The large necrotic spots and falling leaves in some of the photos are not consistent with exposure to paraquat and are likely the result of another type of stress (not chemical). There was no evidence of exposure to 2,4-D in the physical sample or the images." It further stated, "A gymnosporangium rust was observed on the apple sample, but few lesions that would be associated with some kind of injury. Leaf spotting and blotch-like symptoms are developing on the poplar leaves which look like Marssoninia. After incubating the tissue, a fungus was growing from some of the tissue that looks like Marssoninia. The pear leaves appear to have some leaf spots that could be caused by some kind of injury, but also could be related to stress. This is similar to the Virginia creeper. No leaf deformation was observed."

Original Event: External Lab Report #181384 (X21-2BFC36)
Submitted By: James M. Trimble
Sample: X21-2BFC36
Attachments: File 70172; FinalReport_Mitch Trimble.pdf

06/15/2021 Investigator Received Fax/Email from Applicator Investigation Inquiry

On June 15, 2021, I received the completed PII from Mr. Yager, which stated his application to Field #1 occurred on May 17, 2021.

Inquiry Overview

Non-Certified Applicator Benjamin Yager
Application Type Farmer
Target Field soybean, burn down

Tank Mix

Product	EPA	Rate
Mad Dog Plus	34704-890	1.25 qt/acre

Application Date

Date	Start	End
05/17/2021	1:00 PM	2:00 PM

Air Conditions

Time	Temp	Direction	Speed
Start	74°F	SE	3mph
End	78°F	N	3mph

Original Event: Investigation Activity (Pesticide) #3254
Subject: Benjamin Yager
Submitted By: James M. Trimble
PPLS Labels: [034704-00890-20150512.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00890-20150512.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00890-20150512.pdf

Attachments: File 70613; scan_bjyager_2021-06-15-07-15-47.pdf
File 70614; scan_bjyager_2021-06-15-07-16-22.pdf
File 70615; scan_bjyager_2021-06-15-07-17-17.pdf

07/14/2021 Received Residue Lab Report
Lab Remarks

Released 7/14/21

Investigatory Summary

On July 14, 2021, I received the lab report from the OISC Residue Lab, which listed it had found small amounts of 2,4-D, AMPA, & Glyphosate on the article of clothing (Sample #21-4-1149 2) but found no Paraquat. Small amounts of 2,4-D were also detected on all the vegetation samples collected from 290 Goins Rd. & 322 Goins Rd. (Samples #21-4-1150 3, 21-4-1151 9, 21-4-1152 6, 21-4-1153 5, 21-4-1154 2, and 21-4-1155 7).

After speaking with the OISC Residue Lab Supervisor, it was determined that the low amounts of 2,4-D, AMPA, & Glyphosate found on the article of clothing were not at a level elevated enough that would be consistent with a direct exposure incident from a pesticide application. It was also determined that the small amounts of 2,4-D detected on the vegetation samples from the Geyman property were within the normal environmental levels of that analyte being used in the area and did not confirm an off-target drift had occurred from any of the surrounding field's applications.

First Page of Lab Report

OCM Collection #	180516	Investigator	TRIMBLEJ			
Collection Date	06/07/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-1149 2	Clothing; Grab; Shirt; OFF-T	Clothing	2,4-D	12000 ng/clothing	1200 ng/clothing	
			AMPA	4570 ng/clothing	2000 ng/clothing	
			Glyphosate	105000 ng/clothing	10000 ng/clothing	
			Paraquat	BDL ng/clothing	3120 ng/clothing	
21-4-1150 3	Veg; Comp; OFF-T, Front Yard, Grad1, W	Veg	2,4-D	158 ppb	2 ppb	
			AMPA	BDL ppb	13 ppb	
			Glyphosate	BQL ppb	66 ppb	
			Paraquat	BQL ppb	12 ppb	
21-4-1151 9	Veg; Comp; OFF-T, Front Yard, Grad2, S	Veg	2,4-D	106 ppb	2 ppb	
			AMPA	BDL ppb	13 ppb	
			Glyphosate	BQL ppb	66 ppb	
			Paraquat	BDL ppb	12 ppb	

Original Event: Residue Lab Report #184698 (180516-R387)
Submitted By: SYSTEM
Lab Report: Lab Report 180516-R387.pdf

09/24/2021 Case Created

Original Event:	Case PS21-0373
Submitted By:	George Saxton
Assigned To:	James M. Trimble

09/24/2021 **Online Investigation Activity**
Label Use

Mr. Yager's completed PII for his application of "Mad Dog Plus" to Field #1 on May 17, 2021, listed that the wind direction was coming from the north (towards Ms. Geyman's property) at 3 MPH at the end of his application (2:00 PM).

I found the following label violation of **Mad Dog Plus** (EPA Reg. #34704-890, active ingredient of Glyphosate), which stated,

"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, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas)."

Although this label violation was found, Glyphosate was not detected in the vegetation samples collected from Ms. Geyman's property and I did not find physical or scientific evidence that the Glyphosate had drifted onto and caused harm to the vegetation on Ms. Geyman's property. The origin of the Glyphosate and AMPA (metabolite of Glyphosate) found on the article of clothing collected from Ms. Geyman could not be determined. Mr. Yager's application occurred a week before Ms. Geyman's complaint of her children being exposed to pesticide drift but was within the time frame of possible injury to her property's vegetation.

Original Event:	Investigation Activity (Pesticide) #3883
Subject:	Benjamin Yager
Submitted By:	James M. Trimble
PPLS Labels:	034704-00890-20150512.pdf https://www3.epa.gov/pesticides/chem_search/ppls/034704-00890-20150512.pdf

09/28/2021 **Judgement; Civil Penalty Assessed**
Civil Penalty

Benjamin Yager 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 PS20-0173.

Original Event:	Judgement #791
Primary:	Benjamin Yager
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	100

11/05/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #903
To:	Benjamin Yager
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6919
Enclosed:	Notice of Enforcement
Attachments:	File 83584; PS21-0373EL CP ~ Benjamin Yager.docx

12/08/2021 **Mail Service Returned for Target**

Certified Mail returned to OISC as Unclaimed. Regular mail has not come back.

Original Event:	Compliance Receipt #1298
Subject:	Benjamin Yager
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 6919
Returned:	12/08/2021
Attachments:	File 86175; CM 7019 0140 0000 6113 6919 ~ Benjamin Yager ~ Unclaimed.pdf

12/08/2021 **Mail Confirmation Assumed for Target**

Regular Mail has not been returned to OISC.

Original Event:	Compliance Receipt #1299
Subject:	Benjamin Yager
Submitted By:	Joni Herman

01/04/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1332
Subject:	Benjamin Yager
Submitted By:	Joni Herman
Payment Expected:	\$100.00
Payment Received:	\$100.00
Attachments:	File 86207; PS21-0373 ~ Benjamin Yager ~ CP Received.pdf

Chain of Custody

No electronic chain of custody found

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Official records may only be obtained directly from the Office of Indiana State Chemist.