

## A Summary of Cases

November 9, 2022, IPRB Meeting

PS21-0081 The complainant stated that she had a box of invoices showing that Mark Alldredge continued to make for-hire pesticide applications without a license in 2019 and 2020.

### **Disposition Summary**

Mark Allen Alldredge was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for violating an Action Order not to apply pesticides for hire without first having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Mark Allen Alldredge was cited for one hundred thirty-eight (138) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. a civil penalty in the amount of \$69,000.00 (138 x \$500.00 per count) was assessed. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0970.

\$50,000.00 of the civil penalty will be held in abeyance and not assessed provided Mark Allen Alldredge commits no further violations of the Indiana Pesticide Use and Application Law.

PS21-0082 Complainant stated that applicator Kenneth Engle made an application on April 2, 2021, at approximately 2:30 pm that caused injury to the complainant's hay field.

### **Disposition Summary**

Kenneth Engle was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide to a property not under his control. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact harm was caused to the property of another.

PS21-0093 Complainant stated Co-Alliance made an application to a field north of his property on April 17, 2021, when the wind was from the northwest at a good rate. The complainant stated he now has injury to his trees.

### **Disposition Summary**

Although drift could not be proven, Co Alliance Cooperative 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 by applying within 250 feet of a downwind sensitive area. 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.

Although drift could not be proven, James Landon Sherrill 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 by applying within 250 feet of a downwind sensitive area. Consideration was given to the fact this was Mr. Sherrill's first violation of similar nature and a restricted use pesticide was involved.

PS21-0111 Complainant stated that they have observed milky water running out of a pipe that exits through the wall of the Scotts Termite and Pest Control building. In addition the complainant stated they recently observed through an open door that the pipe appears to connect directly to a sink inside the building where employees wash out application equipment. Complainant stated there appears to be a well within 10 feet of the washout pipe.

**Disposition Summary**

Scotts Termite & Pest Control was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding pesticide disposal. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$125.00. Consideration was given to the fact Scotts Termite & Pest Control cooperated during the investigation and corrective action was taken.

PS21-0112 Anonymous complainant wrote Trent Henderson has been making lawn applications without a license for years.

**Disposition Summary**

Michael Trent Henderson was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly applying a pesticide/fertilizer for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS21-0217 Complainant stated that an application to an adjacent farm field injured willows and tomatoes on his property.

**Disposition Summary**

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

PS21-0218 Complainant stated an application to an adjacent farm field injured his ornamentals.

**Disposition Summary**

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this application under case number PS21-

0217. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

PS21-0267 Complainant stated drift from an application to an adjacent sod farm injured his soybeans.

**Disposition Summary**

Genesis Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a general use pesticide was involved with adverse effects.

David Miller 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 \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved with adverse effects. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Miller cooperated during the investigation.

PS21-0372 Jones Outdoor failed to renew it's 2021 pesticide business license

**Disposition Summary**

Jones Outdoor Improvements was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

Jason Jones was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS22-0044 On-line retailers are illegally repackaging and selling Golden Malrin Fly Bait to control racoons and other off label pests.

**Disposition Summary**

Norman Leboeuf Jr. was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that has labeling claims different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product in a container other than the manufacturer's immediate, unbroken and approved or authorized container. A civil penalty in the amount of \$500.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded. A civil penalty in the amount of \$500.00 was assessed for this violation.

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

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide product to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for unknowingly distributing a restricted use pesticide product without having a dealer registration. A civil penalty in the amount of \$500.00 was assessed for this violation.

Ebay was warned for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding Mr. Leboeuf in the distribution of an illegal pesticide product.

PS22-0050 During a routine Restricted Use Dealer inspection, it was found that Matt Cooper purchased a Restricted Use Pesticide, atrazine, without a current applicator's license.

#### **Disposition Summary**

Matthew Richard Cooper was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Matthew Richard Cooper's first violation of similar nature.

PS22-0052 On February 9, 2022, I performed an inspection at Co-Alliance; Bainbridge, where I found multiple mobile mini-bulk containers of pesticides in a building that did not meet the secondary containment requirements.

I later found that Co-Alliance had stored 33 mini-bulk pesticide containers out of containment after more than 30 days had lapsed from when they had received the products.

#### **Disposition Summary**

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation.



However, this civil penalty was reduced to \$1,500.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation; corrective action was taken, and this was their first violation of similar nature.

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this penalty may not be mitigated.

PS22-0053 On February 14, 2022 a Producer Establishment Inspection was conducted at American Sealants, INC. American Sealants, INC. is a contract packager for Senoret Chemical Company Inc. Sendoret Chemical Company contracts with American Sealants to produce Terro Roach Bait Get, EPA Reg# 53883-401-149. Pesticide products being produced were packaged, labeled, and ready for shipment. A sample of the pesticide product produced was collected. The formulation sample was delivered to the OISC Formulation Lab on February 17, 2022.

**Disposition Summary**

Senoret Chemical Company Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product with a misbranded label. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, the \$1,000.00 civil penalty will be held in abeyance and not assessed provided Senoret Chemical Company Inc makes corrections to the label of the product within sixty (60) days from receipt of this notice.

PS22-0055 During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered 3 RUP sales to unlicensed, Kyle Rogers.

**Disposition Summary**

Kyle E Rogers was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Kyle E Rogers' first violation of similar nature.

PS22-0056 Marketplace inspection conducted at Bloomington Hardware. Two unregistered pesticide products located for sale at Bloomington Hardware.

**Disposition Summary**

Bloomington Hardware was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product.

Kittrich Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing unregistered pesticide

products. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the total civil penalty was mitigated to \$500.00. Consideration was given to the fact Kittrich Corporation cooperated during the investigation and corrective action was taken.

PS22-0058 This was a routine Restricted Use Dealer inspection.

**Disposition Summary**

Db:Choice Seeds was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$250.00 was assessed for this violation.

PS22-0063 On February 24, 2022, I conducted a routine RUP sales records inspection at FBN.

**Disposition Summary**

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4- 1(a), for storing general use pesticides (GUPs) outside of secondary containment. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact FBN Inputs LLC cooperated during the investigation and corrective action was taken.

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4- 1(a), for storing restricted use pesticides (RUPs) outside of secondary containment. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this violation may not be mitigated.

FBN Inputs LLC was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing pesticide products that are not registered for sale in the state of Indiana.

PS22-0076 OISC was provided anonymously with a photo showing a Limon Green-Tree truck with a ride-on sprayer in the attached trailer. There is no record of Limon Green-Tree ever having a pesticide license.

**Disposition Summary**

Limon Green Tree Landscaping was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

Prisco Limon was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$300.00. Consideration was

given to the fact Prisco Limon Landscaping cooperated during the investigation and there was no previous violation of similar nature.

PS22-0082 Anonymous complainant stated Castleton Lawn Care put advertising magnets on all the neighborhood mailboxes. A check of OISC records showed Castleton Lawn Care did not have a Pesticide Business License. In addition the website for Castleton Lawn Care advertises 5 rounds of lawn care that include fertilization and weed control.

**Disposition Summary**

Castleton Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204).

Dan Ciesniewski was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204.) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Castleton Lawn Care was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204).

Dan Ciesniewski was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204). A civil penalty in the amount of \$1,000.00 was assessed for this violation. Any future violations of the Indiana Pesticide Use and Application Law may be forwarded to the local prosecutor's office for criminal charges pursuant to 357 IAC 1-6-6.

PS22-0085 Brian Davis of Orkin Pest Control in Fort Wayne, Indiana stated Evan Ramer a former Orkin employee started his own pest control business and is poaching Orkin customers. A check of OISC records did not find any pesticide business license for Ramer Pest Control.

**Disposition Summary**

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

However, \$500.00 of the civil penalty will be held in abeyance for a period of two (2) years from the date of this notice and will not be assessed provided Evan L Ramer does not apply pesticides for hire without having the proper license.

PS22-0089 I conducted a routine business inspection of Lawn Masters located in Newburgh, Indiana.

**Disposition Summary**

Lawn Masters LLC was cited for violation of section 65(12) of the Indiana Pesticide Use and Application Law for making mosquito control pesticide applications without having a certified applicator in category 7a or 8. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$275.00.

Consideration was given to the fact Lawn Masters cooperated during the investigation and this was their first violation of similar nature.

PS22-0100 On February 16, 2022 I conducted a Producer Establishment Inspection at Webb Chemical in Ft. Wayne, IN.

**Disposition Summary**

Webb Chemical Service Corp was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law, for distributing pesticide products that were not registered for sale in the state of Indiana. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

Webb Chemical Service Corp was cited for violation of section 57(5) of the Indiana Pesticide Registration Law, for distributing pesticide products that were misbranded. A civil penalty in the amount of \$500.00 was assessed.

Webb Chemical Service Corp was cited for violation of section 57(9) of the Indiana Pesticide Registration Law, for distributing pesticide products that were in violation of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

However, \$1,500.00 of the civil penalty will be held in abeyance and not assessed provided Webb Chemical Service Corp properly registers the pesticide products and adjusts the labels within sixty (60) days from receipt of this notice.

PS22-0101 Anonymous complainant stated the Town of Francisco has hired an unlicensed company to spray the right-of-way and vacant lots in the town.

**Disposition Summary**

Lewis Lawn Care and Derek Lewis were cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly professing to engage in the business of using a pesticide or any other product regulated under IC 15-16-5 or by rules adopted under IC 15-16-5 for hire on the property of another without having a pesticide business license issued by the state chemist. A civil penalty in the amount of \$500.00 was assessed for this violation.

However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Derek Lewis and Lewis Lawn Care commit no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

PS22-0105 On May 5, 2022, I performed a routine stop on Lawrence Howard.

**Disposition Summary**

Pro Lawns LLC 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.

Lawrence Jamin Howard 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 \$1,000.00 was assessed for this violation.

However, the \$1,000.00 will be held in abeyance and not assessed provided Lawrence Jamin Howard commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice. Consideration was given to the fact corrective action was immediately taken.

PS22-0112 Complainant stated Trugreen treated his lawn by mistake on or about April 27th, 2022. Trugreen did post the lawn, but no treatment information was left at the time of the application. The complainant stated after an initial response from Trugreen, Trugreen has cutoff all communication.

**Disposition Summary**

Trugreen LP-FSH was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-credentialed employee. Consideration was given to the fact this was their first violation of similar nature.

Trugreen LP-FSH was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their second violation of similar nature. See case number PS21-0238.

Reginal Russell was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property.

PS22-0134 Complainant stated ag applications to neighboring farm fields injured crops in his greenhouse.

**Disposition Summary**

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect, a general use pesticide was involved, and this was Caleb Viehe's third violation of similar nature. See case numbers PS20- 0284 and PS22-0026.

PS22-0161 On 5/18/22, I conducted a routine Worker Protection Standards (WPS) inspection at Galema Greenhouse.

**Disposition Summary**

Hortus USA Corp was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

However, \$250.00 of the assessed civil penalty will be held in abeyance for a period of sixty (60) days and will not be assessed provided Hortus USA Corp registers the pesticide product within that time period.

PS22-0168 Complainant stated a herbicide application made to a neighboring farm field injured ornamentals on his property.

**Disposition Summary**

Gregg A Wood was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Gregg A Wood cooperated during the investigation. Consideration was also given to the fact a general use pesticide was used with adverse effect.

PS22-0180 While conducting a documentary drift complaint from a lawn care application, I discovered the lawn care company had not renewed their pesticide business license for 2022.

**Disposition Summary**

True Cut Lawns was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides, or other regulated product, for hire without an Indiana pesticide business license.

Jonathan Long was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides or other regulated product, for hire without an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Long cooperated and corrective action was taken.

PS22-0221 Anonymous complainant wrote Victor Scent-Away Natural Rodent Repellent Packs (5-Pack) (mint scented) is being offered for sale at the Home Depot located in Castleton. The product is not registered for sale or use in Indiana.

**Disposition Summary**

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

Woodstream Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. 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 Woodstream Corporation cooperated during the investigation and corrective action was taken.



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 **September 22, 2022, 09:32 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS21-0081**

Department	Pesticide
Originated	04/15/2021
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant Respondent	<b>Pro Care Pest &amp; Mess Solutions</b> Nashville, IN 47448
Respondent	<b>Mark Allen Alldredge</b> Nashville, IN 47448
Agency	<b>Attorney General Office / Litigation</b>

**Overviews**

06/25/2021 **Investigation Summary**

Criminal case 2018/0970 issued action order(9-24-21). He violated order, made 425 applications accounting for 138 days of violations. I removed all days of violations linked to Monroe County. These invoices will be sent to Monroe County Prosecutor.  
Mr. Alldredge continues to make pesticide applications without a license.  
Copy of this case should be sent to Monroe County Prosecutor.  
Submitted By: Paul Jay Kelley  
Role: Investigator

06/28/2021 **Disposition Summary**

Mark Allen Alldredge was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for violating an Action Order not to apply pesticides for hire without first having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Mark Allen Alldredge was cited for one hundred thirty-eight (138) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. a civil penalty in the amount of \$69,000.00 (138 x \$500.00 per count) was assessed. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0970.

\$50,000.00 of the civil penalty will be held in abeyance and not assessed provided Mark Allen Alldredge commits no further violations of the Indiana Pesticide Use and Application Law.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

04/15/2021 **Intake Referral Filed**

The complainant stated that she had a box of invoices showing that Mark Alldredge continued to make for-hire pesticide applications without a license in 2019 and 2020.



Original Event:	Intake Referral (Pesticide) #1888
Complainant:	Pro Care Pest & Mess Solutions
Respondent:	Mark Allen Alldredge
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

---

04/15/2021 **Case Created**

Original Event:	Case PS21-0081
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

---

04/16/2021 **Investigator Called Target Communication**

On April 16, 2021, I contacted Molly Turner-King of the Monroe County Prosecutor's office to inquiry on the status of Mark Alldredge's criminal case.

Original Event:	Investigation Activity (Pesticide) #2813
Subject:	Mark Allen Alldredge
Submitted By:	Paul Jay Kelley

---

04/16/2021 **Investigator Called Complainant Communication**

On April 16, 2021, I spoke with Sandy Linderman. Ms. Linderman stated Mark Alldredge continued to make pesticide applications without a license after being charged by the Monroe County prosecutor. Ms. Linderman stated she has invoice supporting her claim. Ms. Linderman stated she would meet with me April 23, 2021, to supply me with the invoices.

Original Event:	Investigation Activity (Pesticide) #2814
Subject:	Pro Care Pest & Mess Solutions
Submitted By:	Paul Jay Kelley

---

04/23/2021 **Investigator Met with Complainant Communication**

On April 23, 2021, I met with Sandy Linderman. Ms. Linderman provided me with many documents of Mark Alldredge performing pest control without a license. Records include invoices, processed checks, tax information, etc.

Original Event:	Investigation Activity (Pesticide) #2859
Subject:	Pro Care Pest & Mess Solutions
Submitted By:	Paul Jay Kelley

---

04/23/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #287
Client:	Pro Care Pest & Mess Solutions
Firm Representative:	Sandy Linderman
Submitted By:	Paul Jay Kelley
Attachments:	File 66738; NOI.pdf

---

04/29/2021 **Investigator Met with Complainant Activity**

On April 29, 2021, I met with Sandy Linderman to collect addition invoices for pest control performed by Mark Alldredge as an unlicensed applicator.

Original Event:	Investigation Activity (Pesticide) #2892
Subject:	Pro Care Pest & Mess Solutions
Submitted By:	Paul Jay Kelley

---

06/25/2021 **Investigation Activity Records**

On June 25, 2021, I completed processing 425 invoices, deposited checks , or check receipts for Mark Alldredge and Pro Care Termite & Pest Control. All the documents were dated after OISC issued Mr. Alldredge an Action Order to cease making for-hire pesticide applications without a license issued by OISC on September 24, 2018 (See Case Summary 2018-0970). Furthermore, Mr. Alldredge is scheduled to appear in a Monroe County court on October 4, 2021, for a jury trial (State of Indiana V. Mark Alldredge, case #53C05-1911-F6-001311). Mr. Alldredge is facing a Felony 6 charge along with applying a pesticide for hire without a business license (35-43-5-2(d)(4)/F6:Forgery Def, w/intent to defraud, makes/utters written instrument purportedly made and 15-16-5-70(b)/MA: Using a Pesticide Without a Business License). Documents (86) collected in this case for applications made in Monroe County will be forwarded to the Monroe County Prosecutor to supplement the current criminal case.

The remaining documents totaling 138 days of making a for-hire pesticide applications without a business license will be retained for OISC compliance. All documents have been scanned and uploaded into OISC's computer management system.

#### Attachments

File 71365; 2018.pdf  
File 71366; April 2019.pdf  
File 71367; April 2020.pdf  
File 71368; Aug 2019.pdf  
File 71369; Aug 2020.pdf  
File 71370; Dec 2019.pdf  
File 71371; Feb 2019.pdf  
File 71372; Feb 2020.pdf  
File 71373; Jan 2019.pdf  
File 71374; Jan 2020.pdf  
File 71375; July 2019.pdf  
File 71376; June 2019.pdf  
File 71377; June 2020.pdf  
File 71378; Mar 2020.pdf  
File 71379; March 2019.pdf  
File 71380; May 2019.pdf  
File 71381; May 2020.pdf  
File 71382; Nov 2019.pdf  
File 71383; Oct 2020.pdf  
File 71384; Oct. 2019.pdf  
File 71385; Sept 2019.pdf  
File 71386; wdi 2018.pdf  
File 71387; wdi 2019.pdf

Original Event: Investigation Activity (Pesticide) #3329  
Subject: Mark Allen Alldredge  
Submitted By: Paul Jay Kelley

---

06/28/2021 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Mark Allen Alldredge was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for violating an Action Order not to apply pesticides for hire without first having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

#### Civil Penalty

Mark Allen Alldredge was cited for one hundred thirty-eight (138) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. a civil penalty in the amount of \$69,000.00 (138 x \$500.00 per count) was assessed. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0970.

#### Abeyance

\$50,000.00 of the civil penalty will be held in abeyance and not assessed provided Mark Allen Alldredge commits no further violations of the Indiana Pesticide Use and Application Law.

Original Event: Judgement #757  
Primary: Mark Allen Alldredge  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(6); IC 15-16-5-65(9)  
Penalty Amount: 69250

---

06/28/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #842  
To: Mark Allen Alldredge  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7299  
Enclosed: Notice of Enforcement  
Enclosed: Draft Case Summary  
Attachments: File 72025; PS21-0081EL CP - CP Abeyance ~ Mark A. Alldredge.docx

---

07/06/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1194  
Subject: Mark Allen Alldredge  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7299  
Received: 07/06/2021  
Attachments: File 73668; CM 7019 0140 0000 6113 7299.pdf

---

08/08/2022 **Penalty Payment Not Received for Target**

As of August 8, 2022, Mark Allen Alldredge has not paid the \$19,250.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$69,250.00.

Original Event:	Compliance Receipt #1618
Subject:	Mark Allen Aldredge
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$19,250.00
Payment Received:	\$0

---

08/08/2022 **Sent to Collections** (Pending)

As of August 8, 2022, Mark Allen Aldredge had not paid the \$19,250.00 civil penalty. The case was closed and forwarded to collections for the unmitigated CP amount of \$69,250.00.

Original Event:	Compliance Activity #1388
Primary:	Mark Allen Aldredge
Agency:	Attorney General Office / Litigation
Submitted By:	Jacob A. Hatfield

---

08/11/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1168
To:	Mark Allen Aldredge
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 105822; PS21-0081 Mark Allen Aldredge - Case Closed Letter - CP FWD.docx

---

08/22/2022 **Compliance Activity**

On August 22, 2022, closed case letter was returned to OISC.

Original Event:	Compliance Activity #1436
Primary:	Pro Care Pest & Mess Solutions
Submitted By:	Jacob A. Hatfield
Attachments:	File 107043; PS21-0081 - Pro Care Pest & Mess Solutions - Regular Mail Returned 8-22-2022.pdf

---

08/30/2022 **Compliance Activity**

Mark Aldredge called requesting the civil penalty be reduced. Based on his previous history and the fact he willfully refused to comply with an Action Order, his request was denied.

Original Event:	Compliance Activity #1452
Primary:	Mark Allen Aldredge
Submitted By:	George Saxton

---

## Chain of Custody

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

<p>This record was generated on <b>September 22, 2022, 09:32 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:34 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0082

Department	Pesticide
Originated	04/15/2021
Assigned To	Paul Jay Kelley
Status	Closed

### Involved Parties

Complainant	<b>Lisa Blanford</b> Fairland, IN 46126
Respondent	<b>Kenneth Engle</b> Fairland, IN 46126
-	<b>Jennifer Sweet</b> Fairland, IN 46126
-	<b>Shelby County Plan Commision</b> Shelbyville, IN 46176
Agency	<b>Purdue Receivables &amp; Collections</b>
-	<b>W. Taylor Sumerford</b> Shelbyville, IN 46176

### Overviews

#### 08/04/2021 Investigation Summary

Blanford observed and confronted Ken Engle spraying roundup at the back of his property on April 2, 2021.  
Engle was spraying a disputed easement at the rear of Mr. Blanford's property owned by David and Jen Sweet.  
Mr. Blanford concerned application drifted onto his property.  
Based on property line stakes in photographs, Mr. Engle directly sprayed Mr. Blanford's property.  
Mr. Engle refused to cooperate with investigation; however, stated he applied roundup.  
Lab results indicated direct application to Mr. Blanford's property and drift.  
wind out of Indy airport blowing toward at 2.3mph.  
Submitted By: Paul Jay Kelley  
Role: Investigator  
Drift: Confirmed

#### 08/06/2021 Disposition Summary

Kenneth Engle was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide to a property not under his control. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact harm was caused to the property of another.  
Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

04/15/2021 **Intake Referral Filed**

Complainant stated that applicator Kenneth Engle made an application on April 2, 2021, at approximately 2:30 pm that caused injury to the complainant's hay field.

Original Event: Intake Referral (Pesticide) #1889  
Complainant: Lisa Blanford  
Respondent: Kenneth Engle  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley  
Attachments: File 66436; Blanford Complaint.pdf  
Photos:



File 66437



File 66438



File 66439



File 66440

---

04/15/2021 **Case Created**

Original Event: Case PS21-0082  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

04/19/2021 **Investigator Called Complainant Communication**

On April 19, 2021, I spoke with Lisa Blanford. Mrs. Blanford stated Kenneth Engle made a pesticide application between her property and neighbors David and Jen Sweet impacting their hay field. Mrs. Blanford stated Mr. Engle who lives across the street to the north sprayed an easement between the Blanford and Sweet property. Mrs. Blanford stated the easement is on the Sweet property and Mr. Engle has no claim to the property.

Original Event: Investigation Activity (Pesticide) #2821  
Subject: Lisa Blanford  
Submitted By: Paul Jay Kelley

---

04/19/2021 **Investigator Called Subject Statement**

On April 19, 2021, I spoke with Jennifer Sweet. Mrs. Sweet's property has the easement that was sprayed by Kenneth Engle. Mrs. Sweet stated she and her husband, David, have paid property taxes, maintained the easement between them and the Blanford's for 16 years. Mrs. Sweet's email statement gives no claim or permission to Mr. Engle to use or spray.

Attachments

File 66511; Sweet email.pdf

Original Event: Investigation Activity (Pesticide) #2822  
Subject: Jennifer Sweet  
Submitted By: Paul Jay Kelley

---

04/22/2021 **Investigator Met with Complainant Photographs**

On April 22, 2021, I met with Sean Blanford. Mr. Blanford escorted me around his property showing the area sprayed by Ken Engle. Mr. Blanford stated he observed Mr. Engle spraying something at the back of his property on April 2, 2021. Mr. Blanford stated he questioned Mr. Engle as to what he was doing. Mr. Blanford stated Mr. Engle stated he was killing weeds. Mr. Blanford stated Mr. Engle made a reference to spraying the easement for Duke Energy for utility use. Mr. Blanford stated he was concerned about his hay field getting pesticide spray on it. Mr. Blanford stated the residence who owns the property has placed a barrier in the area in question with signs telling all not to trespass.

## Attachments



File 66591



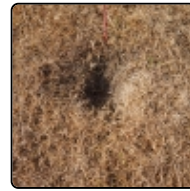
File 66592



File 66593



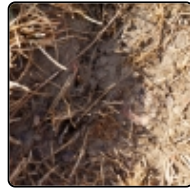
File 66594



File 66595



File 66596



File 66597



File 66598



File 66599



File 66600



File 66601



File 66602



File 66603



File 66604



File 66605



File 66606



File 66607



File 66608



File 66609



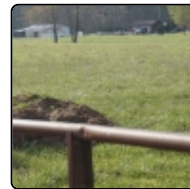
File 66610



File 66611



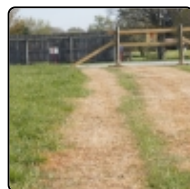
File 66612



File 66613



File 66614



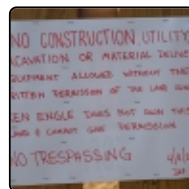
File 66615



File 66616



File 66617



File 66618



File 66619



File 66620

Original Event: Investigation Activity (Pesticide) #2841  
Subject: Lisa Blanford  
Submitted By: Paul Jay Kelley

## 04/22/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #282  
Client: Lisa Blanford  
Firm Representative: Shawn Blanford  
Submitted By: Paul Jay Kelley  
Attachments: File 66621; NOI Blanford.pdf

## 04/22/2021 Residue Samples Collected

Original Event: Residue Collection #175796 (21-4-0409 3)  
Client: Lisa Blanford  
Submitted By: Paul Jay Kelley  
Sample: 21-4-0409 3 | Veg; Ctrl; OFF-T  
Sample: 21-4-0410 3 | Soil; Grab; 0-2"; Target  
Sample: 21-4-0411 9 | Veg; Comp; Target  
Sample: 21-4-0412 6 | Soil; Grab; 0-2"; OFF-T  
Sample: 21-4-0413 5 | Veg; Comp; OFF-T, 1yd  
Sample: 21-4-0414 2 | Veg; Comp; OFF-T, 25yd  
Sample: 21-4-0415 7 | Veg; Comp; OFF-T, 55yd

## 04/22/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #402  
Submitted By: Paul Jay Kelley  
Target Analyte: roundup  
Attachments: File 67759; Kelley 175796.pdf

04/28/2021 **Investigator Met with Target Activity**

On April 28, 2021, I visited the address listed for Ken Engle in Fairland, IN. I left a copy of an NOI with instructions for Mr. Engle to contact me ASAP. Furthermore, I have attempted to contact him by telephone on April 22 (3X), April 23 (4X), April 26, April 27, and April 28. Mr. Engle has not returned by calls.

Original Event: Investigation Activity (Pesticide) #2881  
Subject: Kenneth Engle  
Submitted By: Paul Jay Kelley

---

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

Original Event: Notice of Inspection #289  
Client: Kenneth Engle  
Firm Representative: Ken Engle  
Submitted By: Paul Jay Kelley  
Attachments: File 66923; NOI Engle.pdf

---

04/30/2021 **Investigator Met with Target Communication**

On April 30, 2021, I met with Ken Engle and his wife at their listed address. Mr. Engle was very confrontational, evasion, and un-cooperative during our meeting. Mr. Engle stated he applied Roundup to the utility easement (area in dispute) located on back of the Sweet property, adjacent to the Blanford property. Mr. Engle does not own property in the area sprayed. Mr. Engle would not provide the actual container of Roundup for inspection. Mr. Engle stated the area in dispute is a utility easement he made the Roundup application. I explained that it appeared he directly sprayed Mr. Blanford's property. Mr. Engle stated he sprayed the easement and someone else sprayed the Blanford property. I explained the area in question appeared to be a continuous application. Mr. Engle stated the spray was an "overdrift".

Original Event: Investigation Activity (Pesticide) #2897  
Subject: Kenneth Engle  
Submitted By: Paul Jay Kelley

---

05/01/2021 **Target Sent Text Message to Investigator Photographs**

On May 1, 2021, I received correspondence from Ken Engle.

Attachments

File 67210; From Ken Engle.msg.pdf

Original Event: Investigation Activity (Pesticide) #2918  
Subject: Kenneth Engle  
Submitted By: Paul Jay Kelley

---

05/04/2021 **Investigator Met with Subject Communication**

On May 4, 2021, I met with a representative of the Shelby County Plan commission to get clarification on the easement located on Jennifer Sweet's property. The Plan Commission representative stated based on the copy of the map of the Sweet, Blanford, and Engle residences, the easement in question lies solely on the Sweet property. The Plan Commission representative would not comment further due to ongoing litigation.

Original Event: Investigation Activity (Pesticide) #2939  
Subject: Shelby County Plan Commission  
Submitted By: Paul Jay Kelley

---

08/02/2021 **Received Residue Lab Report Investigatory Summary**

On August 2, 2021, OISC's Residue Lab reported the detection of Glyphosate on the Blanford property applied by Ken Engle to a disputed tract of land owned by David and Jennifer Sweet. Samples 21-4-0412 6 (soil) and 21-4-0413 5 (vegetation) indicated a direct application to the property of Mr. Blanford. Samples 21-4-0414 2 (25yds) and 21-4-0415 7 (55yds) indicated glyphosate movement. Mr. Blanford stated he did not apply any glyphosate to his property.

**First Page of Lab Report**

OCM Collection #	175796	Investigator	KELLEYJ		
Collection Date	04/22/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0409 3	Veg; Ctrl; OFF-T	Veg	AMPA	BDL ppb	66 ppb
			Glyphosate	BQL ppb	6 ppb
21-4-0410 3	Soil; Grab; 0-2"; Target	Soil	AMPA	72.2 ppb	66 ppb
			Glyphosate	219 ppb	66 ppb
21-4-0411 9	Veg; Comp; Target	Veg	AMPA	2010 ppb	66 ppb
			Glyphosate	43900 ppb * Result is Approximate	6 ppb
21-4-0412 6	Soil; Grab; 0-2"; OFF-T	Soil	AMPA	317 ppb	66 ppb
			Glyphosate	985 ppb	66 ppb
21-4-0413 5	Veg; Comp; OFF-T, 1yd	Veg	AMPA	3380 ppb	66 ppb
			Glyphosate	35400 ppb * Result is Approximate	6 ppb
21-4-0414 2	Veg; Comp; OFF-T, 25yd	Veg	AMPA	BDL ppb	66 ppb
			Glyphosate	BQL ppb	6 ppb

Original Event: Residue Lab Report #186099 (175796-R397)  
Submitted By: SYSTEM  
Lab Report: Lab Report 175796-R397.pdf

08/04/2021 **Investigation Activity Records**

Site diagram for area involved in investigation.

**Attachments**

File 75921; Site Diagram.pdf

Original Event: Investigation Activity (Pesticide) #3616  
Subject: Lisa Blanford  
Submitted By: Paul Jay Kelley

08/04/2021 **Wind Data Researched**

Weather data from the weather station located at the Indianapolis International airport indicated the wind was out of the east, northeast at 2.3mph blowing toward the Blanford property.

**Indianapolis International airport**

*Indianapolis, Indiana (37 miles W of site)*

**Time Direction Speed (mph)**

235pm ENE 2.3

**Attachments**

File 75917; asos-indy.txt

Original Event: Wind Data #40  
Submitted By: Paul Jay Kelley  
Date of Weather: 04/02/2021

08/06/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Kenneth Engle was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide to a property not under his control. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact harm was caused to the property of another.

Original Event: Judgement #767  
Primary: Kenneth Engle  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(5)  
Penalty Amount: 250

08/09/2021 **Notice of Enforcement Mailed to Target**



Original Event: Outgoing Mail #867  
To: Kenneth Engle  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 6643  
Enclosed: Notice of Enforcement  
Attachments: File 76769; PS21-0082EL CP ~ Kenneth Engle.docx

---

09/10/2021 **Mail Service Returned for Target**

Certified Mail returned to OISC as Unclaimed. Regular mail has not come back.

Original Event: Compliance Receipt #1249  
Subject: Kenneth Engle  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 6643  
Returned: 09/10/2021  
Attachments: File 85774; CM 7019 0140 0000 6113 6643 ~ Kenneth Engle ~ Unclaimed EL.pdf

---

01/21/2022 **Mail Confirmation Assumed for Target**

Original Event: Compliance Receipt #1250  
Subject: Kenneth Engle  
Submitted By: Joni Herman

---

08/08/2022 **Penalty Payment Not Received for Target**

As of August 8, 2022, Kenneth Engle has not paid the \$250.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1619  
Subject: Kenneth Engle  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$250.00  
Payment Received: \$0

---

08/08/2022 **Sent to Collections** (Pending)

As of August 8, 2022, Kenneth Engle had not paid the \$250.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1389  
Primary: Kenneth Engle  
Agency: Purdue Receivables & Collections  
Submitted By: Jacob A. Hatfield

---

08/11/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event: Outgoing Mail #1169  
To: Kenneth Engle  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 105823; PS21-0082 Kenneth Engle - Closed Case Letter - CP FWD.docx

---

08/24/2022 **Compliance Activity**

Mr. Engle called and stated he has documentation proving that the easement he sprayed is on his property. He stated he would send copies of the documentation to OISC.

Original Event: Compliance Activity #1448  
Primary: Kenneth Engle  
Submitted By: George Saxton

---

08/31/2022 **Informal Review Occurred**

Mr. Engle sent an email with a letter he stated was from the surveyor stating that the area sprayed belonged to him.

Original Event: Compliance Activity #1456  
Primary: Kenneth Engle  
Submitted By: George Saxton  
Stage: Informal Review  
Attachments: File 107839; Engle letter.pdf

---

09/01/2022 **Investigator Met with Subject Activity**

On September 1, 2022, I met with W. Taylor Sumerford, Shelby County Surveyor. I asked Mr. Sumerford to explain the legal description and plat map of Tract #7B of the survey for Ken Engle. Mr. Sumerford verified the 15 foot wide access and utility easement described in the "Legal Description" and Plat map as being solely on David and Jennifer Sweet's property not the complainant of this case Lisa and Sean Blanford. Thus, showing Kenneth Engle made an application of glyphosate to the Blanford property without consent or permission causing vegetation to die.

Attachments  
File 107957; surveyor.pdf

Original Event:	Investigation Activity (Pesticide) #5317
Subject:	W. Taylor Sumerford
Submitted By:	Paul Jay Kelley

---

09/01/2022 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #1162
Client:	W. Taylor Sumerford
Firm Representative:	W. Taylor Sumerford
Submitted By:	Paul Jay Kelley
Attachments:	File 107958; noi surveyor.pdf

---

**Chain of Custody**

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

<p>This record was generated on <b>September 22, 2022, 09:34 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:35 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0093

Department	Pesticide
Originated	04/26/2021
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Brian Woolums</b> Greencastle, IN 46135
Business	<b>Co Alliance Cooperative Inc</b> Bainbridge, IN 46105
Applicator	<b>James Landon Sherrill</b> Bainbridge, IN 46105
Agency	<b>Purdue Receivables &amp; Collections</b>

### Overviews

#### 11/15/2021 Investigation Summary

On April 26, 2021, Mr. Woolums reported that Co-Alliance made a pesticide application to a nearby field on April 17, 2021, that he believed had drifted onto his property and injured his trees.

On April 29, 2021, I arrived at Mr. Woolums' property, where I observed and photographed the injury to his vegetation. I collected samples from his property and the northwest field for analysis by the OISC Residue Lab and PPD.

I confirmed Mr. Sherrill with Co-Alliance made a pesticide applications to the field in question on April 17 & 18. I found the April 17 application occurred while the wind was blowing towards Mr. Woolums' property.

I later received the reports from PPD and the OISC Residue Lab report, which did not provide evidence that Co-Alliance's applications had caused injury to Mr. Woolums' property.

Submitted By: James M. Trimble  
Role: Investigator

#### 11/15/2021 Disposition Summary

Although drift could not be proven, Co Alliance Cooperative 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 by applying within 250 feet of a downwind sensitive area. 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.

Although drift could not be proven, James Landon Sherrill 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 by applying within 250 feet of a downwind sensitive area. Consideration was given to the fact this was Mr. Sherrill's first violation of similar nature and a restricted use pesticide was involved.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

04/26/2021 Intake Referral Filed

Complainant stated Co-Alliance made an application to a field north of his property on April 17, 2021, when the wind was from the northwest at a good rate. The complainant stated he now has injury to his trees.

Original Event: Intake Referral (Pesticide) #1910  
Complainant: Brian Woolums  
Respondent: Co Alliance Cooperative Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

04/26/2021 **Case Created**

Original Event: Case PS21-0093  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

04/27/2021 **Investigator Met with Complainant Communication**

On April 27, 2021, I called and spoke with Brian Woolums, who reported he had witnessed a pesticide application to the field located to the northwest of his property on April 17, 2021 at approximately 8:00 PM. Mr. Woolums stated he was inside his home when he heard the application being made to the field and could smell the odor of a pesticide. Mr. Woolums stated that the field's application occurred while the winds were blowing from the northwest, directly towards his property. Mr. Woolums stated that he had taken videos of the application with his phone. I asked Mr. Woolums to email me the videos he had recorded, which he stated he would.

Mr. Woolums stated that he believed Co-Alliance, Bainbridge, IN, was responsible for the field's application due to a pesticide drift incident that occurred on the previous year on his property. Mr. Woolums stated he traveled to the Co-Alliance location after witnessing the application to question why they had made the application while the wind was blowing towards his property. Mr. Woolums stated that he observed injury to his property's trees and other vegetation approximately one week after the field's application, including discolored leaves, loss of blooms and leaves, and curled leaves.

Original Event: Investigation Activity (Pesticide) #2893  
Subject: Brian Woolums  
Submitted By: James M. Trimble

---

04/27/2021 **Complainant Sent Text Message to Investigator Communication**

On April 27, 2021, Mr. Woolums sent me four text messages, containing three videos that he said was Co-Alliance's application to the northwest field. The videos were of poor quality, which made it hard for me to identify what the videos were showing. The first two videos had footage of what may have been agricultural equipment in the northwest field. The third video showed a flag posted on the north end of Mr. Woolums' property, blowing in the wind, which suggested a wind coming from the south but did not have the application to the field in its view. The last text contained a weather report that he had obtained from an unknown source and will not be used in my investigation. The videos were also not time stamped.

I was unable to upload the videos to his program.

Attachments

File 67214; 4-27-21 texts.pdf

Original Event: Investigation Activity (Pesticide) #2925  
Subject: Brian Woolums  
Submitted By: James M. Trimble

---

04/29/2021 **Residue Samples Collected**

Original Event: Residue Collection #176534 (21-4-1110 4)  
Client: Brian Woolums  
Submitted By: James M. Trimble  
Sample: 21-4-1110 4 | Swab (Acetone); Grab; Siding; OFF-T, Grad1, 120yd SE  
Sample: 21-4-1111 5 | Swab (Acetone); Grab; Post; OFF-T, Grad2, 75yd SE, porch  
Sample: 21-4-1112 7 | Swab (Acetone); Grab; Pole; OFF-T, Grad3, 30yd SE  
Sample: 21-4-1113 6 | Swab (Water); Ctrl; metal sign; OFF-T  
Sample: 21-4-1114 3 | Swab (Acetone); Trip Blank  
Sample: 21-4-1115 8 | Veg; Comp; OFF-T, Back Yard, Grad1, 115yd SE  
Sample: 21-4-1116 2 | Veg; Comp; OFF-T, Front Yard, Grad2, 55yd SE  
Sample: 21-4-1117 0 | Veg; Ctrl; OFF-T, Back Yard  
Sample: 21-4-1118 9 | Soil; Comp; 2-4"; Target, 50yd NW

---

04/29/2021 **Investigator Met with Complainant**

## Photographs

On April 29, 2021, I met with Mr. Woolums at his property to conduct my on-site investigation, where he showed me the injury symptoms to his trees and shrubs that he believed was from herbicide exposure. Mr. Woolums identified the field located to the northwest of his property as the field he had witnessed making the pesticide application and was responsible for the injury to the vegetation on his property.

During my on-site investigation, I observed and photographed Mr. Woolums' trees and shrubs. I observed his trees, which included Walnut, Tulip-Poplar, Oak, Apple, and Pawpaws to show injury symptoms that included dead blooms, leaf distortion, and leaf discoloration. I observed the bulk of the vegetation's injury to be consistent with what I believed to be frost exposure and/or minimal pesticide exposure. The cold and wet weather pattern on the days that followed the northwest field's application, which included snow and frost, would explain the vegetation's injury symptoms. I also did not observe any common signs of herbicide drift on Mr. Woolums property, such as injury patterns or an injury gradient.

I looked for potential sources of herbicide drift. I observed the field located to the northwest to show signs of a recent herbicide application by the dead and/or decaying vegetation within its borders. I observed the field's edges to have a pronounced spray line and did not show immediate signs of drift. The fields located to the east and west of Mr. Woolums' property had no signs of herbicide activity.

I collected samples of the vegetation that exhibited symptoms of injury from Mr. Woolums' property for assessment by the Purdue Pest and Plant Diagnostic Lab (PPDL).

I then collected gradient swab samples and vegetation samples from Mr. Woolums' property, as well as a soil sample from the northwest field for analysis by the OISC Residue Lab.

I had also informed Mr. Woolums that the videos I had received from him, via text message, were of the poor quality and requested that he resend them to me by email.

### **Distorted leaves, stem dieback (File 67231)**



Leaf discoloration and dying buds (File 67234)



Attachments



File 67215



File 67216



File 67217



File 67218



File 67219



File 67220



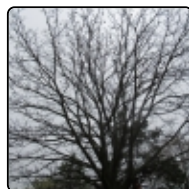
File 67221



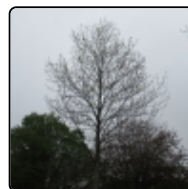
File 67222



File 67223



File 67224



File 67225



File 67226



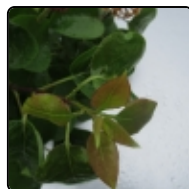
File 67235



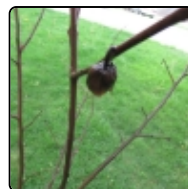
File 67236



File 67237



File 67238



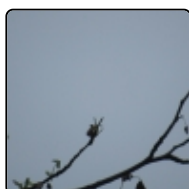
File 67239



File 67240



File 67241



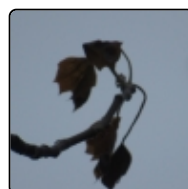
File 67242



File 67243



File 67244



File 67245

Original Event:  
Subject:  
Submitted By:

Investigation Activity (Pesticide) #2926  
Brian Woolums  
James M. Trimble



04/29/2021 **Notice of Inspection Issued**  
Original Event: Notice of Inspection #306  
Client: Brian Woolums  
Firm Representative: Brian Woolums  
Submitted By: James M. Trimble  
Attachments: File 67246; WoolumsNOI.pdf

---

04/29/2021 **Investigator Called Business Communication**

On April 29, 2021, I called Co-Alliance-Bainbridge and spoke with their Manager, Dylon Miller. I informed Mr. Miller of my investigation at Mr. Woolums' property, which he stated he was aware of the situation and was expecting my call due to Mr. Woolums' visit to their business. Mr. Miller confirmed they were responsible for the northwest field's pesticide applications and believed their application was completed per the pesticide's label instructions. Mr. Miller was advised of the Pesticide Investigation Inquiry (PII), its instructions, and that I would email him the form later that day.

Original Event: Investigation Activity (Pesticide) #2928  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

04/29/2021 **Investigator Sent Fax/Email to Business Communication**

On April 29, 2021, I sent an email to Mr. Miller containing the PII with instructions to have it completed and returned to me within 15 days of its reception.

Attachments  
File 67248; 4-29-21email.pdf

Original Event: Investigation Activity (Pesticide) #2929  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

04/29/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #176945 (X21-C4AD95)  
Client: Brian Woolums  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-C4AD95 | Vegetation samples taken from Mr. Woolums' property.  
Attachments: File 67256; ResponseSummary (24).pdf

---

04/29/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #407  
Submitted By: James M. Trimble  
Target Analyte: Roundup Powermax  
Target Analyte: Atrazine 4L  
Target Analyte: 2,4-D LV6  
Target Analyte: Resicore  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf)  
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
Attachments: File 67678; Trimble 176534.pdf

---

04/30/2021 **Investigator Received Fax/Email from Business Investigation Inquiry**

On April 30, 2021, I received the PII from Mr. Miller. After reviewing the PII, I found the field's application had started and ended on two separate days, making it two separate applications. Two PIIs will have to be completed for the field's applications.

**Inquiry Overview**

Certified Applicator James Sherill  
Company Co-Alliance  
Application Type Commercial

**Attachments**

File 67250; Co-Alliance.pdf  
File 67249; PII.pdf

Original Event: Investigation Activity (Pesticide) #2931  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

04/30/2021 **Received External Lab Report**

On April 30, 2021, I received the report from the PPD, which stated, "There were no injury symptoms in sample 21-00272 that could be associated with exposure to any herbicide. Dead meristems/growing points are characteristic symptoms of cold weather injury." It further stated, "The walnut branches show canker development around damaged leaf scars, causing stem and branch tip dieback. Fungal leaf spots are present on apple leaves, some looking similar to frog-eye leaf spot. Clusters of foliage, primarily new growth, are blighted which is suspected to be caused by cold injury."

Original Event: External Lab Report #176946 (X21-C4AD95)  
Submitted By: James M. Trimble  
Sample: X21-C4AD95  
Attachments: File 67257; FinalReport\_Mitch Trimble.pdf

---

05/03/2021 **Online Investigation Activity Activity**

Residue collection map created.

Attachments



File 67247

Original Event: Investigation Activity (Pesticide) #2927  
Submitted By: James M. Trimble

---

05/03/2021 **New Respondent Identified**

Original Event: Investigation Change #34  
Respondent: James Landon Sherrill  
Submitted By: James M. Trimble

---

05/03/2021 **Investigator Sent Fax/Email to Business Communication**

On May 3, 2021, I sent an email to Mr. Miller containing two new PIs and an explanation that two PIs needed to be completed for their applications to the northwest field due to the application starting and ending on two separate days, making it two separate applications.

Attachments

File 67251; 5-3-21email CA.pdf

Original Event: Investigation Activity (Pesticide) #2932  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

05/03/2021 **Investigator Sent Fax/Email to Complainant Communication**

On May 3, 2021, I sent an email to Mr. Woolums, reminding him to email me the videos he obtained of the application to the northwest field due to the poor quality of the videos he had previously sent me, via text message.

Later in the day, Mr. Woolums responded that he was working on sending them to me.

Attachments

File 67253; 5-3-21email from.pdf

File 67252; 5-3-21email wool.pdf

Original Event: Investigation Activity (Pesticide) #2933  
Subject: Brian Woolums  
Submitted By: James M. Trimble

---

05/03/2021 **Investigator Received Fax/Email from Complainant**

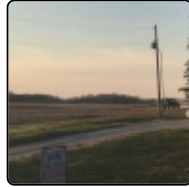


## Photographs

On May 3, 2021, Mr. Woolums emailed me one of the videos he stated he had obtained from his phone of the application to the northwest field on April 17, 2021. I observed the video to be much better quality than the video he had sent via text. I observed the video to be taken from a distance and showed the sprayer in the northwest field near dusk. I observed the sprayer to be traveling south while spraying what looked to be a liquid substance for a brief time before turning to the east and out of sight. I observed a mist and/or dust to be suspended in the air and follow behind the sprayer as it was traveling to the south, which is a common occurrence for spraying equipment to "drag" airborne particles with it as it travels. I did not observe obvious signs of a misapplication in the video, as the trees shown had very little movement and was not an indicator of wind direction.

The video was too large and could not be uploaded. A still picture was added for reference.

### Attachments



File 67694

Original Event: Investigation Activity (Pesticide) #2966  
Subject: Brian Woolums  
Submitted By: James M. Trimble

---

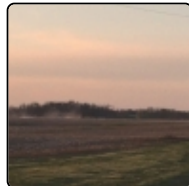
## 05/04/2021 Investigator Received Fax/Email from Complainant

### Photographs

On May 5, 2021, Mr. Woolums emailed me two additional videos, which were short in length. The videos didn't show the sprayer in the northwest field but I could hear what sounds like running equipment in the background. The videos showed what looked to be suspended particles hanging over the north field at dusk. The lack of movement of the particles suspended in the air over the field, though unidentified, showed very little wind movement.

An error occurred while trying to upload the videos. A still picture was added for reference.

### Attachments



File 67696

File 67695; 5-4-21emails.pdf

Original Event: Investigation Activity (Pesticide) #2967  
Subject: Brian Woolums  
Submitted By: James M. Trimble

---

## 05/05/2021 Investigator Received Fax/Email from Business

### Investigation Inquiry

On May 5, 2021, Mr. Miller emailed me the two completed PIIs for the two applications to the northwest field by James Sherrill on April 17 and April 18, 2021.

On November 12, 2021, I received an amended PII for the corrected weather direction and speed for their April 17 application. The wind direction changed from coming from the SSE to coming from the NNW and the wind speed changed from 1 MPH to 3 MPH. The corrected wind direction of NNW would signify that the wind was blowing towards Mr. Woolums' property at the time of the application.

### Inquiry Overview

Certified Applicator James Sherrill  
Company Co-Alliance  
Application Type Commercial

### Tank Mix

Product	EPA	Rate
Roundup Powermax	524-549	32 oz
Atrazine 4L	1381-158	2 PT
2,4-D LV6	1381-250	16 oz
Resicore	62719-693	1.5 qt

**Application #1**

Date	Start	End
04/17/2021	7:37 PM	8:00 PM

**Application #2**

Date	Start	End
04/18/2021	7:00 AM	8:59 AM

**Air Conditions During Application #1**

Time	Temp	Direction	Speed
Start	39°F	NNW	3mph
End	39°F	NNW	3mph

**Air Conditions During Application #2**

Time	Temp	Direction	Speed
Start	45°F	W	1mph
End	45°F	W	1mph

**Attachments**

File 83607; 11-12 PII.pdf  
File 67690; Brian Woolums Form 2nd Day.pdf  
File 67689; Brian Woolums Form.pdf  
File 67691; Brian Woolums.pdf

Original Event: Investigation Activity (Pesticide) #2963  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf)  
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)

---

08/02/2021 **Received Residue Lab Report**

**Investigatory Summary**

On August 2, 2021, I received the lab report from the OISC Residue Lab. The lab report stated it had detected only trace amounts of Acetochlor and Atrazine in the swab samples (#21-4-1110 to #21-4-1114). Atrazine was the only analyte found on the vegetation samples (#21-4-1115 to #21-4-1117) that was above its quantification limit, but was within its environmental baseline.

The lab results did not support that Co-Alliance's pesticide application to the northwest field on April 17 or April 18 had drifted off-target in sufficient quantity to cause harm to Mr. Woolums' property.

# First Page of Lab Report

OCM Collection #	176534	Investigator	TRIMBLEJ		
Collection Date	04/29/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1110 4	Swab (Acetone); Grab; Siding; OFF-T, Grad1, 120yd SE	Swab (Acetone)	Acetochlor	BQL ng/swab * Estimated amount	2 ng/swab
			Atrazine	0.941 ng/swab * Estimated amount	0.2 ng/swab
			Mesotrione	BDL ng/swab	0.2 ng/swab
21-4-1111 5	Swab (Acetone); Grab; Post; OFF-T, Grad2, 75yd SE, porch	Swab (Acetone)	Acetochlor	7.90 ng/swab * Estimated amount	2 ng/swab
			Atrazine	5.55 ng/swab * Estimated amount	0.2 ng/swab
			Mesotrione	BDL ng/swab	0.2 ng/swab
21-4-1112 7	Swab (Acetone); Grab; Pole; OFF-T, Grad3, 30yd SE	Swab (Acetone)	Acetochlor	BQL ng/swab * Estimated amount	2 ng/swab
			Atrazine	1.41 ng/swab * Estimated amount	0.2 ng/swab
			Mesotrione	BDL ng/swab	0.2 ng/swab
21-4-1113 6	Swab (Acetone); Ctrl; metal sign; OFF-T	Swab (Acetone)	Acetochlor	8.30 ng/swab * Estimated amount	2 ng/swab
			Atrazine	20.2 ng/swab * Estimated amount	0.2 ng/swab
			Mesotrione	BDL ng/swab	0.2 ng/swab

Original Event: Residue Lab Report #186102 (176534-R397)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 176534-R397.pdf

## 11/10/2021 Wind Data Researched

After comparing the weather data collected from the four above weather stations to the PII completed by Mr. Miller, I found a discrepancy of the wind direction during the time of their application. The PPI listed the wind direction as coming from the south, southeast at the start and end (7:37-8:00 PM) of Mr. Sherrill's application. I found that the weather stations had listed the wind as coming from the north in general, which was opposite of the PII.

### Indianapolis International Airport Station

*Indianapolis, Indiana (29 miles E of site)*

**Time Direction Speed (mph)**

8:00 PM NNW 8

### Terre Haute International Airport Station

*Terre Haute, Indiana (30 miles SW of site)*

**Time Direction Speed (mph)**

8:00 PM CALM 0

### Purdue University Station

*West Lafayette, Indiana (48 miles N of site)*

**Time Direction Speed (mph)**

8:00 PM NNE 6

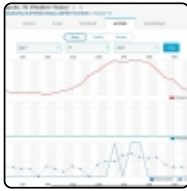
### Putnam County Regional Airport

*Greencastle, Indiana (5.5 miles SSE of site)*

**Time Direction Speed (mph)**

7:55 PM N 12

## Attachments



File 83394



File 83395



File 83396

File 83445; GPC.pdf  
File 83446; HUF.pdf  
File 83444; IND 4-17.pdf

Original Event: Wind Data #68  
Submitted By: James M. Trimble  
Date of Weather: 04/17/2021

---

### 11/10/2021 Wind Data Researched

I also compared the PII with the weather data for Mr. Sherrill's April 18 application, which I found them to match.

#### Indianapolis International Airport Station

*Indianapolis, Indiana (29 miles E of site)*

**Time      Direction      Speed (mph)**

8:00 AM W              5

## Attachments



File 83397



File 83398



File 83399

File 83447; GPC.pdf  
File 83448; HUF.pdf  
File 83449; IND 4-18.pdf

Original Event: Wind Data #69  
Submitted By: James M. Trimble  
Date of Weather: 04/18/2021

---

### 11/10/2021 Investigator Sent Fax/Email to Business Communication

After discovering the wind discrepancy between Co-Alliance's completed PII and the weather data, I emailed Mr. Miller on November 10, 2021 to inquire since it is a common mistake for applicators to record which direction the wind was blowing to, not from. Shortly thereafter, I received a response from Mr. Miller stating he would check his records and let me know.

#### Attachments

File 83602; 11-10 email.pdf

Original Event: Investigation Activity (Pesticide) #4121  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

### 11/12/2021 Investigator Received Fax/Email from Business Communication

On November 12, I received an email from Mr. Miller, which stated that he had mistakenly wrote down the direction the wind was blowing towards not the direction it was coming from. Later that day, Mr. Miller sent me a revised PII for their 4-17 application.

I amended the information on Pesticide Investigation Activity #2963 to list the new wind data submitted.

#### Attachments

File 83606; 11-12 PII.pdf  
File 83603; 11-12-21 2.pdf  
File 83604; 11-12-21email.pdf  
File 83605; Wind Speed 4-17-21.csv

Original Event: Investigation Activity (Pesticide) #4122  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

### 11/15/2021 Online Investigation Activity

## Label Use

On November 15, 2021, I reviewed the labels of the pesticides used by Mr. Sherrill for his applications on April 17 & April 18, 2021, to the field located to the northwest of Mr. Woolums' property. I found the following label violation for Mr. Sherrill's April 17 application:

**2,4-D LV6** (EPA Reg. #1381-250, active ingredient of 2,4-D)

- *"Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind."*

Although the wind was blowing NNE (towards) Mr. Woolums' property at the time of Mr. Sherrill's April 17 application, the OISC Residue Lab results, along with my observations and the PPD L report that Mr. Woolums' vegetation suffered from cold weather injury, not herbicide injury, I found Co-Alliance's pesticide application did not move off-target in sufficient quantity to cause harm to Mr. Woolums' property.

Original Event:	Investigation Activity (Pesticide) #4124
Subject:	Co Alliance Cooperative Inc
Submitted By:	James M. Trimble
PPLS Labels:	<a href="https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf">001381-00158-20211110.pdf</a> <a href="https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf">https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf</a>
	<a href="https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf">001381-00250-20171213.pdf</a> <a href="https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf">https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf</a>
	<a href="https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf">000524-00549-20200225.pdf</a> <a href="https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf">https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf</a>
	<a href="https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf">062719-00693-20170524.pdf</a> <a href="https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf">https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf</a>

---

### 11/15/2021 **Judgement; Civil Penalty Assessed** **Citation**

Although drift could not be proven, James Landon Sherrill 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 by applying within 250 feet of a downwind sensitive area. Consideration was given to the fact this was Mr. Sherrill's first violation of similar nature and a restricted use pesticide was involved.

#### **Civil Penalty**

Although drift could not be proven, Co Alliance Cooperative 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 by applying within 250 feet of a downwind sensitive area. 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 #843
Primary:	Co Alliance Cooperative Inc
Secondary:	James Landon Sherrill
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(2)
Penalty Amount:	250

---

### 01/03/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #953
To:	Co Alliance Cooperative Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8107
Enclosed:	Notice of Enforcement
Attachments:	File 85183; PS21-0093EL CP ~ Co-Alliance Cooperative - James L. Sherrill.docx

---

### 01/13/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1349
Subject:	Co Alliance Cooperative Inc
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 8107
Received:	01/13/2022
Attachments:	File 86594; CM 7019 1640 0001 2601 8107.pdf

---

### 08/10/2022 **Penalty Payment Not Received for Target**

As of August 10, 2022, Co Alliance Cooperative Inc has not paid the \$250.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1622
Subject:	Co Alliance Cooperative Inc
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$250.00
Payment Received:	\$0

---

08/10/2022 **Sent to Collections**

As of August 10, 2022, Co Alliance Cooperative Inc had not paid the \$250.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1400
Primary:	Co Alliance Cooperative Inc
Agency:	Purdue Receivables & Collections
Submitted By:	Jacob A. Hatfield

---

08/11/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1170
To:	Co Alliance Cooperative Inc
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 105824; PS21-0093 Co Alliance Copperative Inc - Case Closed Letter - CP FWD.docx

---

09/06/2022 **Received Penalty Payment for Target**

Civil Penalty received. Collection process terminated.

Original Event:	Compliance Receipt #1680
Subject:	Co Alliance Cooperative Inc
Submitted By:	Joni D. Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 108933; PS21-0093 Co-Alliance Cooperative ~ CP Received 9-6-2022.pdf

---

09/12/2022 **Notice Mailed to Target**

Letter documenting civil penalty received from Co-Alliance and termination of the collections process.

Original Event:	Outgoing Mail #1240
To:	Co Alliance Cooperative Inc
Submitted By:	Joni D. Herman
Enclosed:	Notice
Attachments:	File 108961; PS21-0093 CoAlliance ~ Case Closed Update ~ Collections Terminated.docx

---

09/12/2022 **Notice Mailed to Complainant**

Letter documenting civil penalty received from Co-Alliance and termination of the collections process.

Original Event:	Outgoing Mail #1241
To:	Brian Woolums
Submitted By:	Joni D. Herman
Enclosed:	Notice
Attachments:	File 108964; PS21-0093 Brian Woolums ~ Case Closed Update ~ Collections Terminated.docx

---

**Chain of Custody**

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

<p>This record was generated on <b>September 22, 2022, 09:35 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **August 5, 2022, 08:02 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0111

Department	Pesticide
Originated	05/18/2021
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Anonymous</b>
Business	<b>Scotts Termite &amp; Pest Control</b> Bloomington, IN 47403
Employer	<b>Tonya Figg</b> Bloomington, IN 47403
-	<b>Monroe County Health Dept</b> Bloomington, IN 47404

### Overviews

#### 11/12/2021 Investigation Summary

On May 17, 2021, an anonymous complainant reported that he witnessed Scotts Termite and Pest Control employees clean their application equipment in a sink that discharges on the ground, close to a wellhead.

On May 19, 2021, I arrived at the business for my on-site investigation, where I observed a utility sink located inside the building that had its drain pipe routed through the building's wall and discharged onto the ground near their wellhead. I also collected soil and water samples from the property.

I later spoke with the business owner, Ms. Figg, who admitted that their employees used the sink to clean their contaminated application equipment but was unaware that the sink discharged outside, onto the soil.

The OISC Residue Lab found multiple pesticide active ingredients in the soil under the sink's discharge pipe and in the building's well water. I found multiple label violations for improper pesticide disposal.

Submitted By: James M. Trimble  
Role: Investigator

#### 11/15/2021 Disposition Summary

Scotts Termite & Pest Control was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding pesticide disposal. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$125.00. Consideration was given to the fact Scotts Termite & Pest Control cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/17/2021 Intake Referral Filed

Complainant stated that they have observed milky water running out of a pipe that exits through the wall of the Scotts Termite and Pest Control building. In addition the complainant stated they recently observed through an open door that the pipe appears to connect directly to a sink inside the building where employees wash out application equipment. Complainant stated there appears to be a well within 10 feet of the washout pipe.

Original Event:	Intake Referral (Pesticide) #1952
Complainant:	Anonymous
Respondent:	Scotts Termite & Pest Control
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

---

05/18/2021 **Case Created**

Original Event:	Case PS21-0111
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

---

05/19/2021 **Investigator Met with Business Photographs**

On May 19, 2021, I arrived at Scott's Termite & Pest Control to conduct my on-site investigation of the business possibly cleaning their pesticide application equipment in a utility sink that directly drained onto the ground outside with a wellhead nearby. Upon my arrival, I met with Office Manager, Donna Benham, who stated she didn't know about the use or cleaning procedures of the application equipment used by the applicators but would attempt to contact someone I could speak with. Ms. Benham stated that she had seen employees fill tanks with water from the sink but had never seen an employee empty or clean equipment in the sink.

While on-site, I observed and photographed the indoor, outdoor, and the surroundings of the building that Scott's Termite & Pest currently occupies. Inside the building, I observed a utility sink in the southwest corner of the building that had a backpack sprayer labeled "B&G PestPro II" sitting underneath it with its application wand resting on the sink's counter. Next to the sink, I observed a granular substance in a container labeled "Neutralize Spray Tank Cleaner", along with other cleaning products, such as disposable shop rags, nitrile gloves, sponges, hand cleaners, and dish soap. I then observed the sink's PVC drainage pipe had been plumbed to go through the south wall of the building.

While outside of the building, I observed the sink's PVC drain pipe continued from the inside wall to the outside wall of the building. The sink's drain pipe extended approximately 12" out from the building's exterior wall and stop, leaving an open ended pipe that looked to drain directly onto the ground's surface. I observed the ground beneath and downhill from the drain pipe to show signs of a run-off pattern, that included bare ground and sediment wash-out. I observed a wellhead for groundwater near the southwest corner of the building, approximately 15' west of the sink's drain pipe.

I then went back inside of the building and found that the sink's cold water line led to a well water pressure tank. I turned on the sink's faucet, went outside, and confirmed that the sink's drain pipe was discharging the sink's water directly onto the ground outside of the building. I did not observe any other drain outlets on the outside of the building. I also observed a garden hose hanging on the inside wall, next to the well pressure tank, with a small white trash receptacle placed on underneath the hose.

I then collected three soil samples and a water sample from the property of Scott's Termite & Pest Control for analysis by the OISC Residue Lab.

**Sink with sprayer underneath (File 68273)**





**Sink's water discharge (File 68304)**



**Drain discharge with evidence of run-off (File 83459)**





Wellhead to sink's discharge pipe (File 68281)



Attachments



File 68265



File 68266



File 68267



File 68268



File 68269



File 68270



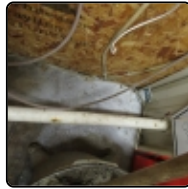
File 68271



File 68272



File 68276



File 68277



File 68278



File 68279



File 68280



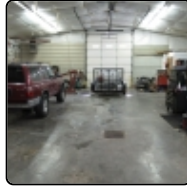
File 68282



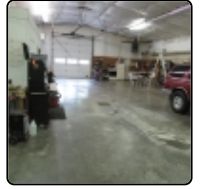
File 68283



File 68284



File 68285



File 68286



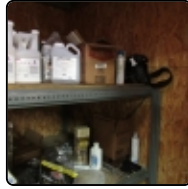
File 68287



File 68288



File 68289



File 68290



File 68291



File 68292



File 68293



File 68294



File 68295



File 68296



File 68297



File 68298



File 68299



File 68300



File 68301



File 68302



File 68303



File 68305



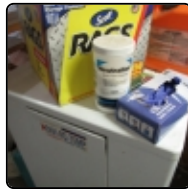
File 68306



File 68307



File 68308



File 68309

Original Event: Investigation Activity (Pesticide) #3048  
Subject: Scotts Termite & Pest Control  
Submitted By: James M. Trimble

05/19/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #339  
Client: Scotts Termite & Pest Control  
Firm Representative: Donna Benham  
Submitted By: James M. Trimble  
Attachments: File 68313; Scott's Termite NOI.pdf

05/19/2021 **Investigator Called Business**

## Communication

While on-site at Scott's Termite & Pest, I spoke with the Owner, Tonya Figg, via phone, who confirmed she was currently operating the business since her father had passed the past December. Ms. Figg stated she didn't know about the use or cleaning procedures that her employees used to clean their equipment but believed that they had a hose and rinsing tank for that purpose. I asked Ms. Figg to have an employee who was familiar with their equipment's use and procedures to call me. Ms. Figg stated that their certified applicator was in the hospital at the time but would have someone contact me. Ms. Figg stated the wellhead I observed was the building's only water source and it did not feed any other property or buildings.

Original Event: Investigation Activity (Pesticide) #3050  
Subject: Tonya Figg  
Submitted By: James M. Trimble

---

### 05/19/2021 Residue Samples Collected

Original Event: Residue Collection #178552 (21-4-1137 6)  
Client: Scotts Termite & Pest Control  
Submitted By: James M. Trimble  
Sample: 21-4-1137 6 | Soil; Grab; 2-4"; Target, Grad1, 20ft S  
Sample: 21-4-1138 2 | Soil; Grab; 2-4"; Target, Grad2  
Sample: 21-4-1139 5 | Soil; Ctrl; 2-4"; Target  
Sample: 21-4-1140 0 | Ground Water; Grab; well; Target

---

### 05/19/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #423  
Submitted By: James M. Trimble  
Target Analyte: Bora-Care  
Target Analyte: Talstar  
Target Analyte: Taurus SC  
Target Analyte: Transport  
Target Analyte: Zenprox  
Target Analyte: Temprid  
Target Analyte: Fastcap  
Target Analyte: Crossfire  
Target Analyte: Tekko Pro  
Target Analyte: Precor  
PPLS Labels: 001021-02574-20160708.pdf

[https://www3.epa.gov/pesticides/chem\\_search/ppls/001021-02574-20160708.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001021-02574-20160708.pdf)

001021-02776-20200205.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001021-02776-20200205.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001021-02776-20200205.pdf)

002724-00352-20210219.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/002724-00352-20210219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00352-20210219.pdf)

002724-00804-20150630.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/002724-00804-20150630.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00804-20150630.pdf)

000279-03206-20161005.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03206-20161005.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03206-20161005.pdf)

000432-01544-20160810.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01544-20160810.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20160810.pdf)

053883-00279-20200617.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00279-20200617.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00279-20200617.pdf)

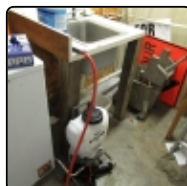
053883-00335-20171122.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00335-20171122.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00335-20171122.pdf)

064405-00001-20210518.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/064405-00001-20210518.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/064405-00001-20210518.pdf)

008033-00109-20140106.pdf  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/008033-00109-20140106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/008033-00109-20140106.pdf)

Attachments: File 69488; Trimble 178552.pdf

Photos:



File 68310



File 68312



File 68311



## Communication

On May 21, 2021, I contacted Ms. Figg regarding Scott's Termite and Pest Control equipment clean-out and rinsate disposal procedures. Ms. Figg stated that she had spoken with two of her employees, Matthew Hobbs & Riley Figg, about the above procedures. Ms. Figg stated that Mr. Hobbs and Mr. Figg had advised her they had been cleaning & rinsing their sprayers in the utility sink, which is how they were trained by a former employee/supervisor. Ms. Figg stated that she and the other employees did not know that the sink's drain pipe was routed to go through the wall and drain directly onto the ground outside of the building.

Ms. Figg stated that they had already rerouted the sink's drain pipe to discharge into a separate receptacle that will capture the rinsate, which they will then dispose of or reapply it properly.

Original Event: Investigation Activity (Pesticide) #3075  
Subject: Tonya Figg  
Submitted By: James M. Trimble

## 05/24/2021 Online Investigation Activity Activity

On May 24, 2021, I created a collection map for the samples I collected from Scott's Termite & Pest Control on May 19, 2021.

Attachments



File 68695

Original Event: Investigation Activity (Pesticide) #3076  
Submitted By: James M. Trimble

## 10/19/2021 Received Residue Lab Report Investigatory Summary

On October 19, 2021, I received the lab report from the OISC Residue Lab, which listed it had detected high concentration levels of Bifenthrin, Cyfluthrin, Novaluron, Piperonyl Butoxide, Pyriproxyfen, Fipronil, & Imidacloprid, in soil sample #21-4-1138 (Gradient 2), which was collected directly below the sink's discharge pipe. The lab report also found low levels of the analytes in sample #21-4-1137 (Gradient 1), which was collected approximately 20' downhill from Gradient #2. The results from Gradient 1 and Gradient 2 established a gradient of the analytes, which showed that the soil directly below the sink's discharge pipe started very strong and became weaker as the contaminated rinse water traveled further from the discharge point. The established gradient's wide concentration margin was explained by the low soil activity of the analytes listed. The lab had also detected trace amounts of Fipronil and Imidacloprid in the well water sample I collected from the sink's faucet, sample #21-4-1140.

The elevated amounts of the analytes found in sample #21-4-1138 were consistent with repeated exposure to the soil below the sink's discharge pipe, such as using the sink for pesticide equipment and/or pesticide container clean-out. Due to the low soil activity of the analytes tested, the trace amounts of Fipronil and Imidacloprid found in the well water were consistent with chronic exposure to the soil above the wellhead's location.

### First Page of Lab Report

OCM Collection #	178552	Investigator	TRIMBLEJ			
Collection Date	05/19/2021					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
21-4-1137 6	Soil; Grab; 2-4"; Target, Grad1, 20ft S	Soil	Bifenthrin	BDL ppb * Minimum amount report	0.4 ppb	
			Cyfluthrin	3.34 ppb * Minimum amount report	2 ppb	
			Novaluron	BQL ppb * Minimum amount report	0.4 ppb	
			Piperonyl Butoxide	4.30 ppb	0.2 ppb	
			Prallethrin	BDL ppb	2 ppb	
			Pyriproxyfen	BDL ppb	0.2 ppb	
			Acetamiprid	BDL ppb	0.3 ppb	
			Fipronil	2.77 ppb	0.3 ppb	
			Imidacloprid	42.7 ppb	0.3 ppb	

Original Event: Residue Lab Report #192642 (178552-R453)  
Submitted By: SYSTEM  
Lab Report: Lab Report 178552-R453.pdf

**Label Use**

On November 12, 2021, I reviewed the pesticide product labels for the pesticide containers I observed at Scott's Termite and Pest that matched an active ingredient found by the OISC Residue Lab in the soil and/or water samples that I had collected from their property.

After my review, I determined that Scott's Termite and Pest failed to follow the directions of multiple pesticide labels by cleaning their contaminated application equipment in a utility sink that discharged onto the soil outside of the building in close proximity to the building's well. Per the pesticide product's label language listed below, I found Scott's Termite and Pest did not dispose of their pesticide waste properly, which in return, contaminated their well water:

**Taurus SC** (EPA Reg. #53883-279, active ingredient of Fipronil)

- **"DO NOT contaminate wells or cisterns."**
- *"Do not contaminate water by cleaning equipment or disposal of wastes."*
- *"Do not contaminate public and private water supplies."*
- *"Do not contaminate water, food or feed by storage or disposal."*
- **Pesticide Disposal** *"Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance."*

**Tempriid** (EPA Reg. #432-1544, active ingredients of Imidacloprid & Cyfluthrin)

- *"Do not contaminate water, food, or feed by storage or disposal."*
- *"Never place unused product down any indoor or outdoor drain."*

**Talstar** (EPA Reg. #279-3206, active ingredient of Bifenthrin)

- **"Pesticide Disposal:** *Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. Dispose of excess or waste pesticide by use according to label directions, or contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance."*

**Fastcap** (EPA Reg. #1021-2574, active ingredients of Esfenvalerate, Prallethrin, & Piperonyl butoxide)

- **"PESTICIDE DISPOSAL:** *To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program"*

**Transport** (EPA Reg. #8033-109-279, active ingredients of Acetamiprid & Bifenthrin)

- **"Pesticide Disposal:** *Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. Dispose of excess or waste pesticide by use according to label directions, or contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance."*

**Tekko Pro** (EPA Reg. #53883-335, active ingredients of Novaluron & Pyriproxyfen)

- **"PESTICIDE DISPOSAL:** *Improper disposal of excess pesticide, spilled bait, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance."*

**Zenprox EC** (EPA Reg. #2724-804, active ingredients of Etofenprox & Piperonyl butoxide)

- **Pesticide Disposal:** *To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program."*

Original Event: Investigation Activity (Pesticide) #4111

Subject: Scotts Termite & Pest Control

Submitted By: James M. Trimble

PPLS Labels: [001021-02574-20160708.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/001021-02574-20160708.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001021-02574-20160708.pdf)

[001021-02776-20200205.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/001021-02776-20200205.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001021-02776-20200205.pdf)

[002724-00352-20210219.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/002724-00352-20210219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00352-20210219.pdf)

[002724-00804-20150630.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/002724-00804-20150630.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00804-20150630.pdf)

[000279-03206-20161005.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03206-20161005.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03206-20161005.pdf)

[000432-01544-20160810.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01544-20160810.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20160810.pdf)

[053883-00279-20200617.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00279-20200617.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00279-20200617.pdf)

[053883-00335-20171122.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00335-20171122.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00335-20171122.pdf)

[064405-00001-20210518.pdf](#)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/064405-00001-20210518.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/064405-00001-20210518.pdf)

---

**11/15/2021 Judgement; Civil Penalty Assessed****Civil Penalty**

Scotts Termite & Pest Control was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding pesticide disposal. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$125.00. Consideration was given to the fact Scotts Termite & Pest Control cooperated during the investigation and corrective action was taken.

Original Event: Judgement #835  
Primary: Scotts Termite & Pest Control  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 125

---

**11/17/2021 Investigator Sent Fax/Email to Subject Communication**

On November 17, 2021, I called and spoke with Shian'ah Cox, Environmental Health Specialist-Wastewater, with the Monroe County Health Department (MCHD). I advised Ms. Cox about the OISC Residue Lab's findings in the well water at 1701 W Allen St., Bloomington, IN. Ms. Cox stated that the MCHD no longer has a well water testing program or department but would like the information sent to them for their records. I later emailed Ms. Cox our lab report for the well water.

**Attachments**

File 83749; 11-17 email.pdf

Original Event: Investigation Activity (Pesticide) #4135  
Subject: Monroe County Health Dept  
Submitted By: James M. Trimble

---

**12/15/2021 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #948  
To: Scotts Termite & Pest Control  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2601 8657  
Enclosed: Notice of Enforcement  
Attachments: File 84920; PS21-0111EL CP Mitigated ~ Scotts Termite & Pest Control.docx

---

**01/25/2022 Received Penalty Payment for Target**

Original Event: Compliance Receipt #1360  
Subject: Scotts Termite & Pest Control  
Submitted By: Joni Herman  
Payment Expected: \$125.00  
Payment Received: \$125.00  
Attachments: File 87183; PS21-0111 ~ Scotts Termite & Pest Ctrl ~ CP Received.pdf

---

**07/28/2022 Received Mail Confirmation for Target**

Green card never OISC. Per USPS tracking mail was delivered 12/23/2021

Original Event: Compliance Receipt #1581  
Subject: Scotts Termite & Pest Control  
Submitted By: Jacob A. Hatfield  
USPS: 7019 1640 0001 2601 8657  
Received: 12/23/2021  
Attachments: File 103809; CM 7019 1640 0001 2601 8657 - PS21-0111 - DELVD 12-23-2021.pdf

---

**Chain of Custody**

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



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 **September 22, 2022, 09:36 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0112

Department	Pesticide
Originated	05/19/2021
Assigned To	William R. Reid
Status	Closed

### Involved Parties

Complainant	<b>Anonymous</b>
Respondent	<b>Michael Trent Henderson</b> Greenfield, IN 46140
Agency	<b>Purdue Receivables &amp; Collections</b>

### Overviews

#### 02/24/2022 Investigation Summary

Mr. Henderson made two separate applications at two different properties on two different days of fertilizer without being licensed. He hasn't been licensed with OISC since 2001. He admitted to these applications and provided one of the invoices for the services performed and wrote the address of the other location on that invoice. He was very delayed getting invoices for the investigation due to computer problems and was difficult to reach by phone.

Submitted By: William R. Reid  
Role: Investigator

#### 02/28/2022 Disposition Summary

Michael Trent Henderson was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly applying a pesticide/fertilizer for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/19/2021 Intake Referral Filed

Anonymous complainant wrote Trent Henderson has been making lawn applications without a license for years.

Original Event: Intake Referral (Pesticide) #1956  
Complainant: Anonymous  
Respondent: Michael Trent Henderson  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

#### 05/19/2021 Case Created

Original Event: Case PS21-0112  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

#### 05/20/2021 Investigator Met with Business



## Communication

I met with Mr. Henderson to discuss licensing rules and inform him about the complaint. He was not at the address listed for his company, but later met me at the Tractor Supply in Greenfield to discuss things. I issued Mr. Henderson an NOI at the Tractor Supply in Greenfield. I asked him if he was making any applications and he recalled about a year ago he made a fertilizer application using Triple 12 over in Shelby County. He thought he was able to make this application with out being licensed. I informed him he was not allowed to do any applications fertilizer or pesticides for hire until licensed properly. I also asked him to send me his invoices and records and that I would follow up with him.

Original Event: Investigation Activity (Pesticide) #3054  
Subject: Michael Trent Henderson  
Submitted By: William R. Reid

---

### 05/20/2021 Notice of Inspection Issued

I gave Mr. Henderson an NOI and informed him not to make any applications fertilizer or pesticides with out being licensed properly. Also asked him to send me invoices and records.

Original Event: Notice of Inspection #340  
Client: Michael Trent Henderson  
Firm Representative: Michael Henderson  
Submitted By: William R. Reid  
Attachments: File 68437; NOI for Michael Henderson.pdf

---

### 07/06/2021 Investigator Met with Business Communication

Called Mr. Henderson and asked him to send me records again on applications that he made. He stated that he thought he did but will do it again. He thinks that it's just one application still that he made over in Shelbyville, IN with Triple 12.

Original Event: Investigation Activity (Pesticide) #3395  
Subject: Michael Trent Henderson  
Submitted By: William R. Reid

---

### 07/30/2021 Investigator Called Business Communication

I call Mr. Henderson again an asked him to send me the invoices I have been waiting on. He stated that he was having computer issues and will do his best on getting the invoices to me. He seemed frustrated and stated that he had been working a lot and is under staffed.

Original Event: Investigation Activity (Pesticide) #3603  
Subject: Michael Trent Henderson  
Submitted By: William R. Reid

---

### 09/13/2021 Investigator Called Business Communication

I talked with Mr. Henderson on the phone again today and he stated that he sent me the invoice via email. He also said his computer is still not working properly. I haven't received anything from Mr. Henderson yet, but sent him a email and told him to resend the one he sent me.

Original Event: Investigation Activity (Pesticide) #3820  
Subject: Michael Trent Henderson  
Submitted By: William R. Reid

---

### 02/23/2022 Investigator Met with Applicator Interaction

Jay Kelley and I went out to the property address to try to get invoices from Mr. Henderson after a LONG delay in getting them due to computer problems and not answering phone calls on Mr. Henderson's part. Mr. Henderson was at the location and we discussed with him that he needs to get those invoices produced ASAP and that we have been trying to get these for sometime now. Mr. Henderson replied that he thought that we had received them via phone and got confirmation. I have never received any invoices from Mr. Henderson and I let him know this and told him again that I need them ASAP.

## Records

Mr. Henderson called me later in the evening stating that he was going to send the invoice later when he got back to the house where the computer is so he could get the invoice produced. I didn't receive anything that evening, but followed up with him the next day on 2/24/22 and he did text me the invoice screenshot that he tried sending. The invoice shows one application and noted another application at another location that he stated was on a different date.

## Attachments

File 87887; Henderson invoice.PNG

Original Event: Investigation Activity (Pesticide) #4295  
Subject: Michael Trent Henderson  
Submitted By: William R. Reid

---

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

## Civil Penalty

Michael Trent Henderson was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly applying a pesticide/fertilizer for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event:	Judgement #907
Primary:	Michael Trent Henderson
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1000

---

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

Original Event:	Outgoing Mail #1020
To:	Michael Trent Henderson
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0439
Enclosed:	Notice of Enforcement
Attachments:	File 89384; PS21-0112EL CP ~ Michael T. Henderson.docx

---

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

Original Event:	Compliance Receipt #1402
Subject:	Michael Trent Henderson
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0439
Received:	03/17/2022
Attachments:	File 92785; CM 7019 1640 0001 2427 0439.pdf

---

### 08/10/2022 Penalty Payment Not Received for Target

As of May 7, 2022, Michael Trent Henderson has not paid the \$1,000.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1625
Subject:	Michael Trent Henderson
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$1,000.00
Payment Received:	\$0

---

### 08/10/2022 Sent to Collections (Pending)

As of August 10, 2022, Michael Trent Henderson had not paid the \$1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1403
Primary:	Michael Trent Henderson
Agency:	Purdue Receivables & Collections
Submitted By:	Jacob A. Hatfield

---

### 08/12/2022 Notice of Case Closure Mailed to Target

Notification of collection proceedings.

Original Event:	Outgoing Mail #1171
To:	Michael Trent Henderson
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 105881; PS21-0112 Michael Trent Henderson - Closed Case Letter - CP FWD.docx

---

## Chain of Custody

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

<p>This record was generated on <b>September 22, 2022, 09:36 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **August 5, 2022, 08:08 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0217

Department	Pesticide
Originated	07/12/2021
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant	<b>Andrew Atkinson</b> Liberty Center, IN 46766
Respondent	<b>Unknown</b>
Respondent	<b>Jason Alan Worster</b> Warren, IN 46792
Agency	<b>Purdue Receivables &amp; Collections</b>

### Overviews

#### 03/02/2022 Investigation Summary

Andrew Atkinson contacted the OISC to report an application made to an adjacent farm field drifted to willows and vegetable plants on his property.

On July 14, I met Mr. Atkinson at his residence for the on-site investigation. Small willows at the back of the property, as well as tomato and pepper plants in containers, exhibited chlorotic leaves and lesions. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the field and willow foliage for analysis by the OISC Residue Lab.

I contacted Jason Worster who confirmed he sprayed the field with Liberty, Roundup PowerMax and Warrant on July 1, 2021. Winds were reportedly blowing toward the Atkinson property during the application.

The PPDL indicated the symptoms observed on the samples were consistent with exposure to the herbicides reportedly applied to the field.

The OISC Residue Lab analyzed the samples for the herbicide active ingredients in the tank mix. Glufosinate, glyphosate and acetochlor were detected in the weeds from the field and in the willow foliage from the Atkinson property at quantifiable levels. The evidence at the site and the lab reports support that the herbicide from the application moved off-target to the Atkinson property.

The Warrant label states, in part, "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 (e.g., when wind is blowing away from the sensitive areas)."

Submitted By: Andrew R. Roth  
Role: Investigator  
Drift: Confirmed

#### 03/03/2022 Disposition Summary

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

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

Complainant stated that an application to an adjacent farm field injured willows and tomatoes on his property.

Original Event: Intake Referral (Pesticide) #2073  
Complainant: Andrew Atkinson  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

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

On July 12, 2021, I contacted Andrew Atkinson who reported he observed the neighboring farmer make an application to the field adjacent to his property in windy conditions around the first of July. Winds were reportedly blowing toward his property and vegetation at the back of his property was adversely affected. He indicated drift from the field has been an issue in the past and his neighbor may also file a complaint (CasePS21-0218).

Original Event: Investigation Activity (Pesticide) #3463  
Subject: Andrew Atkinson  
Submitted By: Andrew R. Roth

---

**07/12/2021 Case Created**

Original Event: Case PS21-0217  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

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

On July 14, 2021, I met Mr. Atkinson at his home in Liberty Center. He indicated he attempted to contact the applicator, Jason Worster, as there is a history at the site. At the back of the property, near the target field, he showed me a row of small hybrid willows and several tomato and pepper plants in containers. He reported that many of the willows, which were planted two years prior, dropped leaves after the application was made to the adjacent field. The tomato and pepper plants were chlorotic with scorched leaf edges and a volunteer canola plant near the container plants exhibited scorched tips. Weeds in an unmaintained strip between the field and the willows exhibited similar herbicide exposure symptoms. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the target field and willow foliage from the Atkinson property for analysis by the OISC Residue Lab.

Original Event: Investigation Activity (Pesticide) #3470  
Subject: Andrew Atkinson  
Submitted By: Andrew R. Roth

---

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

Original Event: Notice of Inspection #446  
Client: Andrew Atkinson  
Firm Representative: Andrew Atkinson  
Submitted By: Andrew R. Roth  
Photos:



File 73563

---

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

Photos of the site.

#### Attachments



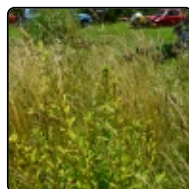
File 73565



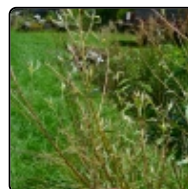
File 73566



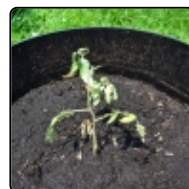
File 73567



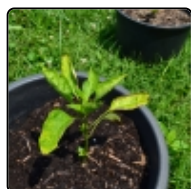
File 73568



File 73569



File 73570



File 73571



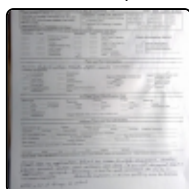
File 73572

Original Event: Investigation Activity (Pesticide) #3471  
Subject: Andrew Atkinson  
Submitted By: Andrew R. Roth

---

#### 07/14/2021 External Lab Sample Collected

Original Event: External Lab Sample Collection #184704 (X21-372E8B)  
Client: Andrew Atkinson  
Submitted By: Andrew R. Roth  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-372E8B | I collected plant samples from willow, tomato, pepper and canola.  
Photos:



File 73573

---

#### 07/14/2021 Residue Samples Collected

Original Event: Residue Collection #184705 (21-4-0995 6)  
Client: Andrew Atkinson  
Submitted By: Andrew R. Roth  
Sample: 21-4-0995 6 | Veg; Comp; OFF-T  
Sample: 21-4-0996 0 | Veg; Comp; Target

---

#### 07/14/2021 New Respondent Identified Respondent Identified

I contacted Jason Worster who confirmed he sprayed the field behind the Atkinson property. He provided application information which indicated the application was made from 350pm-450pm on July 1 when winds were blowing from the north-northwest, toward the Atkinson property, at 8 and 10 mph. The tank mix contained the following:

Liberty (EPA Reg#7969-448), active ingredient glufosinate  
Roundup PowerMax (EPA Reg#524-549), active ingredient glyphosate  
Warrant (EPA Reg#524-591), active ingredient acetochlor  
Radiant (EPA Reg#34704-909), a plant growth regulator

Official wind data from the Fort Wayne International Airport and the Marion Municipal Airport confirmed the wind speeds and direction.

#### Attachments

File 87973; 21-0217&0218.pdf

Original Event: Investigation Change #81  
Respondent: Jason Alan Worster  
Submitted By: Andrew R. Roth

---

#### 07/15/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #483  
Submitted By: Andrew R. Roth  
Target Analyte: Liberty  
Target Analyte: Glyphosate  
Target Analyte: Warrant  
Target Analyte: Radiate  
PPLS Labels: [034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)

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

[000524-00591-20200618.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00591-20200618.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00591-20200618.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00591-20200618.pdf)

[007969-00448-20191125.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20191125.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00448-20191125.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20191125.pdf)

Attachments: File 80245; Roth 184705.pdf

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

Multiple plants show chlorosis of leaves towards the edges. These symptoms are characteristic of exposure to Liberty (glufosinate). Leaf drop by willow is also consistent with exposure to Roundup (glyphosate) and/or Liberty.

Marcelo Zimmer

No pathogens observed on the foliage of the physical sample. Some leaf lesions on the willow in the photos could potentially be disease

related, but it doesn't look like typical black canker or scab lesions. Otherwise, no significant disease observed.

John Bonkowski

Original Event: External Lab Report #185058 (X21-372E8B)  
Submitted By: Andrew R. Roth  
Sample: X21-372E8B  
Attachments: File 74368; 21-0217PPDLAtkinson.pdf

03/01/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The OISC Residue Lab analyzed the samples for glufosinate and its breakdown product MPP, and for glyphosate and its breakdown product AMPA, and for acetochlor. All analytes were detected in the weeds collected from the target (Worster) field. All analytes, except AMPA, were detected at quantifiable levels in the willow foliage collected from the Atkinson property.

**First Page of Lab Report**

OCM Collection #	184705	Investigator	ROTHA		
Collection Date	07/14/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0995 6	Veg; Comp; OFF-T	Veg	AMPA	BDL ppb	66 ppb
			Glufosinate	639 ppb	66 ppb
			Glyphosate	1110 ppb	66 ppb
			MPP	123 ppb	66 ppb
			Acetochlor	1920 ppb	6 ppb
21-4-0996 0	Veg; Comp; Target	Veg	AMPA	845 ppb	66 ppb
			Glufosinate	2230 ppb	66 ppb
			Glyphosate	39100 ppb * Result is approximate	66 ppb
			MPP	1800 ppb	66 ppb
			Acetochlor	9020 ppb * Estimated amount	6 ppb

Original Event: Residue Lab Report #201935 (184705-R550)  
Submitted By: SYSTEM  
Lab Report: Lab Report 184705-R550.pdf

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

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

Original Event: Judgement #947  
Primary: Jason Alan Worster  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 500

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

Original Event:	Outgoing Mail #1025
To:	Jason Alan Worster
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0378
Enclosed:	Notice of Enforcement
Attachments:	File 89389; PS21-0217EL CP ~ Jason A. Worster.docx

---

03/29/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1471
Subject:	Jason Alan Worster
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2427 0378
Received:	03/29/2022
Attachments:	File 95238; CM 7019 1640 0001 2427 0378 ~ PS21-0217.pdf

---

07/25/2022 **Penalty Payment Not Received for Target**

As of 7/25/2022, Jason A. Worster has not paid the \$500.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1576
Subject:	Jason Alan Worster
Submitted By:	Joni D. Herman
Payment Expected:	\$500.00
Payment Received:	\$0

---

07/25/2022 **Sent to Collections** (Pending)

As of July 25, 2022, Jason A. Worster had not paid the \$500.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1357
Primary:	Jason Alan Worster
Agency:	Purdue Receivables & Collections
Submitted By:	Joni D. Herman

---

**Chain of Custody**

---

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

<p>This record was generated on <b>August 5, 2022, 08:08 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **August 5, 2022, 08:09 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS21-0218

Department	Pesticide
Originated	07/12/2021
Assigned To	Andrew R. Roth
Status	Closed

## Involved Parties

Complainant	<b>Paul Morgan</b> Liberty Center, IN 46766
Respondent	<b>Unknown</b>
Respondent	<b>Jason Alan Worster</b> Warren, IN 46792

## Overviews

### 03/02/2022 Investigation Summary

Paul Morgan contacted the OISC to report an application made to an adjacent farm field drifted to trees on his property.

On July 14, I met Mr. Morgan at his residence for the on-site investigation. Ornamental trees and grasses at the back of the property, near the field exhibited chlorotic and necrotic leaves. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the field and foliage from a corkscrew willow at the back of the Morgan property for analysis by the OISC Residue Lab.

I contacted Jason Worster who confirmed he sprayed the field with Liberty, Roundup PowerMax and Warrant on July 1, 2021. Winds were reportedly blowing toward the Morgan property during the application.

The PPDL indicated the symptoms observed on the samples were characteristic of exposure to the herbicides reportedly applied to the field.

The OISC Residue Lab analyzed the samples for the herbicide active ingredients in the tank mix. Glufosinate, glyphosate and acetochlor were detected at quantifiable levels in the weeds from the field and in the corkscrew willow foliage from the Morgan property. The evidence at the site and the lab reports support that the herbicides from the application moved off-target to the Morgan property.

The Warrant label states, in part, "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 (e.g., when wind is blowing away from the sensitive areas)."

Submitted By: Andrew R. Roth  
Role: Investigator

### 03/03/2022 Disposition Summary

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this application under case number PS21-0217. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 07/09/2021 Intake Referral Filed

Complainat stated an application to an adjacent farm field injured his ornamentals.



Original Event:	Intake Referral (Pesticide) #2074
Complainant:	Paul Morgan
Respondent:	Unknown
Submitted By:	Joseph D. Becovitz
Assigned To:	Andrew R. Roth

---

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

On July 12, 2021, I contacted Paul Morgan who reported fruit trees and ornamentals at the back of his property were adversely affected after an application was made to the farm field behind his home. His neighbor also filed a complaint with the OISC (Case PS21-0217).

Original Event:	Investigation Activity (Pesticide) #3464
Subject:	Paul Morgan
Submitted By:	Andrew R. Roth

---

07/12/2021 **Case Created**

Original Event:	Case PS21-0218
Submitted By:	Joseph D. Becovitz
Assigned To:	Andrew R. Roth

---

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

On July 14, 2021, I met Mr. Morgan at his home in Liberty Center. He reported there is a history of drift and property line disputes with the Worsters, who farm the ground behind his property. Outside the back fence, near the target field, he showed me two apricot trees, one of which was mostly defoliated, a corkscrew willow with discolored leaves and a Dawn Redwood with browned needles and tip dieback. Inside the fence, along the west property line, he showed me an apple tree and a crabapple tree, both of which had browned, skeletonized leaves; the crabapple had dropped many of its leaves. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the target field and corkscrew willow foliage from the Morgan property for analysis by the OISC Residue Lab.

Original Event:	Investigation Activity (Pesticide) #3474
Subject:	Paul Morgan
Submitted By:	Andrew R. Roth

---

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

Original Event:	Notice of Inspection #449
Client:	Paul Morgan
Firm Representative:	Paul Morgan
Submitted By:	Andrew R. Roth

Photos:



File 73590

---

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

Photos of the site.

Attachments



File 73591



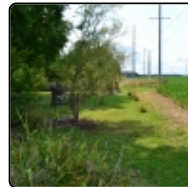
File 73593



File 73594



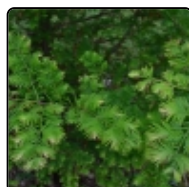
File 73595



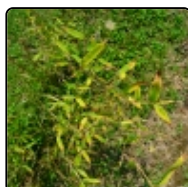
File 73596



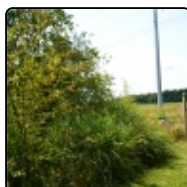
File 73597



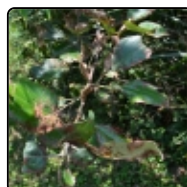
File 73598



File 73599



File 73600



File 73601

Original Event: Investigation Activity (Pesticide) #3476  
Subject: Paul Morgan  
Submitted By: Andrew R. Roth

---

07/14/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #184725 (X21-CDBCBC)  
Client: Paul Morgan  
Submitted By: Andrew R. Roth  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-CDBCBC | I collected plant samples from corkscrew willow, Dawn Redwood, apricot, apple and crabapple.

Photos:



File 73606

---

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

Original Event: Residue Collection #184726 (21-4-0997 3)  
Client: Paul Morgan  
Submitted By: Andrew R. Roth  
Sample: 21-4-0997 3 | Veg; Comp; OFF-T  
Sample: 21-4-0998 7 | Veg; Comp; Target

---

07/14/2021 **New Respondent Identified**  
**Respondent Identified**

I contacted Jason Worster who confirmed he sprayed the field behind the Morgan property. He provided application information which indicated the application was made from 350pm-450pm on July 1 when winds were blowing from the north-northwest, toward the Morgan property, at 8 and 10 mph. The tank mix contained the following:

Liberty (EPA Reg#7969-448), active ingredient glufosinate  
Roundup PowerMax (EPA Reg#524-549), active ingredient glyphosate  
Warrant (EPA Reg#524-591), active ingredient acetochlor  
Radiant (EPA Reg#34704-909), a plant growth regulator

Official wind data from the Fort Wayne International Airport and the Marion Municipal Airport confirmed the wind speeds and direction.

Attachments

File 88404; 21-0217&0218.pdf

Original Event: Investigation Change #82  
Respondent: Jason Alan Worster  
Submitted By: Andrew R. Roth

---

07/15/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #484  
Submitted By: Andrew R. Roth  
Target Analyte: Liberty  
Target Analyte: Glyphosate  
Target Analyte: Warrant  
Target Analyte: Radiate  
PPLS Labels: [034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)  
[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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[000524-00591-20200618.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00591-20200618.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00591-20200618.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00591-20200618.pdf)  
[007969-00448-20191125.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20191125.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00448-20191125.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20191125.pdf)

Attachments: File 80246; Roth 184726.pdf

---

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

Multiple plants in the landscape show chlorosis followed by necrosis of leaf edges and tip. Some plants show leaf drop. These symptoms are characteristic of exposure to herbicides such as Liberty and Roundup. There is a visible drift pattern on the turf right next to the field.  
Marcelo Zimmer

The crabapple shows beetle feeding/skeletonization and some frog eye leaf spot. There also appears to be some

leaf lesions that are somewhat different from frog eye present which could be injury of some kind. Photos of trees closest to the field have significant leaf drop of affected branches, which could be associated with herbicide injury. The willow shows irregular shaped branches which could be related to the hybrid (corkscrew willow), but the foliage in the physical sample showed severely curled leaf petioles which I would typically suspect to be caused by growth regulator exposure or some other herbicide that could cause deformation. This could also, potentially, be associated with the hybrid, but I am not certain. The evergreen, yew (Taxus) has some burned new growth, some with light green to brown discoloration and deformation, which I suspect is associated with chemical injury.

John Bonkowski

Original Event: External Lab Report #185057 (X21-CDBCBC)  
 Submitted By: Andrew R. Roth  
 Sample: X21-CDBCBC  
 Attachments: File 74367; 21-0218PPDLMorgan.pdf

03/01/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The OISC Residue Lab analyzed the samples for glufosinate and its breakdown product MPP, for glyphosate and its breakdown product AMPA, and for acetochlor. All analytes were detected in the weeds collected from the target (Worster) field. Glufosinate, glyphosate and acetochlor were detected at quantifiable levels in the corkscrew willow foliage collected from the Morgan property. MPP was reported as BQL (Below Quantification Limits) for that sample, meaning the analyte was detected but not quantifiable; AMPA was not detected.

**First Page of Lab Report**

Page 6 of Lab Report

OCM Collection #	184726	Investigator	ROTHA		
Collection Date	07/14/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0997 3	Veg; Comp; OFF-T	Veg	AMPA	BDL ppb	66 ppb
			Glufosinate	475 ppb	66 ppb
			Glyphosate	714 ppb	66 ppb
			MPP	BQL ppb	66 ppb
			Acetochlor	1920 ppb	6 ppb
21-4-0998 7	Veg; Comp; Target	Veg	AMPA	1480 ppb	66 ppb
			Glufosinate	6790 ppb	66 ppb
			Glyphosate	137000 ppb * Result is approximate	66 ppb
			MPP	3660 ppb	66 ppb
			Acetochlor	20000 ppb * Estimated amount	6 ppb

Original Event: Residue Lab Report #201936 (184726-R550)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 184726-R550.pdf

03/03/2022 **Judgement; Citation**  
**Citation**

Jason Alan Worster was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this application under case number PS21-0217. Consideration was given to the fact this was his third violation of similar nature. See case numbers PS19-0427 and PS19-0446.

Original Event: Judgement #948  
 Primary: Jason Alan Worster  
 Submitted By: George Saxton  
 Legal Citation: IC 15-16-5-65(2)

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

Original Event: Outgoing Mail #1026  
 To: Jason Alan Worster  
 Submitted By: Joni Herman  
 USPS: 7019 1640 0001 2427 0385  
 Enclosed: Notice of Enforcement  
 Attachments: File 89390; PS21-0218EL CP Assessed on 21-0217 ~ Jason A. Worster.docx

03/29/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1470  
 Subject: Jason Alan Worster  
 Submitted By: Joni Herman  
 USPS: 7019 1640 0001 2427 0385  
 Received: 03/29/2022  
 Attachments: File 95236; CM 7019 1640 0001 2427 0385 ~ PS21-0218.pdf

## Chain of Custody

---

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

This record was generated on **August 5, 2022, 08:09 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



Office of  
**INDIANA STATE CHEMIST AND SEED COMMISSIONER**

*Protecting Indiana's Agriculture and Environment*

Purdue University • 175 S University Street  
West Lafayette, IN 47907-2063  
Telephone (765) 494-1492 • Facsimile (765) 494-4331  
www.oisc.purdue.edu

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

This record was generated on **August 5, 2022, 08:34 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0267

Department	Pesticide
Originated	07/22/2021
Assigned To	Paul Jay Kelley
Status	Closed

### Involved Parties

Complainant	<b>Gary Wayne Kingen</b> Mccordsville, IN 46055
Respondent	<b>Unknown</b>
Respondent	<b>David Miller</b> Fortville, IN 46040
Respondent	<b>Genesis Farms</b> Fortville, IN 46040

### Overviews

#### 09/28/2021 Investigation Summary

Complainant reported dicamba symptoms to Enlist soybeans from an application to adjacent sod field.  
Symptoms consistent with dicamba exposure.  
PPDL indicated visual dicamba symptoms.  
Wind blowing toward enlist field based on 3 airport weather stations.  
Target reported on PII opposite wind direction.  
Target applied lesco 3-way to sod field. 3-way contains dicamba.  
OISC Residue lab detected dicamba in what appears to be a gradient pattern. Higher levels closer to sod field decreasing moving away.  
Enlist soybeans are within 250 feet of sod field.  
Label language prohibits application within 250 feet of susceptible plants downwind (paraphrase).  
Submitted By: Paul Jay Kelley  
Role: Investigator  
Drift: Confirmed

#### 11/01/2021 Disposition Summary

Genesis Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a general use pesticide was involved with adverse effects.  
David Miller 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 \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved with adverse effects. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Miller cooperated during the investigation.  
Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

07/21/2021 Intake Referral Filed

Complainant stated drift from an application to an adjacent sod farm injured his soybeans.

Original Event: Intake Referral (Pesticide) #2123  
Complainant: Gary Wayne Kingen  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

07/22/2021 **Case Created**

Original Event: Case PS21-0267  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

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

On July 28, 2021, I spoke with Gary Kingen. Mr. Kingen stated he spoke with someone from the sod farm just south of his Enlist soybean field approximately 10 days ago. The individual from the sod farm stated the sod was sprayed a few days earlier.

Original Event: Investigation Activity (Pesticide) #3579  
Subject: Gary Wayne Kingen  
Submitted By: Paul Jay Kelley

---

08/05/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #186417 (X21-40C36C)  
Client: Gary Wayne Kingen  
Submitted By: Paul Jay Kelley  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-40C36C | Enlist soybeans  
Attachments: File 76056; PPD L Kingen ps21-0267.pdf

---

08/05/2021 **Investigator Met with Complainant Photographs**

On August 5, 2021, I met with Mr. Kingen at his Enlist Soybean fields located near Alford road and east 900 north in McCordsville, Indiana. Mr. Kingen has an Enlist Soybean field north and a Enlist soybean field east a a sod field run by Genesis Sod Farms. Mr. Kingen stated he has pesticide exposure symptoms on both fields. Symptoms extend out 150 yards plus into each field. Symptoms include cupped, deformed, stunted leaves with White tips. Symptoms are characteristic of exposure to dicamba. Mr. Kingen stated he spoke with an employee of Genesis to stated an application was made to the sod field.

On August 5, 2021, I spoke with two employees from Genesis Sod Farm who where working on the irrigation. They confirmed an application of Trimec 992 herbicide (EPA Reg. 2217-656, active ingredients dicamba, 2, 4D, MCCP) was applied recently to the sod field.

I collected vegetation samples for Purdue's Plant and Pest Diagnostic Lab (PPDL) for an visual analysis. Furthermore, I collected investigative samples for OISC's Residue Lab.

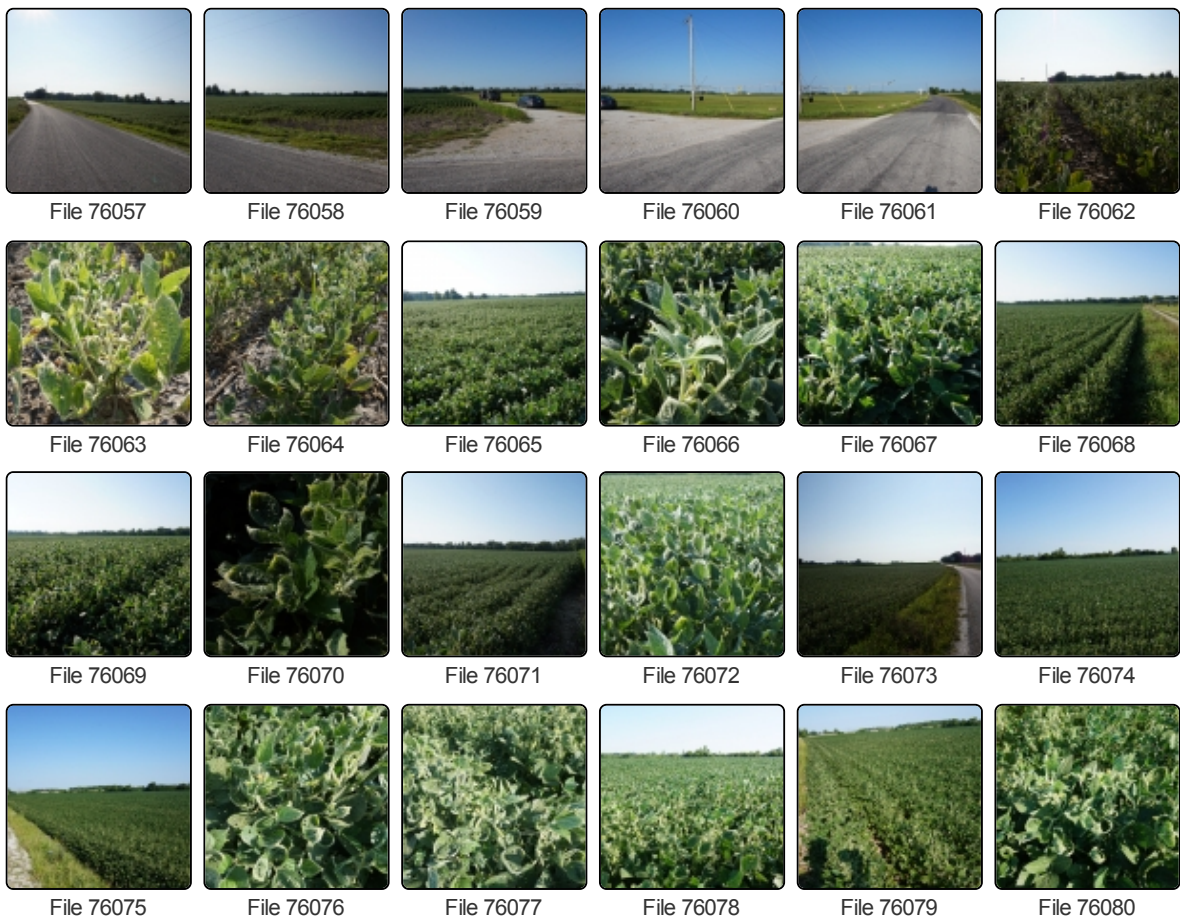
**Screenshots**

Site Diagram of samples collected.

**Records**

On August 5, 2021, Mr. Kingen provide me copies of the planting and application records for his fields.

**Attachments**



File 79927; kingen spray record.pdf

File 81570; Site Diagram.pdf

Original Event: Investigation Activity (Pesticide) #3629  
 Subject: Gary Wayne Kingen  
 Submitted By: Paul Jay Kelley

---

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

Original Event: Notice of Inspection #483  
 Client: Gary Wayne Kingen  
 Firm Representative: Gary Kingen  
 Submitted By: Paul Jay Kelley  
 Attachments: File 76081; noi.pdf

---

08/05/2021 **Residue Samples Collected**

Original Event: Residue Collection #186420 (21-4-0512 5)  
 Client: Gary Wayne Kingen  
 Submitted By: Paul Jay Kelley  
 Sample: 21-4-0512 5 | Soil; Grab; 0-2"; Target  
 Sample: 21-4-0513 9 | Veg; Comp; Target  
 Sample: 21-4-0514 1 | Veg; Comp; OFF-T, Grad1, 1yd  
 Sample: 21-4-0515 6 | Veg; Comp; OFF-T, Grad2, 62yd  
 Sample: 21-4-0516 0 | Veg; Comp; OFF-T, Grad3, 125yd  
 Sample: 21-4-0517 3 | Veg; Comp; OFF-T, Grad1, 10yd  
 Sample: 21-4-0518 7 | Veg; Comp; OFF-T, Grad2, 50yd  
 Sample: 21-4-1429 0 | Veg; Comp; OFF-T, Grad3, 100yd

---

08/05/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #515  
 Submitted By: Paul Jay Kelley  
 Target Analyte: Trimec 992  
 PPLS Labels: [002217-00656-20140416.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002217-00656-20140416.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/002217-00656-20140416.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002217-00656-20140416.pdf)

Attachments: File 79355; Kelley 186420.pdf  
 File 76082; TRIMEC 992 BROADLEAF HERBICIDE.pdf

---

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



Original Event:	External Lab Report #186548 (X21-40C36C)
Submitted By:	Paul Jay Kelley
Sample:	X21-40C36C
Attachments:	File 76545; FinalReport_Jay Kelley.pdf

---

08/18/2021 **Investigator Met with Target Communication**

On August 18, 2021, I met with David Miller, applicator for Genesis Sod Farm LLC. Mr., Miller confirmed an application was made by him using a three way herbicide to the sod field adjacent to the Kingen Enlist soybean fields. I handed Mr. Miller a copy of the Pesticide Investigation Inquiry (PII) form to complete and return.

Original Event:	Investigation Activity (Pesticide) #3706
Subject:	David Miller
Submitted By:	Paul Jay Kelley

---

08/18/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #505
Client:	David Miller
Firm Representative:	David Miller
Submitted By:	Paul Jay Kelley
Attachments:	File 77912; noi miller.pdf

---

08/27/2021 **Investigator Received Mail from Target Records**

On August 27, 2021, I received a signed PII from David Miller. Mr. Miller indicated on the PII he made an application but listed "N/A" for products used. I left a telephone message for Mr. Miller to contact me to rectify the issue.

On August 30, 2021, Mr. Miller emailed me the EPA Reg. # for Trimec 992 herbicide (EPA Reg. #2217-656 , active ingredients 2, 4D, dicamba, and MCPP).

Attachments

File 78969; p11.pdf

File 79163; product info email.msg.pdf

Original Event:	Investigation Activity (Pesticide) #3747
Subject:	David Miller
Submitted By:	Paul Jay Kelley

---

09/08/2021 **Investigator Received Fax/Email from Subject Activity**

On September 8, 2021, I received an email from Brian Madara. Mr. Madara is an employee of Genesis Farms. Mr. Madara's email consisted of a series of photographs of the impacted adjacent soybean field of Mr. Kingen. The pictures show differing areas of color in the soybean field.

Attachments

File 79928; Case #ps21-0267 email 9-8-21.msg.pdf

Original Event:	Investigation Activity (Pesticide) #3793
Subject:	Genesis Farms
Submitted By:	Paul Jay Kelley

---

09/09/2021 **Investigator Met with Complainant Photographs**

On September 9, 2021, I went to Gary Kingen's soybean field in Fortville, Indiana to examine the report of color difference of the soybeans on the perimeter of the field. I observed a 120 foot swath of soybeans on the east field that was a golden , rust color. The color was not different from soybean fields I observed on my drive to the site. Inside the 120 foot swath the soybeans appeared green. Furthermore the south east end of the field was the same golden rust color as the 120 foot swath.

I did observe dicamba symptoms past the 120 foot mark into the green soybeans.

**Records**

On September 9, 2021, I contacted Mr. Kingen to get an understanding of what was happening in the soybean field. Mr. Kingen stated the soybeans are two different varieties of Liberty soybeans. Each varieties mature at a different time. Mr. Kingen provided records and "as planted" documents showing the different seed locations in the field. Furthermore, Mr. Kingen stated his seeder/sparyer has a boom width of 120 feet and Liberty herbicide was in the tank mix prior to the application to this field.

**Attachments**

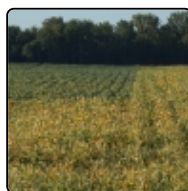




File 79959



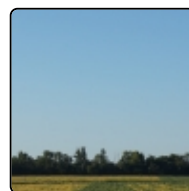
File 79960



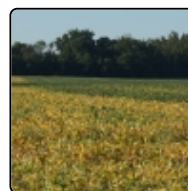
File 79961



File 79962



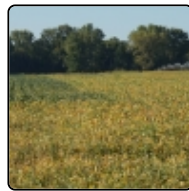
File 79963



File 79964



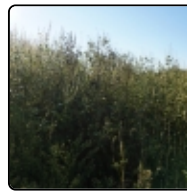
File 79965



File 79966



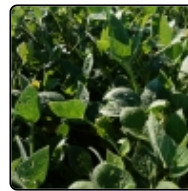
File 79967



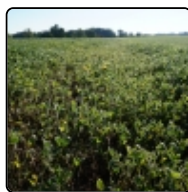
File 79968



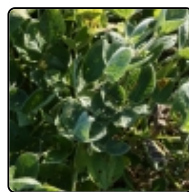
File 79969



File 79970



File 79971



File 79972

File 79973; 900n alford rd-Soybeans-Seeding-2021.pdf

File 79974; grampas farm-Soybeans-Seeding-2021.pdf

File 79975; Soybean varieties.msg.pdf

Original Event: Investigation Activity (Pesticide) #3797  
 Subject: Gary Wayne Kingen  
 Submitted By: Paul Jay Kelley

09/22/2021 **Received Residue Lab Report**  
**Investigatory Summary**

Lab samples in samples 21-4-0517 3, 21-4-0518 7, and 21-4-1429 0 indicated a gradient pattern of higher levels closes to the target sod field to lower levels moving away to the north. Furthermore, samples 21-4-0514 1, 21-4-0515 6, and 21-4-0517 3 indicated a gradient moving to the east from the sod field.

**First Page of Lab Report**

OCM Collection #	186420	Investigator	KELLEYJ		
Collection Date	08/05/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0512 5	Soil; Grab; 0-2"; Target	Soil	2,4-D	1.67 ppb	0.2 ppb
			Dicamba	BDL ppb	0.4 ppb
			MCP	BQL ppb	2 ppb
21-4-0513 9	Veg; Comp; Target	Veg	2,4-D	1690 ppb	0.2 ppb
			Dicamba	310 ppb	0.2 ppb
			MCP	1320 ppb	0.2 ppb
21-4-0514 1	Veg; Comp; OFF-T, Grad1, 1yd	Veg	2,4-D	19.5 ppb	0.2 ppb
			Dicamba	17.2 ppb	0.2 ppb
			MCP	12.8 ppb	0.2 ppb
21-4-0515 6	Veg; Comp; OFF-T, Grad2, 62yd	Veg	2,4-D	BDL ppb	0.2 ppb
			Dicamba	BQL ppb	0.2 ppb
			MCP	BDL ppb	0.2 ppb

Original Event: Residue Lab Report #190622 (186420-R428)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 186420-R428.pdf

09/27/2021 **Wind Data Researched**

Wind data from NOAA Local Climate website indicated the wind was out of the west or west, southwest from three airport weather stations (Muncie, Indianapolis Executive, and Shelbyville airports). The wind as indicated by NOAA's weather stations was blowing toward Mr. Kingen's two (2) enlist soybean fields.

**Indianapolis Executive Airport***Westfield, Indiana (26 miles W of site)***Time Direction Speed (mph)**

935am W 6

955am SW 7

1015am WSW 8

1035am SW 7

**Muncie Delaware Co. airport***Muncie, Indiana (31 miles NE of site)***Time Direction Speed (mph)**

853am SW 8

953am WSW 8

**Shelbyville Municipal Airport***Shelbyville, Indiana (23 miles S of site)***Time Direction Speed (mph)**

853am WSW 5

953am SW 5

**Attachments**

File 81577; airport distances.pdf

File 81578; NOAA wind data.pdf

Original Event: Wind Data #52

Submitted By: Paul Jay Kelley

Date of Weather: 07/05/2021

---

**09/27/2021 Investigation Activity****Activity**

Label language for Trimec 992 Broadleaf Herbicide states in part, "Only apply this product if the wind direction favors on target deposition and there are not sensitive areas (including, but not limited to, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind". And "Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption".

**Activity**

On August 5, 2021, I observed the sod farm on the south side of county road east 900 north. Mr. Kingen's soybean field is located north of county road east 900 south within 250 feet of the sod field. Furthermore, Mr. Kingen's soybean field to the east is within 250 feet from the sod field across Alfred road. Both soybean fields are within 250 feet of the sod field.

**Attachments**

File 81581; TRIMEC 992 BROADLEAF HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #3894

Subject: David Miller

Submitted By: Paul Jay Kelley

---

**11/01/2021 Judgement; Civil Penalty Assessed****Citation**

Genesis Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a general use pesticide was involved with adverse effects.

**Civil Penalty**

David Miller 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 \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved with adverse effects. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Miller cooperated during the investigation.

Original Event: Judgement #815

Primary: Genesis Farms

Secondary: David Miller

Submitted By: George Saxton

Legal Citation: IC 15-16-5-65(2)

Penalty Amount: 400

---

**12/09/2021 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #932

To: Genesis Farms

Submitted By: Joni Herman

USPS: 7019 1640 0001 2602 0926

Enclosed: Notice of Enforcement

Attachments: File 84904; PS21-0267EL CP Mitigated ~ Genesis Farms - David Miller.docx

---

**01/24/2022 Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1357
Subject:	Genesis Farms
Submitted By:	Joni Herman
Payment Expected:	\$400.00
Payment Received:	\$400.00
Attachments:	File 87180; PS21-0267 ~ Genesis Farms ~ CP Received.pdf

---

07/28/2022 **Received Mail Confirmation for Target**

Green card never returned to OISC. Per USPS tracking mail was delivered 12/16/2021

Original Event:	Compliance Receipt #1580
Subject:	Genesis Farms
Submitted By:	Jacob A. Hatfield
USPS:	7019 1640 0001 2602 0926
Received:	12/16/2021
Attachments:	File 103808; CM 7019 1640 0001 2602 0926 - PS21-0267 - DELVD 12-16-2021.pdf

---

### Chain of Custody

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

<p>This record was generated on <b>August 5, 2022, 08:34 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:38 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS21-0370

Department	Pesticide
Originated	09/21/2021
Assigned To	Elizabeth C. Carter
Status	Closed

## Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Jones Outdoor Improvements LLC</b> Plymouth, IN 46563
Respondent	<b>Jason Eric Jones</b> Plymouth, IN 46563
Agency	<b>Purdue Receivables &amp; Collections</b>

## Overviews

### 10/11/2021 Investigation Summary

At the request of the OISC Licensing Section, I was assigned a follow-up investigation of the non-renewal of Jones Outdoor Improvement business license. I looked online and found their website and three Facebook posts advertising "*fertilization and lawn maintenance*" services. Screenshots of the advertising can be found in the case file.

On September 29 and October 4, 2021, I contacted Mr Jason Jones of Jones Outdoor Improvement regarding the non-renewal of their business license. On October 4, Mr. Jones returned my call. He stated they had not made any for hire fertilizer or pesticide applications. I then asked him about the advertising on his website and told him he could not advertise without a current business license. He stated he would take it down. As of October 11, 2021, the website still lists, "*lawn maintenance and fertilization*" under services offered.

Submitted By: Elizabeth C. Carter  
Role: Investigator

### 11/09/2021 Disposition Summary

Jones Outdoor Improvements was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

Jason Jones was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 09/01/2021 Intake Referral Filed

Jones Outdoor failed to renew it's 2021 pesticide business license

Original Event: Intake Referral (Pesticide) #2228  
Complainant: Office of Indiana State Chemist  
Respondent: Jones Outdoor Improvements LLC  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

Attachments: File 80860; Jones Outdoor business info.pdf  
File 80859; Jones Outdoor.pdf

---

09/21/2021 **Case Created**

Original Event: Case PS21-0370  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

09/29/2021 **Investigator Met with Business Communication**

On September 29, 2021, I went to the address listed for Jones Outdoor Improvement; no one was home. I also called and left a voicemail.

Original Event: Investigation Activity (Pesticide) #3970  
Subject: Jones Outdoor Improvements LLC  
Submitted By: Elizabeth C. Carter

---

10/01/2021 **Online Investigation Activity Screenshots**

Screenshots of pesticide and fertilizer advertising found on Facebook and Jones Outdoor Improvement website .

Attachments



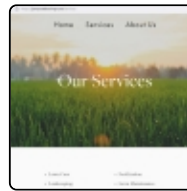
File 82311



File 82312



File 82313



File 82314

Original Event: Investigation Activity (Pesticide) #3972  
Subject: Jones Outdoor Improvements LLC  
Submitted By: Elizabeth C. Carter

---

10/04/2021 **Investigator Called Business Communication**

On October 4, 2021 I called Jones Outdoor Improvement again and left a voicemail.

Later that day, he called me back regarding the non-renewal of his license. He stated that his business had not made any pesticide or fertilizer applications. I then asked him about the advertising I found online and explained that he could not profess to be in the business without a current license. He said he would remove the pesticide and fertilizer claims soon.

Original Event: Investigation Activity (Pesticide) #3971  
Subject: Jones Outdoor Improvements LLC  
Submitted By: Elizabeth C. Carter

---

11/09/2021 **Judgement; Civil Penalty Assessed Citation**

Jones Outdoor Improvements was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license.

**Civil Penalty**

Jason Jones was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly advertising to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #825  
Primary: Jones Outdoor Improvements LLC  
Secondary: Jason Eric Jones  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1000

---

12/14/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #939  
To: Jones Outdoor Improvements LLC  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2601 9906  
Enclosed: Notice of Enforcement  
Attachments: File 84911; PS21-0370EL CP ~ Jones Outdoor Improvements LLC - Jason Eric Jones.docx

---

12/30/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1313
Subject:	Jones Outdoor Improvements LLC
Submitted By:	Joni Herman
USPS:	7019 1640 0001 2601 9906
Received:	12/30/2021
Attachments:	File 86185; CM 7019 1640 0001 2601 9906 ~ Jones Outdoor.pdf

---

08/10/2022 **Penalty Payment Not Received for Target**

As of August 10, 2022, Jones Outdoor Improvements LLC has not paid the \$1000.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1621
Subject:	Jones Outdoor Improvements LLC
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$1,000.00
Payment Received:	\$0

---

08/10/2022 **Sent to Collections** (Pending)

As of August 10, 2022, Jones Outdoor Improvements LLC had not paid the \$1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1399
Primary:	Jones Outdoor Improvements LLC
Agency:	Purdue Receivables & Collections
Submitted By:	Jacob A. Hatfield

---

08/12/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1174
To:	Jones Outdoor Improvements LLC
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 105905; PS21-0370 Jones Outdoor Improvements LLC - Case Closed Letter - CP FWD.docx

---

### Chain of Custody

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

<p>This record was generated on <b>September 22, 2022, 09:38 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:39 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0044**

Department	Pesticide
Originated	01/19/2022
Assigned To	Elizabeth C. Carter
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Distributor	<b>Grosbeak Ebay Seller</b> Donner, LA 70352
Registrant Respondent	<b>Wellmark International</b> Schaumburg, IL 60173
Respondent Issued To	<b>Norman Leboeuf JR.</b> Donner, LA 70352
Respondent	<b>Ebay Inc.</b> San Jose, CA 95125
Agency	<b>Purdue Receivables &amp; Collections</b>

**Overviews**

04/29/2022 **Investigation Summary**

During the normal course of work, I discovered repackaged sales of Golden Malrin on eBay.

In April of 2022, I went to eBay's website. I viewed 2 Golden Malrin listings by seller, grosbeak of Donner, Louisiana. Grosbeak offered, "Golden Malrin Fly Bait Methomyl 1/2 pound repackaged Danger: Kills Raccoons" and "Golden Malrin Fly Bait Methomyl 1 pound repackaged Danger: Kills Raccoons." Screenshots were taken. On April 12, 2022, I ordered the half pound Golden Malrin from grosbeak.

On April 18, 2022, the package was delivered to the Office of the Indiana State Chemist. On April 21, 2022, photographs were taken of the outer packaging and it's contents. The product arrived in a resealable sandwich bag with no pesticide label. The only instructions for use were hand written, "Do not spread this in areas traveled by pets." It was signed by "Norm."

Submitted By: Elizabeth C. Carter  
Role: Investigator

04/29/2022 **Product Registration Summary**

Labeling for the pesticide product is not complete, as required by OISC or Federal US EPA.

Submitted By: Sarah K. Caffery  
Role: Product Registration Specialist

05/02/2022 **Disposition Summary**

Norman Leboeuf Jr. was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that has labeling claims different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product in a container other than the manufacturer's immediate, unbroken and approved or authorized container. A civil penalty in the amount of \$500.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded. A civil penalty in the amount of \$500.00 was assessed for this violation.

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

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide product to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for unknowingly distributing a restricted use pesticide product without having a dealer registration. A civil penalty in the amount of \$500.00 was assessed for this violation.

Ebay was warned for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding Mr. Leboeuf in the distribution of an illegal pesticide product.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 01/19/2022 Intake Referral Filed

On-line retailers are illegally repackaging and selling Golden Malrin Fly Bait to control racoons and other off label pests.

Original Event: Intake Referral (Pesticide) #2331  
Complainant: Office of Indiana State Chemist  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

### 01/19/2022 Case Created

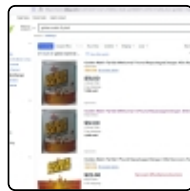
Original Event: Case PS22-0044  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

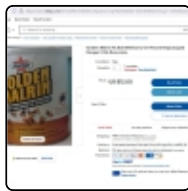
### 04/12/2022 Online Investigation Activity Screenshots

Screenshots of Golden Malrin purchase on eBay.

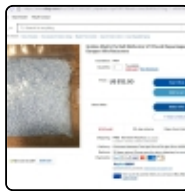
Attachments



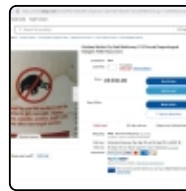
File 91545



File 91546



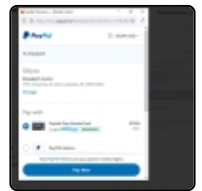
File 91547



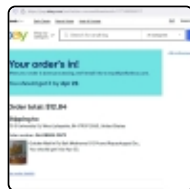
File 91548



File 91549



File 91550



File 91551

Original Event: Investigation Activity (Pesticide) #4398  
Submitted By: Elizabeth C. Carter

---

### 04/21/2022 Formulation Samples Collected (Pending)

Original Event: Formulation Collection #208174 (22-3-0239 6)  
Distributor: Grosbeak Ebay Seller  
Submitted By: Elizabeth C. Carter  
Sample: 22-3-0239 6 | Suspected Golden Malrin unlabeled  
Photos:





File 92372



File 92373



File 92374



File 92375



File 92376



File 92377



File 92378



File 92379

04/29/2022 **Label Review Conducted; Not Acceptable  
Suspected Golden Malrin unlabeled**

NOT Acceptable; Product was repackaged by eBay seller. Full, FIFRA required labeling is not included. Labeling is not acceptable.

Original Event: Label Review (Pesticide) #183 (Wellmark Internat...)  
Registrant: Wellmark International  
Submitted By: Sarah K. Caffery

04/29/2022 **New Respondent Identified  
Respondent Identified**

I updated respondent information.

Original Event: Investigation Change #148  
Respondent: Norman Leboeuf JR.  
Submitted By: Elizabeth C. Carter

05/02/2022 **Judgement; Civil Penalty Assessed  
Warning**

Ebay was warned for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding Mr. Leboeuf in the distribution of an illegal pesticide product.

**Civil Penalty**

Norman Leboeuf Jr. was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product that has labeling claims different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.

**Civil Penalty**

Norman Leboeuf Jr. was cited for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product in a container other than the manufacturer's immediate, unbroken and approved or authorized container. A civil penalty in the amount of \$500.00 was assessed for this violation.

**Civil Penalty**

Norman Leboeuf Jr. was cited for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded. A civil penalty in the amount of \$500.00 was assessed for this violation.

**Civil Penalty**

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

**Civil Penalty**

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide product to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

**Civil Penalty**

Norman Leboeuf Jr. was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-3, for unknowingly distributing a restricted use pesticide product without having a dealer registration. A civil penalty in the amount of \$500.00 was assessed for this violation.

Original Event: Judgement #1253  
Primary: Norman Leboeuf JR.  
Secondary: Ebay Inc.  
Submitted By: George Saxton  
Legal Citations: IC 15-16-4-57(2); IC 15-16-4-57(4); IC 15-16-4-57(5); IC 15-16-4-57(9); 357 IAC 1-3-2; 357 IAC 1-3-3;  
IC 15-16-5-65(13)  
Penalty Amount: 4000

05/23/2022 **Pesticide Products Activity**

SSURO notification was sent to eBay per repackaging of Golden Malrin that was found available on the website. To date, we received an auto reply from eBay's email box, but no direct reply.

Original Event: Pesticide Products Activity #10  
Primary: Ebay Inc.  
Submitted By: Sarah K. Caffery  
Attachments: File 95558; 220044 SSURO to EBAY 5.23.22.pdf  
File 95559; 220044 SSURO to EBAY auto reply 5.23.22.pdf

---

05/23/2022 **Pesticide Products Activity**

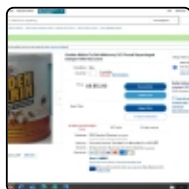
Notification of SSURO that was sent to eBay was forwarded to Wellmark (Central Garden & Pet). Per email reply, Cathi Elmi has forwarded our notification to their legal team.

Original Event: Pesticide Products Activity #11  
Primary: Wellmark International  
Submitted By: Sarah K. Caffery

---

05/25/2022 **Stop Sale Order Issued** (Pending)

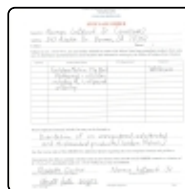
Original Event: Action Order #259  
Issued To: Norman Leboeuf JR.  
Registrant: Wellmark International  
Firm Representative: Norman Leboeuf JR  
Submitted By: Elizabeth C. Carter  
Photos:



File 95596



File 95595



File 95616

---

06/02/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1096  
To: Norman Leboeuf JR.  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9590  
Enclosed: Notice of Enforcement  
Enclosed: Notice  
Attachments: File 96582; PS22-0044 ~ SSURO to Norman Leboeuf Jr..pdf  
File 96581; PS22-0044EL CP ~ Norman Leboeuf Jr..docx

---

06/02/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1097  
To: Ebay Inc.  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9606  
Enclosed: Notice of Enforcement  
Attachments: File 96583; PS22-0044EL WRN ~ Ebay.docx

---

06/06/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1534  
Subject: Ebay Inc.  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9606  
Received: 06/06/2022  
Attachments: File 101896; CM 7019 0140 0000 6113 9606 - PS22-0044.pdf

---

06/13/2022 **Compliance Activity**

USPS Notice of new address for Ebay. Letter was still delivered.

Original Event: Compliance Activity #1301  
Primary: Ebay Inc.  
Submitted By: Joni D. Herman  
Attachments: File 101802; PS22-0044~Mail 1097~Notice of Address Correction for Ebay.pdf

---

08/04/2022 **Mail Confirmation Not Received for Target**

As if August 4, 2022 Green Card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since June 9, 2022. It is assumed to have been lost.

Original Event: Compliance Receipt #1613  
Subject: Norman Leboeuf JR.  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9590

---

**08/04/2022 Mail Confirmation Assumed for Target**

As of August 4, 2022 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1614  
Subject: Norman Leboeuf JR.  
Submitted By: Jacob A. Hatfield

---

**08/10/2022 Penalty Payment Not Received for Target**

As of August 10, 2022, Norman Leboeuf Jr. has not paid the \$4,000.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1633  
Subject: Norman Leboeuf JR.  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$4,000.00  
Payment Received: \$0

---

**08/10/2022 Sent to Collections** (Pending)

As of August 10, 2022, Norman Leboeuf Jr. had not paid the \$4,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1411  
Primary: Norman Leboeuf JR.  
Agency: Purdue Receivables & Collections  
Submitted By: Jacob A. Hatfield

---

**08/12/2022 Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event: Outgoing Mail #1177  
To: Norman Leboeuf JR.  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 105981; PS22-0044 Norman Leboeuf Jr. - Close Case Letter - CP FWD.docx

---

**Chain of Custody****04/21/2022 Sample 22-3-0239 6**

Original Event: Chain of Custody #233 (22-3-0239 6)  
04/21/2022 13:20: Sample Collected by Elizabeth C. Carter  
04/21/2022 17:37: Sample Delivered to Natalie Wilson  
04/21/2022 17:37: Delivery Affirmed by Natalie Wilson

<p>This record was generated on <b>September 22, 2022, 09:39 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:41 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0050

Department	Pesticide
Originated	02/09/2022
Assigned To	Elizabeth C. Carter
Status	Closed

## Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Matthew Richard Cooper</b> Oxford, IN 47971
Agency	<b>Purdue Receivables &amp; Collections</b>

## Overviews

### 02/09/2022 Investigation Summary

On February 1, 2022, I initiated a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Ag Advantage. During that inspection, I discovered a RUP sale of atrazine to Mr. Matt Cooper that occurred on February 3, 2021. A check of the OISC database indicated Mr. Cooper's license expired on December 31, 2020, meaning Mr. Cooper was not licensed when he purchased the RUP from Henderson Ag Advantage in 2021.

On February 4, 2022, I called Mr. Cooper on the phone. I explained the situation to him and asked if he was licensed. He stated he thought he was. I then told him according to our database his license had expired in December of 2020. He then asked me how he could acquire a new license. I provided that information to him.

Submitted By: Elizabeth C. Carter  
Role: Investigator

### 02/14/2022 Disposition Summary

Matthew Richard Cooper was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Matthew Richard Cooper's first violation of similar nature.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 02/01/2022 Intake Referral Filed

During a routine Restricted Use Dealer inspection, it was found that Matt Cooper purchased a Restricted Use Pesticide, atrazine, without a current applicator's license.

Original Event: Intake Referral (Pesticide) #2337  
Complainant: Office of Indiana State Chemist  
Respondent: Matthew Richard Cooper  
Entered By: Elizabeth C. Carter  
Submitted By: George Saxton

### 02/04/2022 Investigator Called Farmer

## Communication

I called Mr. Cooper on the phone regarding the his purchase of atrazine, a Restricted Use Pesticide (RUP), on February 3, 2021. I asked Mr. Cooper if he was licensed, and he stated he was. I told him according to our database his license had expired in December of 2020. He then asked how he could acquire a new license.

## Records

This is the invoice for the RUP sale to Mr. Cooper.

## Attachments

File 86739; Matt Cooper invoice 177021.pdf

Original Event: Investigation Activity (Pesticide) #4278  
Subject: Matthew Richard Cooper  
Submitted By: Elizabeth C. Carter

---

### 02/09/2022 Case Created

Original Event: Case PS22-0050  
Submitted By: George Saxton  
Assigned To: Elizabeth C. Carter

---

### 02/14/2022 Judgement; Civil Penalty Assessed

#### Civil Penalty

Matthew Richard Cooper was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Matthew Richard Cooper's first violation of similar nature.

Original Event: Judgement #902  
Primary: Matthew Richard Cooper  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(10)  
Penalty Amount: 375

---

### 03/16/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1039  
To: Matthew Richard Cooper  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9019  
Enclosed: Notice of Enforcement  
Attachments: File 90544; PS22-0050EL CP Mitigated ~ Matthew Richard Cooper.docx

---

### 04/22/2022 Received Mail Confirmation for Target

Certified mail returned to OISC. Regular mail has not been returned.

Original Event: Compliance Receipt #1584  
Subject: Matthew Richard Cooper  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9019  
Received: 04/22/2022  
Attachments: File 103811; CM 7019 0140 0000 6113 9019 ~ Matthew R. Cooper ~ CM Returned to OISC 4-22-22.pdf

---

### 07/28/2022 Mail Confirmation Assumed for Target

As of 7/28/2022 the regular mail copy has not been returned.

Original Event: Compliance Receipt #1585  
Subject: Matthew Richard Cooper  
Submitted By: Jacob A. Hatfield

---

### 08/10/2022 Penalty Payment Not Received for Target

As of August 10, 2022, Matthew Richard Cooper has not paid the \$375.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$500.00.

Original Event: Compliance Receipt #1626  
Subject: Matthew Richard Cooper  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$375.00 (Unmitigated \$500.00)  
Payment Received: \$0

---

### 08/10/2022 Sent to Collections (Pending)

As of August 10, 2022, Matthew Richard Cooper had not paid the \$375.00 civil penalty. The case was closed and forwarded to collections for the unmitigated CP amount of \$500.00.

Original Event: Compliance Activity #1404  
Primary: Matthew Richard Cooper  
Agency: Purdue Receivables & Collections  
Submitted By: Jacob A. Hatfield

---

08/12/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1178
To:	Matthew Richard Cooper
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 105997; PS22-0050 Matthew Richard Cooper - Closed Case Letter - CP FWD.docx

### Chain of Custody

---

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

<p>This record was generated on <b>September 22, 2022, 09:41 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:42 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0052

Department	Pesticide
Originated	02/11/2022
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Business	<b>Co Alliance Cooperative Inc</b> Bainbridge, IN 46105
Complainant	<b>Office of Indiana State Chemist</b>
-	<b>INCIDENTAL Dylan Andrew Miller</b> Greensburg, IN 47240 Branch Manager
-	<b>INCIDENTAL Gabriel Jake Neal Tyra</b> Bainbridge, IN 46105 Assistant Manager
Agency	<b>Attorney General Office / Litigation</b>

### Overviews

#### 02/25/2022 Investigation Summary

On February 9, 2022, I performed an inspection at Co-Alliance; Bainbridge, where I found multiple mobile mini-bulk containers of pesticides in a building that did not meet the secondary containment requirements.

I later found that Co-Alliance had stored 33 mini-bulk pesticide containers out of containment after more than 30 days had lapsed from when they had received the products. Co-Alliance was cooperative and quickly moved the pesticide containers into a building with the proper secondary containment requirements.

Submitted By: James M. Trimble  
Role: Investigator

#### 02/28/2022 Disposition Summary

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, this civil penalty was reduced to \$1,500.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation; corrective action was taken, and this was their first violation of similar nature.

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this penalty may not be mitigated.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

02/09/2022 Notice of Inspection Issued

02/09/2022 **Investigator Met with Business**

### **Photographs**

On February 9, 2022, I arrived at Co-Alliance; Bainbridge, to perform a Restricted Use Pesticide (RUP) records and product containment inspection. I met with the Assistant Manager, Gabe Tyra, who showed me the two buildings that they utilize to store their bulk pesticides (referred to as the "Warehouse" and the "New Building"). At the first storage facility (the Warehouse) Mr. Tyra showed me, I observed the building contained a mix of mobile liquid pesticide containers (referred to as mini-bulks or shuttles & designed to contain more than 55 gallons), small packaged pesticides containers (designed to contain 55 gallons or less), and other containers that contained non-pesticide products such as adjuvants or nutrients. I observed the Warehouse did not have adequate secondary containment for the use of storing bulk pesticide containers, such as the absence of having a sloped floor, a perimeter wall made of concrete and/or steel, or other type of diked area.

I observed the Warehouse to have a small area located near the back that looked like an old secondary containment area that was in disrepair. The rectangle-shaped area within the Warehouse had three shallow "walls" made of concrete while the fourth (front) wall was made of a collapsible foam & poly material. The walls made of concrete were cracked and/or crushed in several areas while the wall made of foam & poly was torn and was no longer adhered to the floor in many places. The area described had several mini-bulks stacked within it but due to the condition of the perimeter walls, the area was no longer suitable for containment and would not give resistance to any type of liquid spill.

Mr. Tyra then showed me the second building (the New Building), which I found contained mini-bulk pesticide containers along with their stationary pesticide tanks. I observed the New Building to be properly constructed and in good condition for the containment of bulk pesticides.

Mr. Tyra and I then returned to the Warehouse, where I explained to him that the building could not be used for secondary containment. I advised Mr. Tyra that they would need to move every mini-bulk container that contained a pesticide and had been on their premises for more than 30 days into the New Building or another suitable location that met the secondary containment requirements. Mr. Tyra advised me that some of the mini-bulks towards the front of the Warehouse had been delivered recently while the mini-bulks stacked near the back had been stored there for an extended period of time. I then asked Mr. Tyra to send me documentation of when they had received every mini-bulk pesticide container located in the Warehouse to determine if it was out of containment. I also requested Mr. Tyra to send me pictures of the Warehouse after the pesticide containers had been moved out and into proper containment.

I then took several photographs of the inside of the Warehouse, the pesticide containers, and the container's pesticide labels. I also collected an inventory of the bulk pesticide containers I observed inside the Warehouse and found there to be 40 mini-bulk pesticide containers, 10 of which were labeled as a Restricted Use Pesticide. The list of pesticides I found in the Warehouse included:

- 2- **Lexar EZ** (EPA Reg. #100-1414, active ingredients of S-metolachlor, Mesotrione, & Atrazine) **Restricted Use Pesticide**
- 4- **Warrant** (EPA Reg. #524-591, active ingredient of Acetochlor)
- 2- **Tenkoz Atrazine 4L** (EPA Reg. #55467-13, active ingredient of Atrazine) **Restricted Use Pesticide**
- 6- **Winfield Atrazine 4L** (EPA Reg. #1381-158, active ingredient of Atrazine) **Restricted Use Pesticide**
- 4- **Battle Star GT** (EPA Reg. #42750-307, active ingredients of Fomesafen & Glyphosate)
- 15- **Buccaneer 5 Extra** (EPA Reg. #55467-15, active ingredient of Glyphosate)
- 1- **WeedMaster** (EPA Reg. #71368-34, active ingredients of 2,4-D & Dicamba)
- 3- **Brawl II** (EPA Reg. #100-818-55467, active ingredient of S-Metolachlor)
- 1- **Domark 230 ME** (EPA Reg. #80289-7, active ingredient of Tetraconazole)
- 1- **Fusilade DX** (EPA Reg. #100-1070, active ingredient of Fluazifop-P-butyl)
- 1- **Roundup WeatherMax** (EPA Reg. #524-537, active ingredient of Glycine)



**Mini-bulk Storage #1 (File 86955)**



**Mini-bulk Storage #2 (File 86956)**



Front, Poly/Foam Wall (File 86960)





Poly/Foam Wall Separation (File 86963)



**Cracked & Crumbled Concrete Wall (File 86964)**

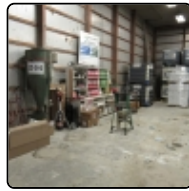


**Northeast corner (File 86969)**





## Attachments



File 86952



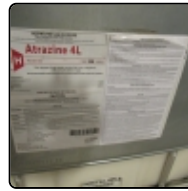
File 86957



File 86958



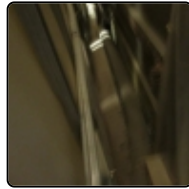
File 86959



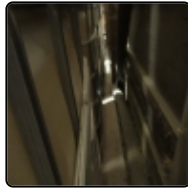
File 86961



File 86962



File 86965



File 86966



File 86967



File 86968



File 86970



File 86972



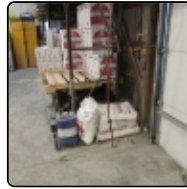
File 86981



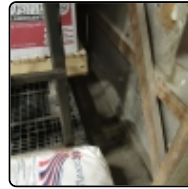
File 86982



File 86983



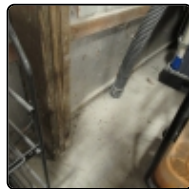
File 86984



File 86985



File 86987



File 86988



File 86989



File 86990



File 86991



File 86992



File 86993



File 86998



File 87003



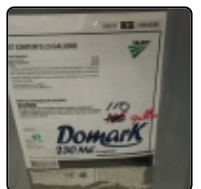
File 87004



File 87005



File 87006



File 87007



File 87008

Original Event: Investigation Activity (Pesticide) #4280  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

## 02/09/2022 Product Inspection Conducted Portable Refillable Containers

Upon my inspection, I found multiple pesticide minibulk containers inside a storage area that did not adhere to the secondary containment requirements. An "Action Order" was issued and a case was generated.

Original Event: Pesticide Inspection (Product) #263  
Client: Co Alliance Cooperative Inc  
Firm Representative: Gabe Tyra  
Submitted By: James M. Trimble

## 02/09/2022 Action Order Issued

Stop storing bulk pesticides at this location until the indicated bulk storage requirements have been met.

Original Event: Action Order #237  
Issued To: Co Alliance Cooperative Inc  
Firm Representative: Gabe Tyra  
Submitted By: James M. Trimble

**02/09/2022 Intake Referral Filed**

I found multiple minibulk pesticide containers out of containment.

Original Event: Intake Referral (Pesticide) #2338  
 Complainant: Office of Indiana State Chemist  
 Respondent: Co Alliance Cooperative Inc  
 Entered By: James M. Trimble  
 Submitted By: George Saxton

**02/09/2022 Business Called Investigator Communication**

On February 9, 2022, after I had left Co-Alliance, the Branch Manager, Dylan Miller, called to discuss my inspection and findings. I explained to Mr. Miller of what I had found, my discussion with Mr. Tyra, the documentation I needed to be sent to me, and the corrective action that needed to be completed. Mr. Miller was cooperative and advised me everything would be completed.

Original Event: Investigation Activity (Pesticide) #4287  
 Subject: Dylan Andrew Miller  
 Submitted By: James M. Trimble

**02/11/2022 Subject Sent Text Message to Investigator Photographs**

On February 11, 2022, Mr. Tyra sent me several text messages advising that they had removed the mini-bulk pesticide containers from the Warehouse and into a proper containment area (the New Building). Mr. Tyra also included pictures of the storage areas that confirmed their corrective action.

**Attachments**

File 87566



File 87567



File 87568



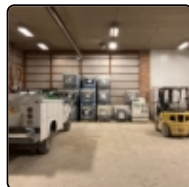
File 87569



File 87570



File 87571



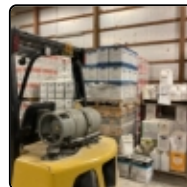
File 87572



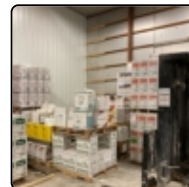
File 87573



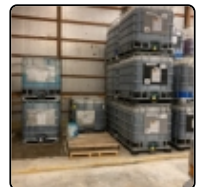
File 87574



File 87575



File 87576



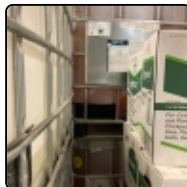
File 87577



File 87578



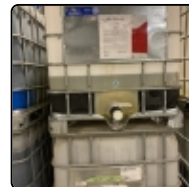
File 87579



File 87580



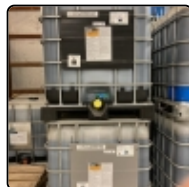
File 87581



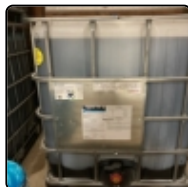
File 87582



File 87583



File 87584



File 87585

File 87556; Screenshot\_20220211-132552.png  
 File 87559; Screenshot\_20220211-132607.png  
 File 87560; Screenshot\_20220211-132631.png  
 File 87561; Screenshot\_20220211-132641.png  
 File 87562; Screenshot\_20220211-132655.png  
 File 87563; Screenshot\_20220211-132717.png

Original Event: Investigation Activity (Pesticide) #4288  
 Subject: Gabriel Jake Neal Tyra  
 Submitted By: James M. Trimble

**02/11/2022 Investigator Received Fax/Email from Business**

## Photographs

On February 11, 2022, after receiving Mr. Tyra's text messages, Mr. Miller sent me an email containing additional pictures of their corrective action. Mr. Miller's email also contained the documentation for when they had received the pesticide containers that I had found out of containment (see separate PIA).

### Attachments



File 87596



File 87586



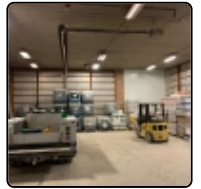
File 87587



File 87588



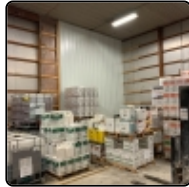
File 87589



File 87590



File 87591



File 87592



File 87593



File 87594



File 87595

File 87686; 2-11email.pdf

Original Event: Investigation Activity (Pesticide) #4289  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

## 02/11/2022 Investigator Received Fax/Email from Business Records

On February 11, 2021, Mr. Miller emailed me Co-Alliance's records for when they received the pesticides packaged in the mini-bulk containers that I observed to be out of containment during my initial inspection on February 9, 2022. Mr. Miller stated that some of the pesticide containers that I found out of containment were previously stored inside the New Building but had been moved into the Warehouse on an unknown date. The records I was provided were a mix of the product's purchase invoices and/or bills of lading. I found that the products that had both a bill of lading and an invoice did not have a matching ship date. For the products that had two different ship dates listed, I used the latest ship date found to establish its received-on date.

I reviewed the records provided by Mr. Miller and found that Co-Alliance stored 33 (8 Restricted Use Pesticides, 25 General Use Pesticides) mini-bulk pesticide containers, with their liquid contents, outside of secondary containment after more than 30 days had lapsed from the time they had received the product. Listed below is the mini-bulk pesticide containers I confirmed to be out of containment:

- 2 - 02/09/2021- **Warrant** (EPA Reg. #524-591, active ingredient of Acetochlor)
- 6 - 04/06/2021- **Winfield Atrazine 4L** (EPA Reg. #1381-158, active ingredient of Atrazine) **Restricted Use Pesticide**
- 3 - 05/10/2021- **Brawl II** (EPA Reg. #100-818-55467, active ingredient of S-Metolachlor)
- 2 - 05/28/2021- **Tenkoz Atrazine 4L** (EPA Reg. #55467-13, active ingredient of Atrazine) **Restricted Use Pesticide**
- 4 - 10/28/2021- **Battle Star GT** (EPA Reg. #42750-307, active ingredients of Fomesafen & Glyphosate)
- 15-10/29/2021- **Buccaneer 5 Extra** (EPA Reg. #55467-15, active ingredient of Glyphosate)
- 1 - 11/30/2021- **WeedMaster** (EPA Reg. #71368-34, active ingredients of 2,4-D & Dicamba)

**33 Total, 25 General Use Pesticides & 8 Restricted Use Pesticides**

### Attachments

File 87688; 2-11email.pdf

File 87689; Receiving Papers.pdf

Original Event: Investigation Activity (Pesticide) #4291  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

## 02/11/2022 Case Created

Original Event: Case PS22-0052  
Submitted By: George Saxton  
Assigned To: James M. Trimble

---

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

Co Alliance Cooperative Inc was cited for twenty-five (25) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$12,500.00 was assessed for this violation. However, this civil penalty was reduced to \$3,750.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation; corrective action was taken and this was their first violation of similar nature.



### Civil Penalty

Co Alliance Cooperative Inc was cited for eight (8) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$8,000.00 was assessed for this violation. By rule, this penalty may not be mitigated.

Original Event: Judgement #910  
Primary: Co Alliance Cooperative Inc  
Submitted By: George Saxton  
Legal Citation: 355 IAC 5-4-1(a)  
Penalty Amount: 11750

---

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

Original Event: Outgoing Mail #1047  
To: Co Alliance Cooperative Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9170  
Enclosed: Notice of Enforcement  
Attachments: File 90555; PS22-0052EL CP Mitigated ~ Co Alliance Cooperative, Inc..docx

---

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

Original Event: Compliance Receipt #1439  
Subject: Co Alliance Cooperative Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9170  
Received: 03/23/2022  
Attachments: File 92879; CM 7019 0140 0000 6113 9170.pdf

---

05/09/2022 **Informal Review Occurred**

I spoke to Location Manager, Dylon Miller regarding the civil penalty. It was agreed that the civil penalty would be reduced and that an amended judgement would be forth-coming.

Original Event: Compliance Activity #1237  
Primary: Co Alliance Cooperative Inc  
Submitted By: George Saxton  
Stage: Informal Review

---

05/09/2022 **Amended Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, this civil penalty was reduced to \$1,500.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation; corrective action was taken, and this was their first violation of similar nature.

### Civil Penalty

Co Alliance Cooperative Inc was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticide minibulks outside of containment for more than thirty (30) days. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this penalty may not be mitigated.

Original Event: Judgement #1277  
Primary: Co Alliance Cooperative Inc  
Submitted By: George Saxton  
Level: Informal Review  
Legal Citation: 355 IAC 5-4-1(a)  
Penalty Amount: 6500

---

05/09/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1083  
To: Co Alliance Cooperative Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9507  
Enclosed: Notice of Amended Enforcement  
Attachments: File 94190; PS22-0052EL CP Mitigated ~ Co Alliance Cooperative, Inc..docx

---

05/18/2022 **Received Mail Confirmation for Target**

Green card was never returned to OISC. According to USPS tracking, letter was delivered and received by the individual on May 18, 2022.

Original Event: Compliance Receipt #1611  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9507  
Received: 05/18/2022



---

**08/04/2022 Mail Confirmation Assumed for Target**

As of August 4, 2022 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1612  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield

---

**08/10/2022 Penalty Payment Not Received for Target**

As of August 10, 2022, Co Alliance Cooperative Inc has not paid the \$6,500.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$7,500.00.

Original Event: Compliance Receipt #1623  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$6,500.00 (Unmitigated \$7,500.00)  
Payment Received: \$0

---

**08/10/2022 Sent to Collections**

As of August, 2022, Co Alliance Cooperative Inc had not paid the \$6,500.00 civil penalty. The case was closed and forwarded to collections for the unmitigated CP amount of \$7,500.00.

Original Event: Compliance Activity #1401  
Primary: Co Alliance Cooperative Inc  
Agency: Attorney General Office / Litigation  
Submitted By: Jacob A. Hatfield

---

**08/12/2022 Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event: Outgoing Mail #1179  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 106016; PS22-0052 Co Alliance Cooperative Inc. - Closed Case Letter - CP FWD.docx

---

**09/06/2022 Received Penalty Payment for Target**

Civil Penalty received. Collection process terminated.

Original Event: Compliance Receipt #1679  
Subject: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
Payment Expected: \$7,500.00  
Payment Received: \$7,500.00  
Attachments: File 108918; PS22-0052 Co-Alliance Cooperative ~ CP Received 9-6-2022.pdf

---

**09/12/2022 Notice Mailed to Target**

Letter documenting civil penalty received from Co-Alliance and termination of the collections process.

Original Event: Outgoing Mail #1239  
To: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
Enclosed: Notice  
Attachments: File 108920; PS22-0052 CoAlliance ~ Case Closed Update ~ Collections Terminated.docx

---

**Chain of Custody**

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



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 **August 5, 2022, 08:57 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0053**

Department	Pesticide
Originated	02/14/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Facility	<b>American Sealants, Inc</b> Fort Wayne, IN 46809
Registrant Respondent	<b>Senoret Chemical Company Inc</b> Lititz, PA 17543
Related Facility 1	<b>Meridian Adhesives</b> Dalton, GA 30720
Registrant	<b>Senoret Chemical Company Inc</b> Lititz, PA 17543

**Overviews**

02/28/2022 **Product Registration Summary**

Label in the marketplace requires revisions. Per the 40 CFR, site(s) of application, dosage rate and method are required under the header "Directions for Use". In addition, Storage and Disposal is also required under the Directions for Use header.

Submitted By: Sarah K. Caffery  
Role: Product Registration Specialist

03/24/2022 **Investigation Summary**

On February 14, 2022 a Producer Establishment Inspection was conducted at American Sealants, INC. American Sealants, INC. is a contract packager for Senoret Chemical Company Inc. Sendoret Chemical Company contracts with American Sealants to produce Terro Roach Bait Gel, EPA Reg# 53883-401-149. Pesticide products being produced were packaged, labeled, and ready for shipment. A sample of the pesticide product produced was collected.

The formulation sample was delivered to the OISC Formulation Lab on February 17, 2022.

A full label review by OISC Pesticide Registration found that the label was NOT Acceptable; Unlike the label provided with the registration application in May of 2021, this label has certain elements of the Directions for Use not located under the appropriate header. The location of "For bait spots or lines" and Storage & Disposal is correctly placed on the label provided for registration. This label version requires revisions.

Submitted By: Garret A. Creason  
Role: Investigator

03/25/2022 **Disposition Summary**

Senoret Chemical Company Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product with a misbranded label. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

However, the \$1,000.00 civil penalty will be held in abeyance and not assessed provided Senoret Chemical Company Inc makes corrections to the label of the product within sixty (60) days from receipt of this notice.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 02/14/2022 Intake Referral Filed

Producer Establishment Inspection conducted at American Sealants, INC. Pesticide products being produced were packaged, labeled, and ready for shipment. A sample of the pesticide product produced was collected.

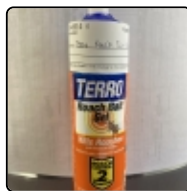
Original Event: Intake Referral (Pesticide) #2339  
Complainant: Office of Indiana State Chemist  
Respondent: American Sealants, Inc  
Entered By: Garret A. Creason  
Submitted By: Joseph D. Becovitz

---

### 02/14/2022 Formulation Samples Collected

Original Event: Formulation Collection #200918 (22-3-0014 5)  
Registrant: Senoret Chemical Company Inc  
Client: American Sealants, Inc  
Firm Representative: Jacob Yehle  
Submitted By: Garret A. Creason  
Sample: 22-3-0014 5 | Terro Roach Bait Gel  
PLS Labels: [053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)

Photos:



File 87274



File 87275



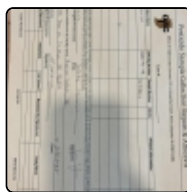
File 87276



File 87277



File 87279



File 87282

---

### 02/14/2022 Producer Establishment Inspection Conducted Company Background

Produce and Distribute high performance sealants and adhesives. Contract packaging.

#### Production

I advised to add the EPA Reg # to the production report, Mr. Aistrop wrote the EPA Reg# on the current reports and advised that a permanent line would be added to future reports.

#### Closing Conference

American Sealants is a contract packager for Woodstream. Mr. Aistrop stated that Woodstream orders the product from Control Solutions and has it shipped directly to American Sealants. American Sealants distributes all finished product to Woodstream.

#### Visit Summary

EPA Reg# missing from production report. Mr. Aistrop added it immediately.

#### Attachments

File 87538; American Sealants Distribution.pdf  
File 87536; American Sealants Inbound.pdf  
File 87537; American Sealants Production.pdf  
File 87539; American Sealants RFD.pdf

Original Event: Producer Establishment Inspection #57  
Facility: American Sealants, Inc  
Related Facility 1: Meridian Adhesives  
Firm Representative: Jacob Yehle  
Submitted By: Garret A. Creason  
PLS Labels: [053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)

---

### 02/14/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #692  
Client: American Sealants, Inc  
Firm Representative: Jacob Yehle  
Submitted By: Garret A. Creason  
Attachments: File 87540; American Sealants NOI.pdf

---

02/14/2022 **Investigator Met with Registrant Interaction**

A producer Establishment Inspection was conducted at American Sealants Inc.

Original Event: Investigation Activity (Pesticide) #4285  
Subject: American Sealants, Inc  
Submitted By: Garret A. Creason

02/14/2022 **Case Created**

Original Event: Case PS22-0053  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

02/28/2022 **Label Review Conducted; Not Acceptable Terro Roach Bait Gel**


NOT Acceptable; Unlike the label provided with the registration application in May of 2021, this label has certain elements of the Directions for Use not located under the appropriate header. The location of "For bait spots or lines" and Storage & Disposal is correctly placed on the label provided for registration. This label version requires revisions.

Attachments

File 88187; PS22-0053 Label Review Senoret Chem Company.docx

Original Event: Label Review (Pesticide) #177 (Senoret Chemical ...)  
Registrant: Senoret Chemical Company Inc  
Submitted By: Sarah K. Caffery  
PPLS Labels: [053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)

03/23/2022 **Received Formulation Lab Report First Page of Lab Report**

		Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>Terro Roach Bait Gel</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>02/14/2022</b>	REPORT DATE <b>03/23/2022</b>
OCM COLLECTION <b>200918-01</b>		SAMPLE NO. <b>22-3-0014 5</b>		EPA REG NO. <b>53883-401-149</b>	
ACTIVE INGREDIENT			%GUARANTEE	%FOUND	
Fipronil			0.05	0.05	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #204632 (200918-01-R564)  
Submitted By: SYSTEM  
Lab Report: Lab Report 200918-01-R564.pdf

03/25/2022 **Judgement; Civil Penalty Assessed Civil Penalty**

Senoret Chemical Company Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product with a misbranded label. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

**Abeyance**

However, the \$1,000.00 civil penalty will be held in abeyance and not assessed provided Senoret Chemical Company Inc makes corrections to the label of the product within sixty (60) days from receipt of this notice.

Original Event: Judgement #1072  
Primary: Senoret Chemical Company Inc  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(9)  
Penalty Amount: 1000

03/30/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1054  
To: Senoret Chemical Company Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9248  
Enclosed: Notice of Enforcement  
Attachments: File 90685; PS22-0053EL CP Abeyance ~ Senoret Chemical Company, Inc..docx

04/05/2022 **Received Mail Confirmation for Target**

Green card never returned to OISC. Per USPS tracking mail was delivered on April 5, 2022.

Original Event: Compliance Receipt #1604  
Subject: Senoret Chemical Company Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9248  
Received: 04/05/2022  
Attachments: File 103925; CM 7019 0140 0000 6113 9248 - PS22-0053 - Senoret Chemical Company.pdf

---

04/11/2022 **Label Review Conducted; Acceptable**

**Terro Roach Bait Gel**

Acceptable; Label has been revised, proper locations for elements identified in pervious label have been moved to the correct locations on the label.

Attachments

File 91447; T502\_Roach Bait Gel\_can Revised Label 4.11.22.pdf

Original Event: Label Review (Pesticide) #181 (Senoret Chemical ...)  
Registrant: Senoret Chemical Company Inc  
Submitted By: Sarah K. Caffery  
PPLS Labels: [053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00401-20170414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00401-20170414.pdf)

---

**Chain of Custody**

02/17/2022 **Sample 22-3-0014 5**

Original Event: Chain of Custody #145 (22-3-0014 5)  
02/14/2022 13:25: Sample Collected by Garret A. Creason  
02/17/2022 13:25: Sample Delivered to 218  
02/17/2022 14:33: Delivery Affirmed by Natalie Wilson

<p>This record was generated on <b>August 5, 2022, 08:57 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:43 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0055**

Department	Pesticide
Originated	02/15/2022
Assigned To	Elizabeth C. Carter
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Kyle E Rogers</b> Logansport, IN 46947
Agency	<b>Purdue Receivables &amp; Collections</b>

**Overviews**

02/16/2022 **Investigation Summary**

During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered three RUP sales to Kyle Rogers in May and June of 2021. A check of the OISC database indicated Mr. Rogers had taken the CORE/ PA exam in 2020 but had never applied for a license. Consequently, Mr. Rogers was not licensed when he purchased and applied the three RUP's.

On February 15, 2022, I contacted Mr. Rogers on the phone. I explained the situation to him and asked if he had a pesticide applicators license. He stated no one told him he need to apply for the license. Later that day, I emailed him the application paperwork.

Submitted By: Elizabeth C. Carter  
Role: Investigator

02/17/2022 **Disposition Summary**

Kyle E Rogers was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Kyle E Rogers' first violation of similar nature.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

02/12/2022 **Intake Referral Filed**

During a routine Restricted Use Pesticide (RUP) Dealer inspection of Henderson Farm Service, I discovered 3 RUP sales to unlicensed, Kyle Rogers.

Original Event: Intake Referral (Pesticide) #2341  
Complainant: Office of Indiana State Chemist  
Respondent: Kyle E Rogers  
Entered By: Elizabeth C. Carter  
Submitted By: George Saxton

02/15/2022 **Investigator Called Farmer**

## Communication

On February 15, 2022, I called Kyle Rogers on the phone. I explained my purpose in calling. I asked him if he had a current pesticide applicator's license. He then said he took the CORE exam in June of 2020, but he did not realize he needed to apply for a license.

Later that day, I emailed Mr. Rogers the license application form.

## Records

Attached are the RUP Dealer records from Henderson Farm Services showing Mr. Rogers purchased 3 RUP's (atrazine 4L, helmquat, and lamcap II) in May and June of 2021.

## Attachments



File 87220

Original Event:	Investigation Activity (Pesticide) #4281
Subject:	Kyle E Rogers
Submitted By:	Elizabeth C. Carter

---

### 02/15/2022 Case Created

Original Event:	Case PS22-0055
Submitted By:	George Saxton
Assigned To:	Elizabeth C. Carter

---

### 02/17/2022 Judgement; Civil Penalty Assessed Civil Penalty

Kyle E Rogers was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certification and license or permit. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact this was Kyle E Rogers' first violation of similar nature.

Original Event:	Judgement #904
Primary:	Kyle E Rogers
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(10)
Penalty Amount:	375

---

### 03/16/2022 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #1041
To:	Kyle E Rogers
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9118
Enclosed:	Notice of Enforcement
Attachments:	File 90546; PS22-0055EL CP Mitigated ~ Kyle E. Rogers.docx

---

### 04/21/2022 Received Mail Confirmation for Target

Certified mail returned to OISC. Regular mail has not been returned.

Original Event:	Compliance Receipt #1586
Subject:	Kyle E Rogers
Submitted By:	Jacob A. Hatfield
USPS:	7019 0140 0000 6113 9118
Received:	04/21/2022
Attachments:	File 103812; CM 7019 0140 0000 6113 9118 ~ Kyle E. Rogers ~ CM Returned to OISC 4-21-22.pdf

---

### 07/28/2022 Mail Confirmation Assumed for Target

As of 7/28/2022 regular mail has not been returned to OISC.

Original Event:	Compliance Receipt #1587
Subject:	Kyle E Rogers
Submitted By:	Jacob A. Hatfield

---

### 08/10/2022 Penalty Payment Not Received for Target

As of August 10, 2022, Kyle E Rogers has not paid the \$375.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$500.00.

Original Event:	Compliance Receipt #1627
Subject:	Kyle E Rogers
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$375.00 (Unmitigated \$500.00)
Payment Received:	\$0

---

08/10/2022 **Sent to Collections** (Pending)

As of August 10, 2022, Kyle E Rogers had not paid the \$375.00 civil penalty. The case was closed and forwarded to collections for the unmitigated CP amount of \$500.00.

Original Event:	Compliance Activity #1405
Primary:	Kyle E Rogers
Agency:	Purdue Receivables & Collections
Submitted By:	Jacob A. Hatfield

---

08/12/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1180
To:	Kyle E Rogers
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 106023; PS22-0055 Kyle E Rogers - Closed Case Letter - CP FWD.docx

### Chain of Custody

---

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

<p>This record was generated on <b>September 22, 2022, 09:43 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--





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 **September 22, 2022, 09:44 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0056**

Department	Pesticide
Originated	02/15/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Bloomington Hardware</b> Bloomington, IN 47401
Registrant Respondent	<b>Kittrich Corporation</b> Pomona, CA 91766
Respondent	<b>Bloomington Hardware Co Inc</b> Bloomington, IN 47407
Agency	<b>Purdue Receivables &amp; Collections</b>

**Overviews**

02/28/2022 **Product Registration Summary**

Neither product is registered in Indiana. Full review of all 25(b) Minimum Risk Conditions cannot take place until products are submitted with full application packages (including: label, CSF, efficacy, SDS). OISC cannot confirm if all AAPCO 25(b) Guidance documents are followed without the full registration packet. No labeling violations are notated at this time.

Submitted By: Sarah K. Caffery  
Role: Product Registration Specialist

03/21/2022 **Investigation Summary**

On February 15, 2022 A marketplace inspection was conducted at Bloomington Hardware. During the inspection two unregistered pesticide products were located for sale. The products were Ecosmart Ant and Roach Killer, and Ecosmart Insect Killer. A Stop Sale Order was issued to Bloomington Hardware instructing them to stop selling these products. Mrs. Hill, Store Manager, was able to provide inventory records for both products. The receiving records indicated that Ecosmart Ant and Roach Killer was last received on 3-18-2021, and the Ecosmart Insect Killer was last received on 6-21-2021.

A formulation sample of each product was collected.

A full label review of each product was conducted. It was found that both product labels were not acceptable and were unregistered.

Submitted By: Garret A. Creason  
Role: Investigator

03/29/2022 **Disposition Summary**

Bloomington Hardware was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product.

Kittrich Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing unregistered pesticide products. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the total civil penalty was mitigated to \$500.00. Consideration was given to the fact Kittrich Corporation cooperated during the investigation and corrective action was taken.

Submitted By:  
Role:

George Saxton  
Compliance Officer

## Chronology of Events

---

### 02/15/2022 Intake Referral Filed

Marketplace inspection conducted at Bloomington Hardware. Two unregistered pesticide products located for sale at Bloomington Hardware.

Original Event: Intake Referral (Pesticide) #2342  
Complainant: Office of Indiana State Chemist  
Respondent: Bloomington Hardware  
Entered By: Garret A. Creason  
Submitted By: George Saxton

---

### 02/15/2022 Formulation Samples Collected

Original Event: Formulation Collection #200935 (22-3-0015 0)  
Registrant: Kittrich Corporation  
Client: Bloomington Hardware  
Firm Representative: Kristina Hill  
Submitted By: Garret A. Creason  
Sample: 22-3-0015 0 | Eco Smart Ant and Roach Killer  
Sample: 22-3-0016 6 | Ecosmart Insect Killer  
Photos:



File 87324



File 87326



File 87327



File 87328



File 87330



File 87331



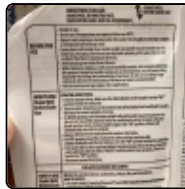
File 87332



File 87333



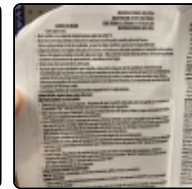
File 87334



File 87335



File 87336



File 87337



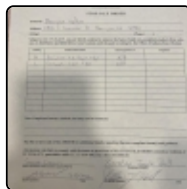
File 87338



File 87339

### 02/15/2022 Stop Sale Order Issued

Original Event: Action Order #238  
Issued To: Bloomington Hardware  
Firm Representative: Kristina Hill  
Submitted By: Garret A. Creason  
Photos:



File 87340

---

02/15/2022 **Marketplace Inspection Conducted**

### Marketplace

Ecosmart Ant and Roach Killer as well as Ecosmart Insect Killer both placed under Stop Sale Order.

#### Attachments



File 87542



File 87543

Original Event: Pesticide Inspection (Product) #265  
Client: Bloomington Hardware  
Firm Representative: Kristina Hill  
Submitted By: Garret A. Creason

02/15/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #693  
Client: Bloomington Hardware  
Firm Representative: Kristina Hill  
Submitted By: Garret A. Creason  
Photos:



File 87544

02/15/2022 **Case Created**

Original Event: Case PS22-0056  
Submitted By: George Saxton  
Assigned To: Garret A. Creason

02/16/2022 **Investigator Met with Distributor Interaction**

A marketplace inspection was conducted at Bloomington Hardware. During the inspection two unregistered pesticide products were located for sale. The products were Ecosmart Ant and Roach Killer, and Ecosmart Insect Killer. A Stop Sale Order was issued to Bloomington Hardware instructing them to stop selling these products. Mrs. Hill, Store Manager, was able to provide inventory records for both products.


#### Attachments

File 87541; scan0024.pdf

Original Event: Investigation Activity (Pesticide) #4286  
Subject: Bloomington Hardware  
Submitted By: Garret A. Creason

02/23/2022 **Received Formulation Lab Report**

#### First Page of Lab Report

		Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>Eco Smart Ant and Roach Killer</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>02/15/2022</b>	
OCM COLLECTION <b>200935-01</b>		SAMPLE NO. <b>22-3-0015 0</b>		REPORT DATE <b>02/23/2022</b>	
EPA REG NO.		EPA REG NO.		EPA REG NO.	
ACTIVE INGREDIENT		%GUARANTEE		%FOUND	
Documentary - No Analysis Performed					
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event:	Formulation Lab Report #201415 (200935-01-R548)
Submitted By:	SYSTEM
Lab Report:	Lab Report 200935-01-R548.pdf

---

02/28/2022 **Label Review Conducted; Not Acceptable**  
**Eco Smart Ant and Roach Killer**

NOT Acceptable; Products are not registered in Indiana.

Attachments

File 88292; 22-0056 Label Review.docx

Original Event:	Label Review (Pesticide) #178 (Kittrich Corporat...)
Registrant:	Kittrich Corporation
Submitted By:	Sarah K. Caffery

---

02/28/2022 **Label Review Conducted; Not Acceptable**  
**Ecosmart Insect Killer**

NOT Acceptable; Products are not registered in Indiana.

Attachments

File 88293; 22-0056 Label Review.docx

Original Event:	Label Review (Pesticide) #179 (Kittrich Corporat...)
Registrant:	Kittrich Corporation
Submitted By:	Sarah K. Caffery

---

03/25/2022 **Notice of Stop Sale Sent**

Notification of SSO was sent to Kittrich via email to registrant and submitting company.

Original Event:	Pesticide Products Activity #3
Primary:	Kittrich Corporation
Submitted By:	Sarah K. Caffery
Attachments:	File 90467; INL 3.25.22 KITTRICH.pdf

---

03/29/2022 **Judgement; Warning**  
**Warning**

Bloomington Hardware was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product.

Original Event:	Judgement #1073
Primary:	Bloomington Hardware Co Inc
Submitted By:	George Saxton
Legal Citation:	IC 15-16-4-57(1)

---

03/29/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Kittrich Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing unregistered pesticide products. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

Original Event:	Judgement #1074
Primary:	Kittrich Corporation
Submitted By:	George Saxton
Legal Citation:	IC 15-16-4-57(1)
Penalty Amount:	2000

---

03/29/2022 **Pesticide Products Activity**

Per email; registrant is not going to submit product registration/applications in Indiana. OISC will send a letter to location of SSURO to release for return to distributor or distruction.

Original Event:	Pesticide Products Activity #6
Primary:	Kittrich Corporation
Submitted By:	Sarah K. Caffery
Attachments:	File 91018; Re_ Notification of Stop Sale_ Kittrich Corporation.pdf

---

03/30/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1055
To:	Bloomington Hardware Co Inc
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9255
Enclosed:	Notice of Enforcement
Attachments:	File 90688; PS22-0056EL WRN ~ Bloomington Hardware Co., Inc..docx

---

03/30/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1056  
To: Kittrich Corporation  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9262  
Enclosed: Notice of Enforcement  
Attachments: File 90689; PS22-0056EL CP ~ Kittrich Corporation.docx

---

04/04/2022 **Stop Sale Released for Return/Disposal  
Ecosmart Insect Killer**

Released for return or disposal

Attachments

File 91084; SSURO Release PS22-0056 Kittrich.pdf

Original Event: Stop Sale Release (PS) #1  
Issued To: Bloomington Hardware  
Registrant: Kittrich Corporation  
Submitted By: Sarah K. Caffery

---

04/04/2022 **Stop Sale Released for Return/Disposal  
Eco Smart Ant and Roach Killer**

Kittrich is not going to submit registrations for the two products placed under SSURO.

Attachments

File 91085; SSURO Release PS22-0056 Kittrich.pdf

Original Event: Stop Sale Release (PS) #2  
Issued To: Bloomington Hardware  
Registrant: Kittrich Corporation  
Submitted By: Sarah K. Caffery


---

04/05/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1469  
Subject: Bloomington Hardware Co Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9255  
Received: 04/05/2022  
Attachments: File 95233; CM 7019 0140 0000 6113 9255 ~ PS22-0056.pdf

---

04/06/2022 **Received Formulation Lab Report  
First Page of Lab Report**

		Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu				
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>				
PRODUCT NAME <b>Ecosmart Insect Killer</b>	INVESTIGATOR <b>CREASONG</b>	DATE SAMPLED <b>02/15/2022</b>	REPORT DATE <b>04/06/2022</b>	
OCM COLLECTION <b>200935-02</b>	SAMPLE NO. <b>22-3-0016 6</b>	EPA REG NO.		
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>	<b>%FOUND</b>	
Sodium Lauryl Sulfate		2.00	1.99	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				

Original Event: Formulation Lab Report #205963 (200935-02-R572)  
Submitted By: SYSTEM  
Lab Report: Lab Report 200935-02-R572.pdf

---

05/16/2022 **Informal Review Occurred**

I spoke with Mark Calkin, Vice President of Kittrich Corporation. He stated that these two pesticide products were distributed into Indiana without his knowledge or permission. It was agreed that this was 'unintentional' and that there would be a mitigation for cooperating and corrective action, reducing the penalty to \$500.00 from \$2,000.00.

Original Event: Compliance Activity #1244  
Primary: Kittrich Corporation  
Submitted By: George Saxton  
Stage: Informal Review  
Attachments: File 94336; Kittrich Letter.pdf

---

05/16/2022 **Amended Judgement; Civil Penalty Assessed**

**Civil Penalty**

Kittrich Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing unregistered pesticide products. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the total civil penalty was mitigated to \$500.00. Consideration was given to the fact Kittrich Corporation cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1300  
Primary: Kittrich Corporation  
Submitted By: George Saxton  
Level: Informal Review  
Legal Citation: IC 15-16-4-57(1)  
Penalty Amount: 500

---

06/14/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1113  
To: Kittrich Corporation  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9798  
Enclosed: Notice of Amended Enforcement  
Attachments: File 98460; PS22-0056EL Amended-CP ~ Kittrich Corporation.docx

---

07/28/2022 **Mail Confirmation Not Received for Target**

As of 7/28/2022 USPS tracking shows CM has allegedly been in transit to the next facility since April 8, 2022. It is assumed that this mail piece was lost.

Original Event: Compliance Receipt #1592  
Subject: Kittrich Corporation  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9262  
Attachments: File 103815; CM 7019 0140 0000 6113 9262 - PS22-0056 Kittrich Corporation.pdf

---

07/28/2022 **Mail Confirmation Not Received for Target**

As of 7/28/2022 USPS tracking shows CM has allegedly been in transit to the next facility since June 24, 2022. It is assumed that this mail piece was lost.

Original Event: Compliance Receipt #1593  
Subject: Kittrich Corporation  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9798  
Attachments: File 103816; CM 7019 0140 0000 6113 9798 - P22-0056 Kittrich Corp.pdf

---

08/04/2022 **Mail Confirmation Assumed for Target**

As of August 4, 2022 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1615  
Subject: Kittrich Corporation  
Submitted By: Jacob A. Hatfield

---

08/10/2022 **Penalty Payment Not Received for Target**

As of August 10, 2022, Kittrich Corporation has not paid the \$500.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$1,000.00.

Original Event: Compliance Receipt #1634  
Subject: Kittrich Corporation  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00 (Unmitigated \$1,000.00)  
Payment Received: \$0

---

08/10/2022 **Sent to Collections** (Pending)

As of August 10, 2022, Kittrich Corporation had not paid the \$500.00 civil penalty. The case was closed and forwarded to collections for the unmitigated CP amount of \$1,000.00.

Original Event: Compliance Activity #1412  
Primary: Kittrich Corporation  
Agency: Purdue Receivables & Collections  
Submitted By: Jacob A. Hatfield

---

08/12/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event: Outgoing Mail #1181  
To: Kittrich Corporation  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 106043; PS22-0056 Kittrich Corporation - Closed Case Letter - CP FWD.docx

---

08/25/2022 **Compliance Activity**

Mark Calkins with Kittrich Corporation called regarding their civil penalty going to collections for non-payment. Due to extenuating circumstances the payment had not been processed, but their intent was to pay the penalty. A copy of the June 14, 2022, judgement letter and the case report were emailed to Mr. Calkins. The collection proceedings were placed on hold for two (2) weeks to allow time for the payment to be received. If OISC does not receive the payment by September 8, 2022, collection proceedings will continue.

Original Event:	Compliance Activity #1449
Primary:	Kittrich Corporation
Submitted By:	Joni D. Herman
Attachments:	File 107533; Email Reply from Mark Calkins - Kittrich Corp. - PS22-0056.pdf File 107447; Email to Mark Calkins - Kittrich Corp. - OISC Case PS22-0056.pdf

**Chain of Custody**

---

02/17/2022 **Sample 22-3-0015 0**

Original Event:	Chain of Custody #146 (22-3-0015 0)
02/15/2022 07:34:	Sample Collected by Garret A. Creason
02/17/2022 14:35:	Sample Delivered to 218
02/17/2022 14:47:	Delivery Affirmed by Natalie Wilson

---

02/17/2022 **Sample 22-3-0016 6**

Original Event:	Chain of Custody #147 (22-3-0016 6)
02/15/2022 07:34:	Sample Collected by Garret A. Creason
02/17/2022 14:35:	Sample Delivered to 218
02/17/2022 14:47:	Delivery Affirmed by Natalie Wilson

<p>This record was generated on <b>September 22, 2022, 09:44 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--





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 **August 5, 2022, 08:58 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0058

Department	Pesticide
Originated	02/25/2022
Assigned To	Elizabeth C. Carter
Status	Closed

## Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>DbA:Choice Seeds</b> Three Rivers, MI 49093

## Overviews

### 03/03/2022 Investigation Summary

On February 22, 2022, I initiated a routine Restricted Use Pesticide (RUP) Dealer inspection of Choice Seeds in Three Rivers, Michigan. I spoke with Rich Stewart of Choice Seeds on the phone and requested a copy of his RUP sales records for 2020 and 2021.

On February 24, 2022, I electronically received a copy of the records. Upon review of the records, I found a RUP sale of permethrin to Mr. Richard Yoder on June 13, 2020. A check of the OISC database indicated Mr. Yoder's license expired on December 31, 2019, meaning Mr. Yoder was not licensed when Choice Seeds sold him the RUP.

Submitted By: Elizabeth C. Carter  
Role: Investigator

### 06/02/2022 Disposition Summary

DbA:Choice Seeds was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$250.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 02/24/2022 Intake Referral Filed

This was a routine Restricted Use Dealer inspection.

Original Event: Intake Referral (Pesticide) #2345  
Complainant: Office of Indiana State Chemist  
Respondent: DbA:Choice Seeds  
Entered By: Elizabeth C. Carter  
Submitted By: George Saxton

### 02/24/2022 Investigator Called Dealer Records

I performed a routine RUP dealer inspection of Choice Seeds.

#### Attachments

Applicant #	Date	Name
PA231383	4/6/2020	Shore
A231383	4/14/2020	Shower, D
A200486	4/23/2020	Stoklosa
PA41709	5/1/2020	Bontrager
PA49167	5/6/2020	Lambright
PA41709	5/13/2020	Bontrager
PA50067	6/13/2020	Hoder, Ruth
PA21996	6/13/2020	Fry, David

File 88362

Original Event: Investigation Activity (Pesticide) #4302  
Subject: Db:Choice Seeds  
Submitted By: Elizabeth C. Carter

---

02/24/2022 **Rup Dealer Inspection Conducted**  
**RUP Dealer Inspection**

There was an RUP sale to unlicensed Richard Yoder. Case summary will be submitted.

#### Attachments

Applicant #	Date	Name
PA231383	4/6/2020	Shore
A231383	4/14/2020	Shower, D
A200486	4/23/2020	Stoklosa
PA41709	5/1/2020	Bontrager
PA49167	5/6/2020	Lambright
PA41709	5/13/2020	Bontrager
PA50067	6/13/2020	Hoder, Ruth
PA21996	6/13/2020	Fry, David

File 88363

Original Event: Pesticide Inspection (General) #1828  
Client: Db:Choice Seeds  
Firm Representative: Rich Stewart  
Submitted By: Elizabeth C. Carter

---

02/25/2022 **Case Created**

Original Event: Case PS22-0058  
Submitted By: George Saxton  
Assigned To: Elizabeth C. Carter

---

03/10/2022 **Investigator Called Target**  
**Communication**

On March 10, 2022, I spoke with Mr. Stewart on the phone regarding his RUP sale to Mr. Yoder. He stated he does not have a store front; therefore, he must have delivered the RUP to Mr. Yoder from Michigan to Indiana.

Original Event: Investigation Activity (Pesticide) #4322  
Subject: Db:Choice Seeds  
Submitted By: Elizabeth C. Carter

---

06/02/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Db:Choice Seeds was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event: Judgement #1307  
Primary: Db:Choice Seeds  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-3-2  
Penalty Amount: 250

---

07/08/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1131  
To: Db:Choice Seeds  
Submitted By: Joni D. Herman  
USPS: 7019 0140 0000 6113 9927  
Enclosed: Notice of Enforcement  
Attachments: File 101454; PS22-0058EL CP ~ DBA Choice Seeds.docx

---

07/18/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1577  
Subject: Db:Choice Seeds  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9927  
Received: 07/18/2022  
Attachments: File 103558; CM 7019 0140 0000 6113 9927 - PS22-0058 - 7-18-2022.pdf

---

07/22/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1572
Subject:	Db:Choice Seeds
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 103352; PS22-0058 DBA Choice Seeds ~ CP Received 7-22-2022.pdf

### Chain of Custody

---

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

<p>This record was generated on <b>August 5, 2022, 08:58 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **August 5, 2022, 09:00 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0063**

Department	Pesticide
Originated	03/02/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Respondent Issued To	<b>FBN Inputs LLC</b> Whitestown, IN 46075
Complainant	<b>Office of Indiana State Chemist</b>
Registrant Respondent	<b>Agsaver LLC</b> McGehee, AR 71654
Registrant Respondent	<b>Adama</b> Raleigh, NC 27604
Respondent	<b>Makhteshim Agan of North America DBA Adama</b> Raleigh, NC 27604

**Overviews**

04/15/2022 **Investigation Summary**

On February 24, 2022, I conducted a routine RUP sales records inspection at FBN.

On February 24, 2022, Observed several pesticide shuttles in warehouse.

further investigation indicated the warehouse lacked secondary containment.

Records obtained from FBN showed 2 products not registered in Indiana, Mepit (EPA reg. # 83772-13) and Setup 6SL (EPA Reg. #66222-136).

Records from FBN of the pesticide shuttles that FBN was not keeping the proper record for tracking individual inbound and outbound shuttles.

Records from FBN indicated 303 GUP shuttles were out of secondary containment over 30 days.

Records from FBN indicated 144 RUP shuttles were out of secondary containment over 30 days.

Met with consultant hired by FBN to to make correction the warehouse to be in compliance with secondary containment requirements.

Submitted By: Paul Jay Kelley  
Role: Investigator

04/22/2022 **Disposition Summary**

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticides (GUPs) outside of secondary containment. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact FBN Inputs LLC cooperated during the investigation and corrective action was taken.

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticides (RUPs) outside of secondary containment. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this violation may not be mitigated.

FBN Inputs LLC was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing pesticide products that are not registered for sale in the state of Indiana.

Submitted By:  
Role:

George Saxton  
Compliance Officer

## Chronology of Events

---

### 02/24/2022 **Rup Dealer Inspection Conducted** **RUP Dealer Inspection**

Issue will be addressed as part of Case number PS22-0063.

#### Attachments



File 87892



File 87893



File 87894



File 87895



File 87896



File 87897



File 87898



File 87899

File 87891; noi.pdf

Original Event: Pesticide Inspection (General) #1825  
Client: FBN Inputs LLC  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley

---

### 02/24/2022 **INCIDENTAL Notice of Inspection Issued**

Original Event: Notice of Inspection #712  
Linked From: Pesticide Inspection (General) #1825  
Client: FBN Inputs LLC  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley  
Attachments: File 87891; noi.pdf

---

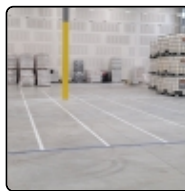
### 02/24/2022 **Intake Referral Filed**

On February 24, 2022, I conducting a routine Restricted Use Pesticide(RUP)sales inspection I observed many pesticide mini bulk shuttles stacked in FBN's warehouse. Upon further inspection and questioning of Mark Pauli, General Manager, the warehouse did not appear to have secondary containment for liquid pesticides over 55 gallons. After email correspondence with Eric Carnell, Chief Legal Officer for FBN, did it appear that the FBN warehouse did not have secondary containment.

Original Event: Intake Referral (Pesticide) #2354  
Complainant: Office of Indiana State Chemist  
Respondent: FBN Inputs LLC  
Entered By: Paul Jay Kelley  
Submitted By: George Saxton  
Attachments: File 88414; Fwd FBN Inputs LLC; Whitestown IN.msg.pdf  
Photos:



File 88405



File 88406



File 88407



File 88408



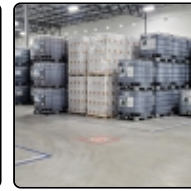
File 88409



File 88410



File 88411



File 88412



File 88413

---

**02/24/2022 Notice of Inspection Issued**

Original Event: Notice of Inspection #717  
 Client: FBN Inputs LLC  
 Firm Representative: Mark Pauli  
 Submitted By: Paul Jay Kelley  
 Attachments: File 88507; noi.pdf

---

**02/28/2022 Investigator Sent Fax/Email to Dealer Activity**

On February 28, 2022, I sent an email to Eric Carnell requesting documentation of when FBN received mini bulk shuttles to the FBN warehouse and dates of those corresponding mini bulk shuttles leaving the FBN warehouse.

**Attachments**

File 88508; jay\_email\_to\_fbn.msg.pdf

**Attachments**

File 88509; jay\_email\_to\_fbn.msg.pdf

Original Event: Investigation Activity (Pesticide) #4310  
 Subject: FBN Inputs LLC  
 Submitted By: Paul Jay Kelley

---

**03/02/2022 Online Investigation Activity Communication**

On March 2, 2022, I participated in a zoom style call with Chuck Turck (FBN) and Christina Colletter of RTM Consultants. RTM Consultants was hired by FBN to over see building compliance. I explained to Mr. Turck and Ms. Colletter that the building was not in compliance with secondary containment. I explained that the problems with the warehouse.

Original Event: Investigation Activity (Pesticide) #4311  
 Subject: FBN Inputs LLC  
 Submitted By: Paul Jay Kelley

---

**03/02/2022 Case Created**

Original Event: Case PS22-0063  
 Submitted By: George Saxton  
 Assigned To: Paul Jay Kelley

---

**03/14/2022 Investigator Received Fax/Email from Dealer Records**

On March 14, 2022, I received an email from Eric Carnell containing a spreadsheet of current liquid products greater than 55 gallons stored at the FBN warehouse.

**Attachments**

File 91108; Whitestown 55gal All Shipped+Received as of 3-4-22 1.xlsx  
 File 91109; Whitestown 55gal Summary as of 3-4-22 1.xlsx

Original Event: Investigation Activity (Pesticide) #4374  
 Subject: FBN Inputs LLC  
 Submitted By: Paul Jay Kelley

---

03/15/2022 **Investigator Called Dealer  
Communication**

On March 15, 2022, I spoke with Eric Carnel from FBN. I requested that he send me records with dates of individual inbound and corresponding dates for outbound shuttles. In addition, I informed Mr. Carnel that two (2) products (Mepit, EPA Reg. #82070-2-83772 and Setup 6L, EPA Reg. #66222-136) were not registered in Indiana.

Original Event: Investigation Activity (Pesticide) #4335  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

03/16/2022 **Investigator Met with Dealer  
Records**

On February 24, 2022, I performed a routine Restricted Use Pesticide (RUP) Sales records inspection. I learned from my visit to the location listed for FBN that records are kept elsewhere and the building in a storage and shipping warehouse for pesticides including mini bulk shuttles. General Manager Mark Pauli stated FBN is an online retailer for pesticides. FBN offers other agriculture service but has an online retail business. Mr. Pauli state he receives the order invoice via computer, fills order and ships the order to end user. Mr. Pauli stated individuals can not purchase pesticide by walk-in.

During my inspection I observed many mini bulk shuttles stack in three 3 separate rooms (main warehouse, 2 anti-rooms). Part of the warehouse perimeter walls where constructed of concrete, but walls adjoining adjacent business where covered with drywall.

Furthermore, pedestrian and overhead dock doors exit directly outside the building. I questioned Mr. Pauli regarding secondary containment and if warehouse floor was sloped. Mr. Pauli did not know.

Mr. Pauli contacted Eric Carnell, Chief Legal Officer for FBN. In a zoom style call, Mr. Carnell stated he would provide RUP sales records and information regarding the construction of the building.

Attachments

File 88496; 2022 IN RUP Audit Oct. 2021 - Feb 2022.xlsx

**Activity**

On February 27, 2022, I received and email forwarded to my by Mark Pauli from Eric Carnell. The email references deficiencies with the secondary containment of the FBN warehouse.

Attachments

File 88506; Fwd FBN Inputs LLC; Whitestown IN.msg.pdf

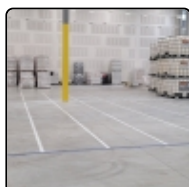
**Photographs**

Photographs of FBN warehouse.

Attachments



File 88497



File 88498



File 88499



File 88500



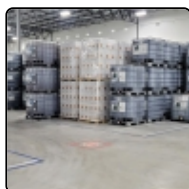
File 88501



File 88502



File 88503



File 88504



File 88505

Original Event: Investigation Activity (Pesticide) #4309  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

03/16/2022 **Investigator Met with Dealer  
Interaction**

On March 16, 2022, Agent Garrett Creason, Matt Pearson, and I met with Mark Paoli (FBN), Christina Colleston (RTM Consultants) and another individual to discuss how to contain the FBN warehouse to be in compliance. Discussion was had to seal up exterior walls and construct a raised lip along the dock door area to keep liquids from exiting the building in the event of a leak or spill.

**Photographs**

On March 16, 2022, I issued Mark Pauli, (FBN) a Stop, Sale, or Remove order for Mepit (EPA Reg. #82070-2-83772, 2X275gal) and Setup 6L (EPA Reg. #66222-136, 1X270gal)



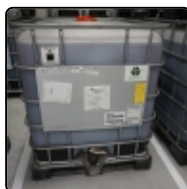
#### Attachments



File 89519



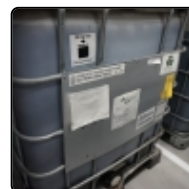
File 89520



File 89521



File 89522



File 89523



File 89524

Original Event: Investigation Activity (Pesticide) #4336  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

#### 03/16/2022 Stop Sale Order Issued

Original Event: Action Order #241  
Issued To: FBN Inputs LLC  
Registrant: Agsaver LLC  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley  
Attachments: File 89532; SAO.pdf  
File 89609; TO 1015452\_REC 1036596 Mepit.pdf

Photos:



File 89528



File 89529



File 89530



File 89531

---

#### 03/16/2022 Stop Sale Order Issued

un-registered in Indiana

Original Event: Action Order #264  
Issued To: FBN Inputs LLC  
Registrant: Adama  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley  
Attachments: File 99818; Action Order Indiana State Chemist.pdf

Photos:



File 99819



File 99820

---

#### 03/25/2022 Notice of Stop Sale Sent

Notification of SSURO was provided via email to registrant's contact information on file.

Original Event: Pesticide Products Activity #4  
Primary: Agsaver LLC  
Submitted By: Sarah K. Caffery  
Attachments: File 90474; SSO 241 Notification of Stop Sale\_ AGSAVER LLC.pdf

---

#### 03/25/2022 Notice of Stop Sale Sent

Notification of SSURO was sent via email to the contact for the Registrant for the product registration team.

Original Event: Pesticide Products Activity #5  
Primary: Makhteshim Agan of North America DBA Adama  
Submitted By: Sarah K. Caffery  
Attachments: File 90476; SSO 242 Notification of Stop Sale - Makhteshim Agan of NA DBA Adama.pdf

---

#### 04/04/2022 Investigator Called Dealer Communication

On April 4, 2022, I spoke with Eric Carnell, Chief Legal Officer for FBN. I questioned Mr. Carnell regarding records of individual shuttle inbound (received) and outbound (shipped) dates. Mr. Carnell stated FBN does not keep that information. Mr. Carnell stated he would re-check.

Original Event: Investigation Activity (Pesticide) #4364  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---



04/13/2022 **Stop Sale Released for Sale**

### **Mepit**

Application for Mepit was received by OISC. The letter for the release of the SSURO was emailed to Mark Pauli - mpauli@farmersbusinessnetwork.com

#### **Attachments**

File 91631; SSO 241 Release of SSURO\_AGSAVER LLC.pdf

Original Event: Stop Sale Release (PS) #4  
Issued To: FBN Inputs LLC  
Registrant: Agsaver LLC  
Submitted By: Sarah K. Caffery

---

04/13/2022 **Investigation Activity**

### **Records**

On April 13, 2022, the pesticide product "Mepit" was released from the Stop Sale order issued by OISC due to manufacturer registration.

#### **Attachments**

File 91810; SSO 241 Release of SSURO\_AGSAVER LLC.pdf

Original Event: Investigation Activity (Pesticide) #4470  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

04/15/2022 **Investigation Activity**

### **Records**

On April 15, 2022, I completed an audit of Eric Carnell's spread sheet (Whitestown Volume Data as of 3-4-22) of pesticide shuttles received by FBN and shipped out by FBN to customers. I pulled out of the (Whitestown Volume Data as of 3-4-22) spread sheet data to create the document (OISC breakdown of FBN) to assist me in counting and organizing pesticide shuttles at the FBN warehouse that where out of containment. Some data was not counted because FBN did not keep records of individual shuttles being received and shipped resulting the inability to narrow down accurate shipping and receiving dates.

From the data pulled from FBN's spread sheet, 303 General Use Pesticide (GUP) shuttles were out of secondary containment over 30 days. In addition, 144 Restricted Use Pesticides (RUP) shuttles were out of secondary containment over 30 days. See attachment (OISC breakdown of FBN) for products, EPA Reg. #'s, and active ingredients.

#### **Attachments**

File 91815; OISC breakdown of FBN.xlsx  
File 91812; Whitestown 55gal All Shipped+Received as of 3-4-22 1.xlsx  
File 91813; Whitestown 55gal Summary as of 3-4-22 1.xlsx  
File 91814; Whitestown Volume Data as of 3-4-22.csv

Original Event: Investigation Activity (Pesticide) #4471  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

04/22/2022 **Judgement; Civil Penalty Assessed**

### **Civil Penalty**

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing general use pesticides (GUPs) outside of secondary containment. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact FBN Inputs LLC cooperated during the investigation and corrective action was taken.

### **Civil Penalty**

FBN Inputs LLC was cited for five (5) counts of violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing restricted use pesticides (RUPs) outside of secondary containment. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed for this violation. By rule, this violation may not be mitigated.

Original Event: Judgement #1249  
Primary: FBN Inputs LLC  
Submitted By: George Saxton  
Legal Citation: 355 IAC 5-4-1(a)  
Penalty Amount: 6500

---

05/24/2022 **Judgement; Warning**

### **Warning**

FBN Inputs LLC was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing pesticide products that are not registered for sale in the state of Indiana.

Original Event: Judgement #1302  
Primary: FBN Inputs LLC  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(1)

---

06/03/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1101  
To: FBN Inputs LLC  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9620  
Enclosed: Notice of Enforcement  
Attachments: File 97332; PS22-0063EL CP ~ FBN Inputs LLC.docx

---

06/22/2022 **Received Mail Confirmation for Target**

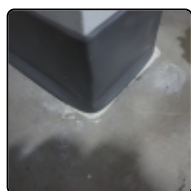
Original Event: Compliance Receipt #1536  
Subject: FBN Inputs LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9620  
Received: 06/22/2022  
Attachments: File 101898; CM 7019 0140 0000 6113 9620 - PS22-0063.pdf

---

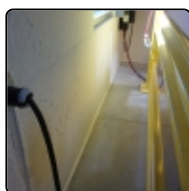
06/27/2022 **Investigator Met with Target  
Photographs**

On June 27, 2022, Agent Garret Creason and I met with Mark Pauli, General Manager of FBN. Agent Creason and I were asked to evaluate the containment improvements made to the FBN warehouse. FBN ran a bead of water proof caulk around the perimeter of the building sealing the expansion joint. In addition, a raised soft curbing was established along the rear overhead door area. We discussed with Mr. Pauli that he need to monitor and maintain to determine pesticide compatibility with the containment improvements.

Attachments



File 99784



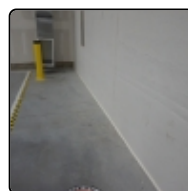
File 99785



File 99786



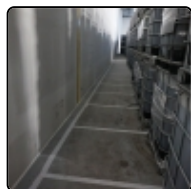
File 99787



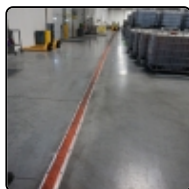
File 99788



File 99789



File 99790



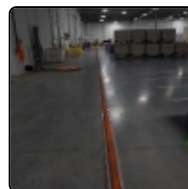
File 99791



File 99792



File 99793



File 99794

Original Event: Investigation Activity (Pesticide) #4957  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

06/29/2022 **INCIDENTAL Notice of Stop Sale Sent**

Adama has not responded to OISC's notification of distribution of an unregistered product. Notification was provided via email on March 25, 2022, with follow up on May 18, 2022. Read receipt received from Stacie Buchanan at 3:13 PM on May 18, 2022. Notification was sent originally for action order #242 case #22-0063.

Original Event: Pesticide Products Activity #14  
Linked From: Action Order #264  
Primary: Adama  
Submitted By: Victoria J. Matsumura

---

07/19/2022 **Stop Sale Released for Return/Disposal  
Setup 6sl**

Released for return or disposal

Attachments

File 102356; FBN Inputs LLC SSURO Release Return Letter.pdf

Original Event: Stop Sale Release (PS) #8  
Issued To: FBN Inputs LLC  
Registrant: Adama  
Submitted By: Victoria J. Matsumura

---

07/22/2022 **Compliance Activity**

Eric Carnell / FBN Inputs contacted OISC. They are sending the \$6,500.00 civil penalty. Civil Penalty Hold date extended to August 5, 2022 to allow time for the payment to be received.

Original Event: Compliance Activity #1356  
Primary: FBN Inputs LLC  
Entered By: Joni D. Herman  
Submitted By: George Saxton  
Attachments: File 103209; PS22-0063 FBN Inputs \_ RE\_ Message from CARNELL ERIC (+12068494570).pdf

---

07/25/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1574
Subject:	FBN Inputs LLC
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$6,500.00
Payment Received:	\$6,500.00
Attachments:	File 103354; PS22-0063 FBN Inputs LLC ~ CP Received 7-25-2022.pdf

### Chain of Custody

---

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

<p>This record was generated on <b>August 5, 2022, 09:00 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:46 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0076**

Department	Pesticide
Originated	04/05/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>Anonymous</b>
Respondent Issued To	<b>Limon Green Tree Landscaping</b> Anderson, IN 46011
Respondent	<b>Prisco Limon</b> Anderson, IN 46011

**Overviews**

04/07/2022 **Investigation Summary**

Unlicensed business photographed with "Z" sprayer on trailer.  
Owner of Limon Green-tree Landscaping, Prisco (Paco) Limon admitted to making applications.  
Mr. Limon provided "Spring Work Order" showing 16 clients where fertilizer was applied.  
"Spring Work Order" shows 3 clients where "pre-emerg." applied.  
Action order issued to Mr. Limon.  
Mr. Limon cooperated, agreed to stop, and asked how to get licensed.  
Submitted By: Paul Jay Kelley  
Role: Investigator

04/12/2022 **Disposition Summary**

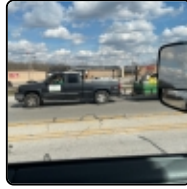
Limon Green Tree Landscaping was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.  
Prisco Limon was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Prisco Limon Landscaping cooperated during the investigation and there was no previous violation of similar nature.  
Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

04/04/2022 **Intake Referral Filed**

OISC was provided anonymously with a photo showing a Limon Green-Tree truck with a ride-on sprayer in the attached trailer. There is no record of Limon Green-Tree ever having a pesticide license.

Original Event: Intake Referral (Pesticide) #2421  
Complainant: Anonymous  
Respondent: Limon Green-Tree Landscaping  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley  
Photos:



File 91107

---

04/05/2022 **Case Created**

Original Event: Case PS22-0076  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

04/07/2022 **Investigator Met with Target Communication**

On April 7, 2022, Agent Adam Brockman and I met with Prisco (Paco) Limon, owner of Limon Green-tree Landscaping. Mr. Limon admitted to using the "Z" sprayer depicted in the picture submitted to OISC for fertilizer application on for-hire client properties. Mr. Limon was honest and upfront when admitting to making applications. Mr. Limon showed Agent Brockman and I his storage shed where the "Z" sprayer and fertilizer was located. Furthermore, Mr. Limon provided his "Spring Work Order" showing his clients he applied fertilizer and "pre emerg." Mr. Limon "hi-lited" the work order of his clients he has applied fertilizer. Mr. Limon "hi-lited" 16 clients he has applied fertilizer. Of the 16 clients, 3 clients he applied "pre-emerg." (see attached "Spring Work Order"). Mr. Limon stated he did not know he needed to be licensed to apply fertilizer. I issued Mr. Limon an Action Order to stop advertising and/or applying pesticides and fertilizer for-hire without a license from OISC. Mr. Limon stated he would stop and asked about licensing. I directed him to OISC's website for information.

**Records**

Limon "Spring Work Order". The work order shows 9 applications completed on March 28, 2022, and 7 application completed on April 4, 2022.

**Attachments**

File 91478; Fertilizer.xlsx  
File 91196; Limon work order.pdf

**Photographs**

On April 4, 2022, I photographed Mr. Limon's "Z" sprayer and bags of fertilizer.

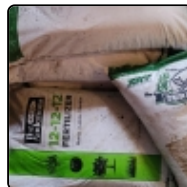
**Attachments**



File 91197



File 91198



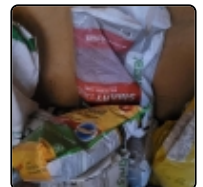
File 91199



File 91200



File 91201



File 91202

Original Event: Investigation Activity (Pesticide) #4375  
Subject: Limon Green-Tree Landscaping  
Submitted By: Paul Jay Kelley

---

04/07/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #768  
Client: Limon Green-Tree Landscaping  
Firm Representative: Prisco (Paco) Limon  
Submitted By: Paul Jay Kelley  
Attachments: File 91203; noi.pdf

---

04/07/2022 **Action Order Issued**

stop advertising and/or applying pesticides and fertilizers for-hire without a license from OISC

Original Event: Action Order #246  
Issued To: Limon Green-Tree Landscaping  
Firm Representative: Prisco (Paco) Limon  
Submitted By: Paul Jay Kelley  
Attachments: File 91204; AO.pdf

---

04/12/2022 **Judgement; Civil Penalty Assessed**

## Citation

Limon Green Tree Landscaping was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

## Civil Penalty

Prisco Limon was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$275.00. Consideration was given to the fact Prisco Limon Landscaping cooperated during the investigation and there was no previous violation of similar nature.

Original Event:	Judgement #1198
Primary:	Limon Green Tree Landscaping
Secondary:	Prisco Limon
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	275

---

### 05/12/2022 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #1085
To:	Prisco Limon
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9521
Enclosed:	Notice of Enforcement
Attachments:	File 94328; PS22-0076EL CP Mitigated ~ Prisco Limon - Limon Green Tree Landscaping.docx

---

### 05/19/2022 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1512
Subject:	Prisco Limon
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9521
Received:	05/19/2022
Attachments:	File 98472; CM 7019 0140 0000 6113 9521 Prisco Limon-Limon Green Tree Landscape ~ PS22-0076.pdf

---

### 05/31/2022 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1517
Subject:	Prisco Limon
Submitted By:	Joni Herman
Payment Expected:	\$275.00
Payment Received:	\$275.00
Attachments:	File 98657; PS22-0076 Prisco Limon - Limon Green Tree Landscaping ~ CP Received 5-31-22.pdf

---

### 08/19/2022 Notice of Case Closure Mailed to Target

Original Event:	Outgoing Mail #1195
To:	Limon Green Tree Landscaping
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 106741; PS22-0076 - Prisco Limon - Closed Case Letter - 8-19-2022.docx

---

## Chain of Custody

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

<p>This record was generated on <b>September 22, 2022, 09:46 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:47 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0082**

Department	Pesticide
Originated	04/12/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>Anonymous</b>
Respondent	<b>Castleton Lawn Care</b> Fishers, IN 46037
Respondent	<b>Daniel Ciesniewski</b> Fishers, IN 46037
Agency	<b>Purdue Receivables &amp; Collections</b>

**Overviews**

05/16/2022 **Investigation Summary**

Anonymous complaint that Castleton Lawn Care advertising they are in the business of fertilization and applying pesticides for hire.

On April 12, 2022, I went to the address of Dan Ciesniewski, owner of Castleton Lawn Care at 12121 Cowboys Court in Fishers, Indiana and observed truck with trailer advertising fertilization by Castleton Lawn Care.

Made 2 addition trips to above location and left business cards.

Contacted answering service for Castleton Lawn Care on two occasions, identified myself and nature of call. Received no return call.

Filled out information on Castleton's website identifying myself and nature of contact. No return call.

Website continues to post 5 step pesticide and fertilizer applications with the illusion applications done by "licensed contractor".

Dan Ciesniewski or Castleton Lawn Care have not returned call or reached out to OISC.

Submitted By: Paul Jay Kelley  
Role: Investigator

05/17/2022 **Disposition Summary**

Castleton Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204).

Dan Ciesniewski was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204.) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Castleton Lawn Care was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204).

Dan Ciesniewski was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204). A civil penalty in the amount of \$1,000.00 was assessed for this violation. Any future violations of the Indiana Pesticide Use and Application Law may be forwarded to the local prosecutor's office for criminal charges pursuant to 357 IAC 1-6-6.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 04/11/2022 Intake Referral Filed

Anonymous complainant stated Castleton Lawn Care put advertising magnets on all the neighborhood mailboxes. A check of OISC records showed Castleton Lawn Care did not have a Pesticide Business License. In addition the website for Castleton Lawn Care advertises 5 rounds of lawn care that include fertilization and weed control.

Original Event: Intake Referral (Pesticide) #2426  
Complainant: Anonymous  
Respondent: Castleton Lawn Care  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 04/12/2022 Investigator Met with Target Activity

On April 12, 2022, I went to the address of Dan Ciesniewski, owner of Castleton Lawn Care at 12121 Cowboys Court in Fishers, Indiana. Mr. Ciesniewski was not home at the time of my visit; however, I left my business card on the front door and a vehicle parked on the road in front of the residence with a trailer advertising "Castleton Lawn Care". The advertisement on the trailer identified a service as "fertilization. This is in direct violation of the 2016 Action Order issued to Dan Ciesniewski (See Case summary 20161204).

A search of "Castleton Lawn care" on google, lists "Fertilization " as a service. On the "fertilization" tab, Castleton Lawn Care list 5 rounds of treatments for turf that include "fertilizer" and "herbicide" applications.

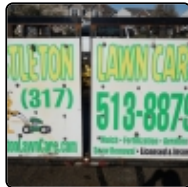
Castleton Lawn Care does note, "All lawn care applications will be done by licensed contractors".

This notation does not specify who is licensed. Leaving the interpreter reading the advertisement to believe Castleton is the licensed company.

#### Attachments



File 91520



File 91521

File 91523; Screenshot 2022-04-12 082553-1.pdf

File 91522; Screenshot 2022-04-12 082553.pdf

File 91524; Screenshot 2022-04-12 083205.pdf

File 91525; Screenshot\_20220412-093727\_Chrome.pdf

Original Event: Investigation Activity (Pesticide) #4387  
Subject: Castleton Lawn Care  
Submitted By: Paul Jay Kelley

---

### 04/12/2022 Case Created

Original Event: Case PS22-0082  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 04/13/2022 Investigator Called Target Communication

On April 13, 2022, I called the telephone number for Castleton Lawn Care. I left a message with the answering service.

Original Event: Investigation Activity (Pesticide) #4442  
Subject: Castleton Lawn Care  
Submitted By: Paul Jay Kelley

---

### 04/13/2022 Online Investigation Activity Activity

On April 13, 2022, I left a typed message on Castleton Lawn Care's website for Dan Ciesniewski that OISC was conducting an investigation on Castleton Lawn Care. I instructed Mr. Ciesniewski to call me at my telephone number left in message.

Original Event: Investigation Activity (Pesticide) #4486  
Subject: Castleton Lawn Care  
Submitted By: Paul Jay Kelley

---

### 04/21/2022 Investigator Met with Target



## Activity

On April 21, 2022, I went to Mr. Ciesniewski residence at 12121 Cowboys court in Fishers, Indiana. Mr. Ciesniewski was not home. Furthermore, the truck and trailer with Castleton Lawn Care advertising "Fertilization" was gone. This vehicle, I also left my business card on the drivers side window on April 12, 2022, visit.

In addition, while sitting in the driveway at 12121 Cowboys Court, I contacted the answering service and spoke with "Jennifer". "Jennifer" provided me with the email for Castletown Lawn Care and stated that is how she forwards messages.

I left another business card affixed to Mr. Ciesniewski's garage door key pad.

Original Event: Investigation Activity (Pesticide) #4487  
Subject: Castleton Lawn Care  
Submitted By: Paul Jay Kelley

---

### 04/21/2022 New Respondent Identified

Original Event: Investigation Change #147  
Respondent: Daniel Ciesniewski  
Submitted By: Paul Jay Kelley

---

### 04/21/2022 Investigator Sent Fax/Email to Target Activity

On April 21, 2022, I sent an email to Castleton Lawn Care (admin@castletonlawncare.com) informing Dan Ciesniewski, OISC was conducting an investigation on Castleton Lawn Care and to contact me.

#### Attachments

File 92333; email.pdf

Original Event: Investigation Activity (Pesticide) #4488  
Subject: Castleton Lawn Care  
Submitted By: Paul Jay Kelley

---

### 04/25/2022 Investigator Met with Target Activity

On April 25, 2022, I went to the address for Dan Ciesniewski for a 3rd time. A white pickup truck was parked in the driveway. I knocked on the door with no one answering. I notice my business card was on the ground in front of the door from my previous visit. Furthermore, I noticed my business card on the ground by the garage door that had been taped to the code box for garage.

## Photographs

On April 25, 2022, I photographed a white pickup truck in the residence alleged to be Dan Ciesniewski.

#### Attachments



File 92850



File 92851

Original Event: Investigation Activity (Pesticide) #4498  
Subject: Daniel Ciesniewski  
Submitted By: Paul Jay Kelley

---

### 05/16/2022 Investigation Activity Activity

As of May 16, 2022, Dan Ciesniewski nor any representative from Castleton Lawn Care has responded to 3 visits to residence, 2 calls to answering service, email to link on website, and filling out message on website to return message. Based on the evidence it appears Mr. Ciesniewski continues to advertise he is in the business of fertilizing lawns for-hire and gives the illusion that Castleton Lawn Care fertilizes and applies pesticides for-hire from verbiage on website. Mr. Ciesniewski and Castleton Lawn Care are in violation of a previous Action Order (case #2016/1204) to cease advertising in the business of applying fertilizer and pesticides for-hire.

Original Event: Investigation Activity (Pesticide) #4605  
Subject: Daniel Ciesniewski  
Submitted By: Paul Jay Kelley

---

### 05/17/2022 Judgement; Civil Penalty Assessed Citation

Castleton Lawn Care was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204).

## Citation

Castleton Lawn Care was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204).

## Civil Penalty

Dan Ciesniewski was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow a lawful Order of the state chemist (see Action Order in case 2016/1204.) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

## Civil Penalty

Dan Ciesniewski was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for knowingly professing to be in the business of applying pesticides/fertilizers for hire. (see case 2016/1204). A civil penalty in the amount of \$1,000.00 was assessed for this violation. Any future violations of the Indiana Pesticide Use and Application Law may be forwarded to the local prosecutor's office for criminal charges pursuant to 357 IAC 1-6-6.

Original Event: Judgement #1301  
Primary: Castleton Lawn Care  
Secondary: Daniel Ciesniewski  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(6); IC 15-16-4-59(6); IC 15-16-5-65(9)  
Penalty Amount: 2000

---

### 06/14/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1115  
To: Castleton Lawn Care  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9774  
Enclosed: Notice of Enforcement  
Attachments: File 98462; PS22-0082EL CIT ~ Castleton Lawn Care - Dan Ciesniewski, Owner.docx

---

### 06/14/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1116  
To: Daniel Ciesniewski  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9767  
Enclosed: Notice of Enforcement  
Attachments: File 98463; PS22-0082EL CP ~ Dan Ciesniewski - Castleton Lawn Care.docx

---

### 07/12/2022 Mail Service Returned for Target

CM returned to OISC. Regular mail copy has not been returned.

Original Event: Compliance Receipt #1594  
Subject: Daniel Ciesniewski  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9767  
Returned: 07/12/2022  
Attachments: File 103817; CM 7019 0140 0000 6113 9767 ~ Daniel Ciesniewski - Castleton LC ~ CM Returned to OISC 7-12-22.pdf

---

### 08/04/2022 Mail Confirmation Assumed for Target

As of August 4, 2022 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1608  
Subject: Daniel Ciesniewski  
Submitted By: Jacob A. Hatfield

---

### 08/04/2022 Mail Confirmation Assumed for Target

As of August 4, 2022 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1609  
Subject: Castleton Lawn Care  
Submitted By: Jacob A. Hatfield

---

### 08/04/2022 Mail Confirmation Not Received for Target

As if August 4, 2022 Green Card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since July 13, 2022. It is assumed to have been lost.

Original Event: Compliance Receipt #1610  
Subject: Castleton Lawn Care  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9774  
Attachments: File 104463; PS22-0082 - Castleton Lawn Care.pdf

---

### 08/10/2022 Penalty Payment Not Received for Target

As of August 10, 2022, Daniel Ciesniewski has not paid the \$2,000.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1635
Subject:	Daniel Ciesniewski
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$2,000.00
Payment Received:	\$0

---

08/10/2022 **Sent to Collections** (Pending)

As of August 10, 2022, Daniel Ciesniewski had not paid the \$2,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #1413
Primary:	Daniel Ciesniewski
Agency:	Purdue Receivables & Collections
Submitted By:	Jacob A. Hatfield

---

08/10/2022 **Mail Service Returned for Target**

Certified mail was returned to OISC on 8-10-2022. It was previously assumed to be lost.

Original Event:	Compliance Receipt #1638
Subject:	Castleton Lawn Care
Submitted By:	Jacob A. Hatfield
USPS:	7019 0140 0000 6113 9774
Returned:	08/10/2022
Attachments:	File 105805; CM 7019 0140 0000 6113 9774 ~ PS22-0082 ~ Returned to OISC 8-10-2022.pdf

---

08/12/2022 **Notice of Case Closure Mailed to Target**

Notification of collection proceedings.

Original Event:	Outgoing Mail #1182
To:	Daniel Ciesniewski
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 106054; PS22-0082 Daniel Ciesniewski - Closed Case Letter - CP FWD.docx

---

### Chain of Custody

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

<p>This record was generated on <b>September 22, 2022, 09:47 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 26, 2022, 11:41 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0085

Department	Pesticide
Originated	04/13/2022
Assigned To	William R. Reid
Status	Closed

## Involved Parties

Complainant	<b>Orkin Exterminating Co</b> Fort Wayne, IN 46808
Respondent Issued To	<b>Evan L Ramer</b> Fort Wayne, IN 46818

## Overviews

### 04/27/2022 Investigation Summary

Evan Ramer from Ramer Pest Control was advertising and applying pesticides for hire without being properly licensed. He used to work for Orkin and then started his own company. Mr. Ramer has made a total of 13 applications on 5 different days. The days he made applications totaled up to 5 days. on 3/28, 4/4, 4/5, 4/12, 4/13. Mr. Ramer was given an action order to stop and was cooperative during the inspection. He has passed his test for 7a on 4/21/22 and is working on getting the paper work turned in to OISC. His old RT lic. # was RT272665.

Submitted By: William R. Reid  
Role: Investigator

### 05/02/2022 Disposition Summary

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

However, \$500.00 of the civil penalty will be held in abeyance for a period of two (2) years from the date of this notice and will not be assessed provided Evan L Ramer does not apply pesticides for hire without having the proper license.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 04/13/2022 Intake Referral Filed

Brian Davis of Orkin Pest Control in Fort Wayne, Indiana stated Evan Ramer a former Orkin employee started his own pest control business and is poaching Orkin customers. A check of OISC records did not find any pesticide business license for Ramer Pest Control.

Original Event: Intake Referral (Pesticide) #2429  
Complainant: Orkin Exterminating Co  
Respondent: Evan Ramer  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

### 04/13/2022 Case Created

Original Event: Case PS22-0085  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

04/25/2022 **Investigator Called Complainant Communication**

I called and talked with Brian Davis whom was the manager and complainant in the case again Evan Ramer. Brian gave me information about the case and when Evan Ramer left Orkin. Brian Davis also said he was going to try to get me more detail information on possible clients and applications that Evan Ramer may have made while unlicensed properly.

Original Event: Investigation Activity (Pesticide) #4505  
Subject: Orkin Exterminating Co  
Submitted By: William R. Reid

---

04/25/2022 **Investigator Called Target Communication**

I talked with Evan Ramer and set up a time to meet and gather records where he made applications while being unlicensed. He was aware now that he needs to be licensed and I informed him that he should stop until fully licensed with OISC. I asked him to email me all applications made since he left Orkin. I also asked him to take down any advertisement and solicitation for business until being fully licensed with OISC. He has passed his test and cat. 7a. tests. but needs to send in paperwork. I am meeting with him in Ft. Wayne on 4/26/22.

Original Event: Investigation Activity (Pesticide) #4506  
Subject: Evan Ramer  
Submitted By: William R. Reid

---

04/26/2022 **Investigator Received Fax/Email from Target Records**

Mr. Evan Ramer sent me 14 different emails with attached work order/invoices. Total of 13 applications and 1 future application that he has not done yet on 5/10/22. The days he made applications totaled up to 5 days. on 3/28, 4/4, 4/5, 4/12, 4/13.

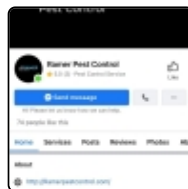
Attachments

File 92838; Work-Order-118.pdf  
File 92839; Work-Order-131.pdf  
File 92836; Work-Order-16.pdf  
File 92840; Work-Order-212.pdf  
File 92837; Work-Order-28.pdf  
File 92841; Work-Order-314.pdf  
File 92842; Work-Order-327.pdf  
File 92843; Work-Order-340.pdf  
File 92844; Work-Order-353.pdf  
File 92845; Work-Order-366.pdf  
File 92846; Work-Order-393.pdf  
File 92847; Work-Order-430.pdf  
File 92848; Work-Order-563.pdf  
File 92849; Work-Order-576.pdf

**Photographs**

Truck, facebook page, and webstie advertisement from Ramer Pest Control.

Attachments



File 92883



File 92884

Original Event: Investigation Activity (Pesticide) #4508  
Subject: Evan Ramer  
Submitted By: William R. Reid

---

04/26/2022 **Investigator Met with Target Activity**

I met with Mr. Ramer and gave him an action order and confirmed the records that he sent me via email. I also gave him a NOI and Action Order to stop advertising and applying pesticides.

Original Event: Investigation Activity (Pesticide) #4509  
Subject: Evan Ramer  
Submitted By: William R. Reid

---

04/26/2022 **Action Order Issued**

Stop Applying Pesticides for Hire and Advertising until Fully licensed with OISC...see #4,#11 on back of Action Order.

Original Event:	Action Order #250
Issued To:	Evan Ramer
Firm Representative:	Evan Ramer
Submitted By:	William R. Reid
Attachments:	File 92885; Action Order Evan Ramer.pdf

---

04/26/2022 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #844
Client:	Evan Ramer
Firm Representative:	Evan Ramer
Submitted By:	William R. Reid
Attachments:	File 92886; NOI for Evan Ramer.pdf

---

05/02/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

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

**Abeyance**

However, \$500.00 of the civil penalty will be held in abeyance for a period of two (2) years from the date of this notice and will not be assessed provided Evan L Ramer does not apply pesticides for hire without having the proper licenses.

Original Event:	Judgement #1256
Primary:	Evan L Ramer
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1000

---

05/03/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1078
To:	Evan L Ramer
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9460
Enclosed:	Notice of Enforcement
Attachments:	File 93512; PS22-0085EL CP with Abeyance ~ Evan L. Ramer.docx

---

05/17/2022 **Mail Service Returned for Target**

Certified Mail was returned to OISC marked "Insufficient Address". Regular Mail copy has not been returned as yet.

Original Event:	Compliance Receipt #1462
Subject:	Evan L Ramer
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9460
Returned:	05/17/2022
Attachments:	File 94591; PS22-0085 Evan L. Ramer - EL Returned ~ CM 7019 0140 0000 6113 9460.pdf

---

07/28/2022 **Mail Confirmation Assumed for Target**

As of 7/28/2022 regular mail has not been returned to OISC.

Original Event:	Compliance Receipt #1590
Subject:	Evan L Ramer
Submitted By:	Jacob A. Hatfield

---

08/10/2022 **Penalty Payment Not Received for Target**

As of August 10, 2022, Evan L Ramer has not paid the \$500.00 civil penalty. The case will be forwarded to collections for the unmitigated CP amount of \$1,000.00.

Original Event:	Compliance Receipt #1632
Subject:	Evan L Ramer
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$500.00 (Unmitigated \$1,000.00)
Payment Received:	\$0

---

08/12/2022 **Compliance Activity**

On August 12, 2022, more information was provided to pesticide compliance showing that Evan L Ramer's mailing address has been updated to a different business address. The enforcement letter will be resent to this new address.

**12914 Page Hill Court**  
**Fort Wayne IN 46818**

Original Event:	Compliance Activity #1410
Primary:	Evan L Ramer
Submitted By:	Jacob A. Hatfield

---

08/15/2022 **Second Notice of Enforcement Mailed to Target; Second Attempt**

A resend of the original enforcement letter due to a new address.

Original Event: Outgoing Mail #1190  
To: Evan L. Ramer  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3998  
Enclosed: Notice of Enforcement  
Attachments: File 106386; PS22-0085EL CP with Partial Abeyance ~ Evan L. Ramer.docx

---

08/19/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1668  
Subject: Evan L. Ramer  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3998  
Received: 08/19/2022  
Attachments: File 107537; CM 7022 0410 0001 2745 3998 - PS22-0085 - 8-19-2022.pdf

---

09/23/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1701  
Subject: Evan L. Ramer  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 110027; PS22-0085 - Evan L. Ramer - CP Received 9-23-2022.pdf

---

09/23/2022 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1364  
To: Orkin Exterminating Co  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 110041; PS22-0085 - Orkin Exterminating Co. - Case Closed Letter 9-23-2022.docx

---

09/23/2022 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1365  
To: Evan L. Ramer  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 110042; PS22-0085 - Evan L. Ramer - Case Closed Letter 9-23-2022.docx

---

**Chain of Custody**

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

<p>This record was generated on <b>September 26, 2022, 11:41 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **August 5, 2022, 09:01 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0089

Department	Pesticide
Originated	04/20/2022
Assigned To	Nathan J. Davis
Status	Closed

## Involved Parties

Issued To Respondent	<b>Lawn Masters LLC</b> Newburgh, IN 47630
Complainant	<b>Office of Indiana State Chemist</b>

## Overviews

### 04/21/2022 Investigation Summary

I conducted a routine business inspection of Lawn Masters located in Newburgh, Indiana. During the inspection, I entered the pesticide storage area of the facility. Upon entering the pesticide storage area, I observed two mosquito foggers sitting on the shelf. I asked Mr. Melliff if Lawn Masters made mosquito applications, Mr. Melliff advised they did. I asked Mr. Melliff if Lawn Masters had a certified applicator licensed in either Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control. Mr. Melliff stated they did not have any certified applicators licensed in either of those categories. Mr. Melliff advised he thought being licensed in Category 3a - Ornamental Pest Management allowed for mosquito applications.

I advised Mr. Melliff I would be issuing Lawn Masters an Action Order to "Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed".

The evidence in this case indicates in the year 2021 Lawn Masters made 497 mosquito applications without having a certified applicator licensed in either Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control.

Submitted By: Nathan J. Davis  
Role: Investigator

### 04/22/2022 Disposition Summary

Lawn Masters LLC was cited for violation of section 65(12) of the Indiana Pesticide Use and Application Law for making mosquito control pesticide applications without having a certified applicator in category 7a or 8. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$275.00. Consideration was given to the fact Lawn Masters cooperated during the investigation and this was their first violation of similar nature.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 04/19/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #803  
Client: Lawn Masters LLC  
Firm Representative: David Melliff  
Submitted By: Nathan J. Davis

### 04/19/2022 General Inspection Conducted Credentials Inspection

During the course of the inspection it was discovered Lawn Masters made mosquito applications in 2021 without having a certified applicator licensed in either a Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control.

### Disposal Inspection

Advised branch manager to properly dispose 55 gallon pesticide containers they were currently using as trash cans.



## Lawn & Landscape Inspection

Advised branch manager to add brand name of pesticides applied to written customer notification.

Original Event: Pesticide Inspection (General) #1919  
Client: Lawn Masters LLC  
Firm Representative: David Melliff  
Submitted By: Nathan J. Davis

---

### 04/19/2022 Investigator Met with Business Interaction

On April 19, 2022, I conducted a routine business inspection of Lawn Masters located in Newburgh, Indiana. During the inspection, I entered the pesticide storage area of the facility. Upon entering the pesticide storage area, I observed two mosquito foggers sitting on the shelf. I asked Mr. Melliff if Lawn Masters made mosquito applications, Mr. Melliff advised they did. I asked Mr. Melliff if Lawn Masters had a certified applicator licensed in either Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control. Mr. Melliff stated they did not have any certified applicators licensed in either of those categories. Mr. Melliff advised he thought being licensed in Category 3a - Ornamental Pest Management allowed for mosquito applications. I advised Mr. Melliff that was not the case and Lawn Masters would need to get a certified applicator licensed in either Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control to continue to make mosquito applications. Mr. Melliff advised Lawn Masters would have one of their certified applicators become licensed in Category 8 - Community Wide Mosquito Control.

I advised Mr. Melliff I would be issuing Lawn Masters an Action Order to "Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed". I advised Mr. Melliff I would need to know how many mosquito applications Lawn Masters had made. Mr. Melliff stated Lawn Masters had yet to make any mosquito applications in 2022 but did make mosquito applications in 2021.

Original Event: Investigation Activity (Pesticide) #4489  
Subject: Lawn Masters LLC  
Submitted By: Nathan J. Davis

---

### 04/19/2022 Action Order Issued

Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed.

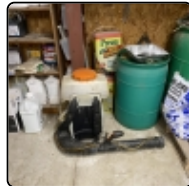
Original Event: Action Order #248  
Issued To: Lawn Masters LLC  
Firm Representative: David Melliff  
Submitted By: Nathan J. Davis

---

### 04/19/2022 Investigator Met with Business Photographs

Photographs taken of the mosquito foggers located in the pesticide storage area of Lawn Masters.

#### Attachments



File 92349



File 92350

Original Event: Investigation Activity (Pesticide) #4490  
Subject: Lawn Masters LLC  
Submitted By: Nathan J. Davis

---

### 04/19/2022 Investigator Met with Business Records

Mr. Melliff presented me with a record of the total number of mosquito applications Lawn Masters made in 2021, which indicated Lawn Masters made 497 mosquito applications in 2021. I confirmed with Mr. Melliff that the number of applications was correct, and he stated the number of applications was correct.

#### Attachments

File 92352; Mosquito Applications .pdf

Original Event: Investigation Activity (Pesticide) #4491  
Subject: Lawn Masters LLC  
Submitted By: Nathan J. Davis

---

### 04/19/2022 Investigation Activity Activity

The evidence in this case indicates in the year 2021 Lawn Masters made 497 mosquito applications without having a certified applicator licensed in either Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control.

Original Event: Investigation Activity (Pesticide) #4492  
Subject: Lawn Masters LLC  
Submitted By: Nathan J. Davis

---

**04/20/2022 Intake Referral Filed**

On April 29, 2022 I conducted a routine business inspection of Lawn Masters located in Newburgh, Indiana. During the course of the inspection it was discovered Lawn Masters made mosquito applications in 2021 without having a certified applicator licensed in either a Category 7a - General Pest Management or Category 8 - Community Wide Mosquito Control.

Original Event:	Intake Referral (Pesticide) #2433
Complainant:	Office of Indiana State Chemist
Respondent:	Lawn Masters LLC
Entered By:	Nathan J. Davis
Submitted By:	George Saxton

---

**04/20/2022 Case Created**

Original Event:	Case PS22-0089
Submitted By:	George Saxton
Assigned To:	Nathan J. Davis

---

**04/22/2022 Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Lawn Masters LLC was cited for violation of section 65(12) of the Indiana Pesticide Use and Application Law for making mosquito control pesticide applications without having a certified applicator in category 7a or 8. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$275.00. Consideration was given to the fact Lawn Masters cooperated during the investigation and this was their first violation of similar nature.

Original Event:	Judgement #1248
Primary:	Lawn Masters LLC
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(12)
Penalty Amount:	275

---

**06/08/2022 Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1105
To:	Lawn Masters LLC
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9750
Enclosed:	Notice of Enforcement
Attachments:	File 97523; PS22-0089EL CP Mitigated ~ Lawn Masters LLC.docx

---

**06/13/2022 Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1549
Subject:	Lawn Masters LLC
Submitted By:	Jacob A. Hatfield
USPS:	7019 0140 0000 6113 9750
Received:	06/13/2022
Attachments:	File 101912; CM 7019 0140 0000 6113 9750 - PS22-0089.pdf

---

**06/23/2022 Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1573
Subject:	Lawn Masters LLC
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$275.00
Payment Received:	\$275.00
Attachments:	File 103353; PS22-0089 Lawn Masters LLC - David Melliff ~ CP Received 6-23-22.pdf

---

**Chain of Custody**

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

<p>This record was generated on <b>August 5, 2022, 09:01 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:48 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0100

Department	Pesticide
Originated	05/02/2022
Assigned To	Garret A. Creason
Status	Closed

## Involved Parties

Facility Respondent	<b>Webb Chemical</b> Fort Wayne, IN 46803
Complainant	<b>Office of Indiana State Chemist</b>
Registrant Respondent	<b>Webb Chemical Service Corp</b> Fort Wayne, IN 46803
Respondent	<b>Webb Chemical</b> Muskegon Heights, MI 49444

## Overviews

### 05/03/2022 Product Registration Summary

Label revisions and State registrations required within 60 days of receipt. See label review for revision requirements.

Submitted By: Sarah K. Caffery  
Role: Product Registration Specialist

### 05/06/2022 Investigation Summary

On February 16, 2022 I conducted a Producer Establishment Inspection at Webb Chemical in Ft. Wayne, IN. Agent Trimble and I met with Jon Vanmeter, Operation Supervisor at Webb Chemical. I explained the scope of the inspection to Mr. Vanmeter and he was able to provide all the required documentation. I collected all the labeling for the products produced at the Webb Chemical location.

The labels were then provided to the OISC Pesticide Registration team to conduct a label review.

The Label Review found that Label revisions and State registrations are required within 60 days of receipt. See label review for revision requirements.

Submitted By: Garret A. Creason  
Role: Investigator

### 05/11/2022 Disposition Summary

Webb Chemical Service Corp was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law, for distributing pesticide products that were not registered for sale in the state of Indiana. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

Webb Chemical Service Corp was cited for violation of section 57(5) of the Indiana Pesticide Registration Law, for distributing pesticide products that were misbranded. A civil penalty in the amount of \$500.00 was assessed.

Webb Chemical Service Corp was cited for violation of section 57(9) of the Indiana Pesticide Registration Law, for distributing pesticide products that were in violation of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

However, \$1,500.00 of the civil penalty will be held in abeyance and not assessed provided Webb Chemical Service Corp properly registers the pesticide products and adjusts the labels within sixty (60) days from receipt of this notice.

Submitted By:  
Role:

George Saxton  
Compliance Officer

## Chronology of Events

---

### 02/16/2022 INCIDENTAL Producer Establishment Inspection Conducted Production

Advised to add the EPA Reg. # to the production report. Production happens directly off the tanker delivery truck.

#### Visit Summary

Advised to add the EPA Reg. # to the production report

#### Attachments

File 87465; Webb distribution.pdf  
File 87463; Webb INbound.pdf  
File 87468; Webb Label 1.pdf  
File 87469; Webb label 2.pdf  
File 87470; Webb label 3.pdf  
File 87471; Webb label 4.pdf  
File 87464; Webb Production.pdf  
File 87466; Webb RFD.pdf  
File 87467; Webb RFD.pdf

Original Event: Producer Establishment Inspection #56  
Linked From: Intake Referral (Pesticide) #2444, Investigation Activity (Pesticide) #4562  
Facility: Webb Chemical  
Firm Representative: Jon Vanmeter  
Submitted By: Garret A. Creason  
PLS Labels: [067649-20001-20211004.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/067649-20001-20211004.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/067649-20001-20211004.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/067649-20001-20211004.pdf)

---

### 02/16/2022 INCIDENTAL Notice of Inspection Issued

Original Event: Notice of Inspection #691  
Linked From: Investigation Activity (Pesticide) #4562  
Client: Webb Chemical  
Firm Representative: Jon Vanmeter  
Submitted By: Garret A. Creason  
Attachments: File 87472; Webb NOI.pdf

---

### 02/16/2022 Intake Referral Filed

On February 16, 2022 a Producer Establishment Inspection was conducted at Webb Chemical in Ft. Wayne. During the inspection, a copy of product labels for all pesticide products produced at this location were collected. The labels were then provided to the OISC Pesticide Registration team to conduct a label review. Upon review it was found that the product labels are not compliant.

Original Event: Intake Referral (Pesticide) #2444  
Complainant: Office of Indiana State Chemist  
Respondent: Webb Chemical  
Entered By: Garret A. Creason  
Submitted By: George Saxton

---

### 02/16/2022 Investigator Met with Registrant Communication

On February 16, 2022 I conducted a Producer Establishment Inspection at Webb Chemical in Ft. Wayne, IN. Agent Trimble and I met with Jon Vanmeter, Operation Supervisor at Webb Chemical. I explained the scope of the inspection to Mr. Vanmeter and he was able to provide all the required documentation. I collected all the labeling for the products produced at the Webb Chemical location.

#### Communication

Upon completion of the inspection all the labeling was provided to OISC Pesticide Registration for a full label review.

Original Event: Investigation Activity (Pesticide) #4562  
Subject: Webb Chemical  
Submitted By: Garret A. Creason

---

### 05/02/2022 Label Review Conducted; Not Acceptable Sodium Hypochlorite 12.5%

NOT Acceptable; Label revisions & State Registrations required

#### Attachments

File 93243; Label Review Web Chemical 5.2.pdf  
File 93240; OISCScanToEmail-02172022\_1.pdf  
File 93241; OISCScanToEmail-02172022\_2.pdf  
File 93242; OISCScanToEmail-02172022\_3.pdf  
File 93239; OISCScanToEmail-02172022\_4.pdf

Original Event:	Label Review (Pesticide) #185 (Webb Chemical Ser...)
Registrant:	Webb Chemical Service Corp
Submitted By:	Sarah K. Caffery
PPLS Labels:	<a href="#">067649-20001-20211004.pdf</a> <a href="https://www3.epa.gov/pesticides/chem_search/ppls/067649-20001-20211004.pdf">https://www3.epa.gov/pesticides/chem_search/ppls/067649-20001-20211004.pdf</a>

---

05/02/2022 **Case Created**

Original Event:	Case PS22-0100
Submitted By:	George Saxton
Assigned To:	Garret A. Creason

---

05/11/2022 **Judgement; Civil Penalty Assessed**

**Civil Penalty**

Webb Chemical Service Corp was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law, for distributing pesticide products that were not registered for sale in the state of Indiana. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

**Civil Penalty**

Webb Chemical Service Corp was cited for violation of section 57(5) of the Indiana Pesticide Registration Law, for distributing pesticide products that were misbranded. A civil penalty in the amount of \$500.00 was assessed.

**Civil Penalty**

Webb Chemical Service Corp was cited for violation of section 57(9) of the Indiana Pesticide Registration Law, for distributing pesticide products that were in violation of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) A civil penalty in the amount of \$1,000.00 was assessed for this violation.

**Abeance**

However, \$1,500.00 of the civil penalty will be held in abeyance and not assessed provided Webb Chemical Service Corp properly registers the pesticide products and adjusts the labels within sixty (60) days from receipt of this notice.

Original Event:	Judgement #1280
Primary:	Webb Chemical Service Corp
Submitted By:	George Saxton
Legal Citations:	IC 15-16-4-57(1); IC 15-16-4-57(5); IC 15-16-4-57(9)
Penalty Amount:	3000

---

05/12/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1088
To:	Webb Chemical Service Corp
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9576
Enclosed:	Notice of Enforcement
Attachments:	File 94331; PS22-0100EL CP with Abeance ~ Webb Chemical Service Corp..docx

---

05/24/2022 **Mail Service Returned for Target**

Certified Mail was returned to OISC. Regular mail copy has not come back to OISC.

Original Event:	Compliance Receipt #1559
Subject:	Webb Chemical Service Corp
Submitted By:	Joni D. Herman
USPS:	7019 0140 0000 6113 9576
Returned:	07/15/2022
Attachments:	File 102152; CM 7019 0140 0000 6113 9576 ~ Webb Chemical Svc. ~ CM Returned to OISC 5-24-22.pdf

---

07/15/2022 **Mail Confirmation Assumed for Target**

As of 7/15/2022, the regular mail copy of the enforcement has not been returned to OISC.

Original Event:	Compliance Receipt #1560
Subject:	Webb Chemical Service Corp
Submitted By:	Joni D. Herman

---

07/20/2022 **Compliance Activity**

Access code in original enforcement letter to Webb Chemical Service Corp. expired. A new access code was generated and added to that letter.

Original Event:	Compliance Activity #1353
Primary:	Webb Chemical Service Corp
Submitted By:	Joni D. Herman
Attachments:	File 102398; PS22-0100 Webb Chemical Enf. Letter.pdf

---

07/20/2022 **Pesticide Products Activity**

Email sent to Registrant per the civil penalty, label revisions and additional registrations required. Extended deadline to 8/20/22

Original Event:	Pesticide Products Activity #18
Primary:	Webb Chemical
Submitted By:	Sarah K. Caffery
Attachments:	File 102397; Deadline Extension - Email to Registrant 7.20.22.pdf

---

07/20/2022 **Compliance Activity**

Deadline for Webb Chemical Service Corp. to pay the partial civil penalty (CP) and meet the requirements for the balance of the CP to remain in abeyance has been extended to August 20, 2022. If requirements are not met by this date, the full civil penalty will be assessed.

Original Event:	Compliance Activity #1354
Primary:	Webb Chemical Service Corp
Submitted By:	Joni D. Herman

---

08/08/2022 **Pesticide Products Activity**

Spoke with Tom Finkler from Webb Chemical. We identified the registration requirements for the three products. After the call, I sent Mr. Finkler a follow up email with details about where to locate things on our website. Mr. Finkler identified that they made the revisions to the labels, he will also be submitting the registrations for the products.

Original Event:	Pesticide Products Activity #20
Submitted By:	Sarah K. Caffery
Attachments:	File 105535; Email to Registrant 8.9.22.pdf

---

08/15/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1657
Subject:	Webb Chemical
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$1,500.00
Payment Received:	\$1,500.00
Attachments:	File 106426; PS22-0100 Webb Chemical Service Corp - CP Received 8-15-2022.pdf

---

08/24/2022 **Pesticide Products Activity**

Application received 8/15/22. Labels reviewed, all required revisions made. From the Pesticide Registration side, all requirements/actions have been met.

Original Event:	Pesticide Products Activity #21
Primary:	Webb Chemical Service Corp
Submitted By:	Sarah K. Caffery

---

08/30/2022 **Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1234
To:	Webb Chemical
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 107701; PS22-0100 - Webb Chemical Service Corp - 8-30-2022.docx

---

**Chain of Custody**

---

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

<p>This record was generated on <b>September 22, 2022, 09:48 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:50 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0101**

Department	Pesticide
Originated	05/02/2022
Assigned To	Nathan J. Davis
Status	Closed

**Involved Parties**

Complainant	<b>Anonymous</b>	
Issued To Respondent	<b>Lewis Lawn Care</b> Francisco, IN 47649	Unlicensed Business
Respondent	<b>Derek Lewis</b> Francisco, IN 47649	Unlicensed Applicator

**Overviews**

05/18/2022 **Investigation Summary**

Anonymous complainant stated the Town of Francisco has hired an unlicensed company to spray the right-of-way and vacant lots in the town.

I contacted the Town of Francisco and spoke with Clerk Treasurer Jonnie Watkins. Ms. Watkins advised the Town of Francisco requested bids for mowing and spraying of town properties. Ms. Watkins advised the accepted bid was from Lewis Lawn Care. Ms. Watkins stated before Lewis Lawn Care mowed or sprayed any town properties, the town was advised Lewis Lawn Care was not properly licensed to conduct for hire pesticide applications and therefore the contract with Lewis Lawn Care was terminated.

I contacted Lewis Lawn Care and spoke with the owner Derek Lewis. Mr. Lewis advised he was unaware he could not make for hire pesticide application without being properly licensed through OISC, until the Town of Francisco advised him of this and terminated his contract. Mr. Lewis advised he did not make any pesticide applications for the town and does not currently advertise for or make fertilizer or pesticide applications.

I issued Derek Lewis and Lewis Lawn Care an Action Order to "Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business".

The evidence in this case indicates Derek Lewis of Lewis Lawn Care submitted two separate bids on 4-9-2022 and 4-13-2022 to the Town of Francisco for, for hire pesticide applications without having an OISC Pesticide Business License.

Submitted By: Nathan J. Davis  
Role: Investigator

05/25/2022 **Disposition Summary**

Lewis Lawn Care and Derek Lewis were cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly professing to engage in the business of using a pesticide or any other product regulated under IC 15-16-5 or by rules adopted under IC 15-16-5 for hire on the property of another without having a pesticide business license issued by the state chemist. A civil penalty in the amount of \$500.00 was assessed for this violation.

However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Derek Lewis and Lewis Lawn Care commit no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**



05/02/2022 **Intake Referral Filed**

Anonymous complainant stated the Town of Francisco has hired an unlicensed company to spray the right-of-way and vacant lots in the town.

Original Event: Intake Referral (Pesticide) #2445  
Complainant: Anonymous  
Respondent: Town of Francisco  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

---

05/02/2022 **Case Created**

Original Event: Case PS22-0101  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

---

05/03/2022 **Investigator Called Subject Communication**

On May 3, 2022 I contacted the Town of Francisco and spoke with Clerk Treasurer Jonnie Watkins. I advised Ms. Watkins I was a pesticide investigator with OISC and of the complaint I was investigating. Ms. Watkins advised the Town of Francisco requested bids for mowing and spraying of town properties. Ms. Watkins advised the accepted bid was from Lewis Lawn Care. Ms. Watkins stated before Lewis Lawn Care mowed or sprayed any town properties, the town was advised Lewis Lawn Care was not properly licensed to conduct for hire pesticide applications and therefore the contract with Lewis Lawn Care was terminated. I asked Ms. Watkins if she would send me with the contact information and the bid Lewis Lawn Care submitted to the Town of Francisco and she advised she would.

I advised Mr. Watkins for future reference the procedure to check if a pesticide business is properly license through OISC and sent her the link to the OISC Licensing Database.

Original Event: Investigation Activity (Pesticide) #4558  
Subject: Town of Francisco  
Submitted By: Nathan J. Davis

---

05/03/2022 **Investigator Received Fax/Email from Subject Records**

On May 3, 2022 I received an email from Ms. Watkins which included two seperate bids from Lewis Lawn Care. The bids dated 4-9-2022 and 4-13-2022 indicate services for town properties of grass cutting, trimming, spraying, and roundup spray mix.

Attachments  
File 93470; LEWIS LAWN CARE BID.pdf

Original Event: Investigation Activity (Pesticide) #4559  
Subject: Town of Francisco  
Submitted By: Nathan J. Davis

---

05/03/2022 **Investigator Called Business Communication**

On May 3, 2022 I contacted Lewis Lawn Care and spoke with the owner Derek Lewis. I advised Mr. Lewis I was a pesticide investigator with OISC and of the complaint I was investigating. Mr. Lewis advised he was unaware he could not make for hire pesticide application without being properly licensed through OISC, until the Town of Francisco advised him of this and terminated his contract. Mr. Lewis advised he did not make any pesticide applications for the town and does not currently advertise for or make fertilizer or pesticide applications.

I advised Mr. Lewis I was issuing him and Lewis Lawn Care an Action Order to "Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business". I explained the Action Order to Mr. Lewis and advised Mr. Lewis I would send him via email the Action Order and a Notice of Inspection along with instructions on how to obtain proper certification and how to apply for an OISC Pesticide Business License.

Original Event: Investigation Activity (Pesticide) #4560  
Subject: Lewis Lawn Care  
Submitted By: Nathan J. Davis

---

05/03/2022 **Online Investigation Activity Activity**

On May 3, 2022 I researched the facebook.com business page for Lewis Lawn Care. I did not observe any post indicating Lewis Lawn Care was offering for hire fertilizer or pesticide applications.

Original Event: Investigation Activity (Pesticide) #4561  
Submitted By: Nathan J. Davis

---

05/03/2022 **New Respondent Identified**

Original Event: Investigation Change #151  
Respondent: Derek Lewis  
Submitted By: Nathan J. Davis

---

05/03/2022 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #861
Client:	Lewis Lawn Care
Firm Representative:	Derek Lewis
Submitted By:	Nathan J. Davis
Attachments:	File 93471; NOI-Lewis Lawn Care 5-3-2022.pdf

---

05/03/2022 **Action Order Issued**

Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business.

Original Event:	Action Order #253
Issued To:	Lewis Lawn Care
Firm Representative:	Derek Lewis
Submitted By:	Nathan J. Davis
Attachments:	File 93472; Action Order-Lewis Lawn Care 5-3-2022.pdf

---

05/03/2022 **Investigator Sent Fax/Email to Business Communication**

On May 3, 2022 I sent Mr. Lewis an email, which included a notice of inspection, action order, and with instructions on how to obtain proper certification and how to apply for an OISC Pesticide Business License.

Original Event:	Investigation Activity (Pesticide) #4563
Subject:	Lewis Lawn Care
Submitted By:	Nathan J. Davis

---

05/05/2022 **Investigation Activity Activity**

The evidence in this case indicates Derek Lewis of Lewis Lawn Care submitted two separate bids on 4-9-2022 and 4-13-2022 to the Town of Francisco for, for hire pesticide applications without having an OISC Pesticide Business License.

Original Event:	Investigation Activity (Pesticide) #4564
Subject:	Lewis Lawn Care
Submitted By:	Nathan J. Davis

---

05/25/2022 **Judgement; Civil Penalty Assessed Civil Penalty**

Lewis Lawn Care and Derek Lewis were cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly professing to engage in the business of using a pesticide or any other product regulated under IC 15-16-5 or by rules adopted under IC 15-16-5 for hire on the property of another without having a pesticide business license issued by the state chemist. A civil penalty in the amount of \$500.00 was assessed for this violation.

**Abeyance**

However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Derek Lewis and Lewis Lawn Care commit no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Original Event:	Judgement #1304
Primary:	Lewis Lawn Care
Secondary:	Derek Lewis
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	500

---

06/08/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1106
To:	Derek Lewis
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 9743
Enclosed:	Notice of Enforcement
Attachments:	File 97524; PS22-0101EL CP Abeyance ~ Derek Lewis - Lewis Lawn Care.docx

---

06/13/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1548
Subject:	Derek Lewis
Submitted By:	Jacob A. Hatfield
USPS:	7019 0140 0000 6113 9743
Received:	06/13/2022
Attachments:	File 101911; CM 7019 0140 0000 6113 9743 - PS22-0101.pdf

---

**Chain of Custody**

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





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 **September 22, 2022, 09:52 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0105**

Department	Pesticide
Originated	05/05/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant Issued To Respondent	<b>Pro Lawns LLC</b> Indianapolis, IN 46256
Respondent	<b>Lawrence Jamin Howard</b> Indianapolis, IN 46250
-	<b>Caleb E Harbert</b> Greenwood, IN 46142

**Overviews**

05/31/2022 **Investigation Summary**

On May 5, 2022, I performed a routine stop on Lawrence Howard.  
Mr. Howard was using a borrowed truck and equipment of Precision Cut Lawn SVC.  
Precision Cut Lawn SVC is a licensed business.  
Mr. Howard was subcontractor and was not licensed at the time of the use inspection.  
Mr. Howard was issued an action order.  
Records from Precision Cut Lawn, Mr. Howard performed 5 application on May 5, 2022, without a license.  
Mr. Howard and Pro Lawns LLC received OISC licensing on May 18, 2022.  
Submitted By: Paul Jay Kelley  
Role: Investigator

06/03/2022 **Disposition Summary**

Pro Lawns LLC 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.  
Lawrence Jamin Howard 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 \$1,000.00 was assessed for this violation.  
However, the \$1,000.00 will be held in abeyance and not assessed provided Lawrence Jamin Howard commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice. Consideration was given to the fact corrective action was immediately taken.  
Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/05/2022 **Intake Referral Filed**

On May 5, 2022, I observed Lawrence Howard making a for-hire lawn application at the Life Connection Church located at 1616 E 126th St, Fishers, Indiana (46037). Mr. Howard did not have a current OISC license. Mr. Howard was in a vehicle labeled "Precision Cut Lawn Service" and applying fertilizer and pesticides from a ride-on sprayer. Mr. Howard stated he was borrowing the truck and equipment from "Precision" because his truck was in the shop. Mr. Howard stated he was sub-contracted by "Precision" and his business was Pro Lawn LLC. A check of OISC's database showed Pro Lawn LLC failed to renew for 2022. Mr. Howard stated he mailed a bank check to OISC last week; however, OISC did not have any record of his check.

I issued Mr. Howard and Pro Lawn LLC an Action Order to cease making for-hire applications until licensed by OISC.

Original Event: Intake Referral (Pesticide) #2449  
Complainant: Pro Lawns LLC  
Respondent: Lawrence Jamin Howard  
Entered By: Paul Jay Kelley  
Submitted By: Joseph D. Becovitz  
Attachments: File 93484; ao.pdf  
File 93485; noi.pdf

Photos:



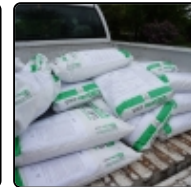
File 93477



File 93478



File 93479



File 93480



File 93481



File 93482



File 93483

---

#### 05/05/2022 Investigator Met with Target Photographs

On May 5, 2022, I observed Mr. Howard making a for-hire application in Fishers, Indiana.

Attachments



File 93486



File 93487

Original Event: Investigation Activity (Pesticide) #4565  
Subject: Lawrence Jamin Howard  
Submitted By: Paul Jay Kelley

---

#### 05/05/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #864  
Client: Lawrence Jamin Howard  
Firm Representative: Lawrence Howard  
Submitted By: Paul Jay Kelley  
Attachments: File 93489; noi.pdf

---

#### 05/05/2022 Action Order Issued

Cease making for-hire applications until licensed by OISC

Original Event: Action Order #254  
Issued To: Pro Lawns LLC  
Firm Representative: Lawrence Howard  
Submitted By: Paul Jay Kelley  
Attachments: File 93490; ao.pdf

---

#### 05/05/2022 Case Created

Original Event: Case PS22-0105  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

#### 05/09/2022 Investigator Met with Subject

## Communication

On May 9, 2022, I met with Caleb Harbert, owner of Precision Cut Lawn Svc LLC. Mr. Harbert stated he would provide a copy of the subcontractor's agreement between Precision Cut Lawn and Lawrence Howard. In addition, Mr. Harbert stated he would provide a list of all jobs assigned to Mr. Howard. Mr. Harbert stated Mr. Howard returned the Precision vehicle and equipment the day of my stop.

Original Event: Investigation Activity (Pesticide) #4579  
Subject: Caleb E Harbert  
Submitted By: Paul Jay Kelley

---

### 05/24/2022 Investigator Sent Fax/Email to Subject Records

On May 24, 2022, I received an email from Caleb Harbert of Precision Outdoors regarding Lawrence Howard's subcontracting of applications.

#### Attachments

File 95478; 2022 Fertilizer Schedule - 5.5 Jamin App 2.pdf  
File 95479; Fertilization Contractor Service Agreement.pdf  
File 95480; Jamin POI add.pdf  
File 95481; Precision Cut Lawn Addition of driver 5-3-2022.pdf

## Activity

From the documentation provided by Caleb Harbert, Lawrence Howard performed 5 applications on May 5, 2022. See spread sheet.

#### Attachments

File 96351; 2022 Fertilizer Schedule - 5.5 Jamin App 2.pdf

Original Event: Investigation Activity (Pesticide) #4706  
Subject: Caleb E Harbert  
Submitted By: Paul Jay Kelley

---

### 05/31/2022 Investigation Activity Activity

A review of OISC's database indicates, as of May 18, 2022, Lawrence Howard and Pro Lawns LLC is a licensed business and applicator.

Original Event: Investigation Activity (Pesticide) #4755  
Subject: Lawrence Jamin Howard  
Submitted By: Paul Jay Kelley

---

### 06/03/2022 Judgement; Civil Penalty Assessed Citation

Pro Lawns LLC 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

Lawrence Jamin Howard 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 \$1,000.00 was assessed for this violation.

## Abeance

However, the \$1,000.00 will be held in abeyance and not assessed provided Lawrence Jamin Howard commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice. Consideration was given to the fact corrective action was immediately taken.

Original Event: Judgement #1308  
Primary: Pro Lawns LLC  
Secondary: Lawrence Jamin Howard  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1000

---

### 06/22/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1123  
To: Lawrence Jamin Howard  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9859  
Enclosed: Notice of Enforcement  
Attachments: File 99368; PS22-0105EL CP Abeance ~ Lawrence J. Howard - Pro Lawns LLC.docx

---

### 08/10/2022 Mail Service Returned for Target

Certified mail was returned to OISC on August 10, 2022. Regular mail has not been returned.

Original Event: Compliance Receipt #1636  
Subject: Lawrence Jamin Howard  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9859  
Returned: 08/10/2022

**08/11/2022 Mail Confirmation Assumed for Target**

As of August 11, 2022 the regular mail has not been returned to OISC. It is assumed to have been received.

Original Event:	Compliance Receipt #1637
Subject:	Lawrence Jamin Howard
Submitted By:	Jacob A. Hatfield

---

**Chain of Custody**

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

<p>This record was generated on <b>September 22, 2022, 09:52 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--





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 **September 22, 2022, 09:54 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0112

Department	Pesticide
Originated	05/10/2022
Assigned To	Paul Jay Kelley
Status	Closed

### Involved Parties

Complainant	<b>David Harmeyer</b> Ingalls, IN 46048	
Respondent	<b>Trugreen LP-FSH</b> Fishers, IN 46038	
Complainant	<b>Christopher Hull</b> Ingalls, IN 46048	Roommate
Respondent	<b>Reginel Russell</b> Fishers, IN 46038	

### Overviews

#### 06/29/2022 Investigation Summary

On May 9, 2022, OISC received information that Trugreen made an application to the wrong address. Client reported he found Trugreen's application flag in his yard; but, did not hire Trugreen for service. Client stated vegetation in flowering beds are showing signs of pesticide symptoms. Vegetation samples collected for PPDL and OISC Residue Lab. PPDL indicated visual symptoms are characteristic symptoms of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, and fluroxypyr. Trugreen provided invoice of error, indicating Reginel Russell made the application. Trugreen invoice indicates Steven Duncan was the certified Supervisor. OISC data base indicated Reginel Russell was not credentialed on April 26, 2022, date of application. Mr. Russell was not credentialed as a RT until May 19, 2022. Furthermore, Steven Duncan, Certified Supervisor, did not have his license renewed for 2022 by Trugreen. OISC's Residue Lab detected pesticide levels at parts per million (PPM) levels on vegetation.

Submitted By: Paul Jay Kelley  
Role: Investigator

#### 06/29/2022 Disposition Summary

Trugreen LP-FSH was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-credentialed employee. Consideration was given to the fact this was their first violation of similar nature.

Trugreen LP-FSH was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their second violation of similar nature. See case number PS21-0238.

Reginal Russell was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 05/09/2022 Intake Referral Filed

Complainant stated Trugreen treated his lawn by mistake on or about April 27th, 2022. Trugreen did post the lawn, but no treatment information was left at the time of the application. The complainant stated after an initial response from Trugreen, Trugreen has cutoff all communication.

Original Event: Intake Referral (Pesticide) #2457  
Complainant: David Harmeyer  
Respondent: Trugreen LP-FSH  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 05/10/2022 Case Created

Original Event: Case PS22-0112  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 05/11/2022 Investigator Met with Target Communication

On May 11, 2022, I met with Marc Avenger of Trugreen in Fishers, Indiana. Mr. Avenger attempted to identify any application near the complainants property on or around April 27, 2022 without success. I informed Mr. Avenger I would reach out to him in the future once I obtained more information.

Original Event: Investigation Activity (Pesticide) #4592  
Subject: Trugreen LP-FSH  
Submitted By: Paul Jay Kelley

---

### 05/11/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #873  
Client: Trugreen LP-FSH  
Firm Representative: Marc Avenger  
Submitted By: Paul Jay Kelley  
Attachments: File 93904; noi.pdf

---

### 05/12/2022 Investigator Met with Complainant Photographs

On May 12, 2022, Agent Adam Brockman and I met with Chris Hull at his residence at 10897 Mansfield Way in Ingalls, Indiana. Mr. Hull is the roommate of the initial complainant, David Harmeyer. I observed several ornamental plants with curled plant stems. In addition, some plant leaves were droopy and distorted. I photographed Mr. Hulls ornamental plants. I collected a vegetation sample to be visually analyzed by Purdue's Plant and Pest Diagnostic Lab (PPDL). Furthermore, vegetation samples were collected of OISC's Residue Lab.

## Attachments



File 93924



File 93925



File 93926



File 93927



File 93928



File 93929



File 93930



File 93931



File 93932



File 93933



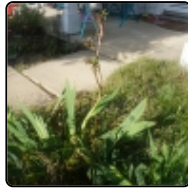
File 93934



File 93935



File 93936



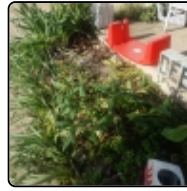
File 93937



File 93938



File 93939



File 93940



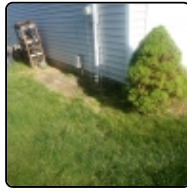
File 93941



File 93942



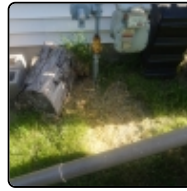
File 93943



File 93944



File 93945



File 93946



File 93947



File 93948



File 93949

Original Event:

Investigation Activity (Pesticide) #4599

Subject:

Christopher Hull

Submitted By:

Paul Jay Kelley

---

### 05/12/2022 External Lab Sample Collected

Original Event:

External Lab Sample Collection #211471 (X22-D865A2)

Client:

Christopher Hull

Submitted By:

Paul Jay Kelley

Lab:

Purdue Plant and Pest Diagnostic Laboratory

Sample:

X22-D865A2 | vegetation sample (iris)

Attachments:

File 93951; PPDL Harmeyer ps22-0112.pdf

---

### 05/12/2022 Residue Samples Collected

Original Event:

Residue Collection #211474 (22-4-0231 3)

Client:

Christopher Hull

Submitted By:

Paul Jay Kelley

Sample:

22-4-0231 3 | Veg; Comp; Front Yard

Sample:

22-4-0232 1 | Veg; Ctrl; OFF-T

---

### 05/12/2022 Lab Advised of Target Analytes

Original Event:

Residue Collections Follow Up #568

Submitted By:

Paul Jay Kelley

Target Analyte:

Barricade 4FL

Target Analyte:

Escalade 2

PPLS Labels:

000100-01139-20210129.pdf

[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01139-20210129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01139-20210129.pdf)

000228-00442-20160422.pdf

Attachments: File 96353; 000100-01139-20210129.pdf  
File 93953; ESCALADE 2.pdf

05/16/2022 **Received External Lab Report**

Original Event: External Lab Report #211953 (X22-D865A2)  
Submitted By: Paul Jay Kelley  
Sample: X22-D865A2  
Attachments: File 94340; FinalReport\_Jay Kelley.pdf

05/24/2022 **Investigator Sent Text Message to Target Activity**

On May 20, 2022, I received an email from Marc Avenger of Trugreen identifying the applicator of the wrong address application to Chris Hull's yard. A review of OISC's database indicates Reginal Russell was not licensed to apply pesticides for-hire. Mr. Russell did not receive his Registered Technician License (RT) until May 19, 2022. The date of the application from the Trugreen invoice indicates the application happened on April 26, 2022, prior to Mr. Russell receiving his RT credential.

Attachments

File 95482; email.pdf  
File 95483; WO6029507384.pdf

Original Event: Investigation Activity (Pesticide) #4707  
Subject: Trugreen LP-FSH  
Submitted By: Paul Jay Kelley

05/24/2022 **New Respondent Identified Respondent Identified**

A service manager, has spoken with the complainant, Mr. Hull.

Original Event: Investigation Change #169  
Respondent: Marvin Troy Jessee  
Submitted By: Paul Jay Kelley

05/24/2022 **New Respondent Identified Respondent Identified**

RT who made site error application.

Original Event: Investigation Change #170  
Respondent: Reginel Russell  
Submitted By: Paul Jay Kelley

05/31/2022 **New Respondent Identified Respondent Identified**

Mr. Duncan is listed on the invoice as the Certified Supervisor,; However, OISC's database indicated Mr. Duncan's license was not renewed for 2022.

Attachments

File 96352; WO6029507384.pdf

Original Event: Investigation Change #175  
Respondent: Steven W Duncan  
Submitted By: Paul Jay Kelley

06/23/2022 **Received Residue Lab Report First Page of Lab Report**

OCM Collection #	211474	Investigator	KELLEYJ		
Collection Date	05/12/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0231 3	Veg; Comp; Front Yard	Veg	2,4-D	64000 ppb * Minimum detected amount reported.	0.7 ppb
			Dicamba	12400 ppb	3 ppb
			Prodiamine	31600 ppb * Estimated amount	3 ppb
22-4-0232 1	Veg; Ctrl; OFF-T	Veg	2,4-D	24.9 ppb * Minimum detected amount reported.	0.7 ppb
			Dicamba	BQL ppb	3 ppb
			Prodiamine	12.0 ppb	3 ppb

Original Event:	Residue Lab Report #216894 (211474-R590)
Submitted By:	SYSTEM
Lab Report:	Lab Report 211474-R590.pdf

---

06/29/2022 **Judgement; Civil Penalty Assessed**  
**Warning**

Trugreen LP-FSH was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-credentialed employee. Consideration was given to the fact this was their first violation of similar nature.

**Citation**

Reginal Russell was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property.

**Civil Penalty**

Trugreen LP-FSH was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner for applying a pesticide to the wrong property. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their second violation of similar nature. See case number PS21-0238.

Original Event:	Judgement #1320
Primary:	Trugreen LP-FSH
Secondary:	Reginel Russell
Submitted By:	George Saxton
Legal Citations:	355 IAC 4-2-3; IC 15-16-5-65(5)
Penalty Amount:	1000

---

06/29/2022 **Investigator Sent Fax/Email to Target**  
**Communication**

On June 29, 2022, per request, I confirmed Reginal Russell's credential status with OISC.

Attachments

File 99894; Reginel Russell.msg.pdf

Original Event:	Investigation Activity (Pesticide) #4973
Subject:	Reginel Russell
Submitted By:	Paul Jay Kelley

---

08/02/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1157
To:	Trugreen LP-FSH
Submitted By:	Jacob A. Hatfield
USPS:	7022 0410 0001 2745 3493
Enclosed:	Notice of Enforcement
Attachments:	File 104404; PS22-0112EL CP ~ Trugreen LP-FSH.docx

---

08/02/2022 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #1158
To:	Reginel Russell
Submitted By:	Jacob A. Hatfield
USPS:	7022 0410 0001 2745 3509
Enclosed:	Notice of Enforcement
Attachments:	File 104406; PS22-0112EL CIT ~ Reginel Russell.docx

---

08/11/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1646
Subject:	Trugreen LP-FSH
Submitted By:	Jacob A. Hatfield
USPS:	7022 0410 0001 2745 3493
Received:	08/11/2022
Attachments:	File 106415; CM 7022 0410 0001 2745 3493 - PS22-0112 - 8-11-2022.pdf

---

08/11/2022 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1647
Subject:	Reginel Russell
Submitted By:	Jacob A. Hatfield
USPS:	7022 0410 0001 2745 3509
Received:	08/11/2022
Attachments:	File 106416; CM 7022 0410 0001 2745 3509 - PS22-0112 - 8-11-2022.pdf

---

09/09/2022 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1682
Subject:	Trugreen LP-FSH
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$1,000.00
Payment Received:	\$1,000.00
Attachments:	File 108976; PS22-0112 Trugreen ~ CP Received 9-9-2022.pdf

---

09/14/2022 **Notice of Case Closure Mailed to Complainant**

Original Event:	Outgoing Mail #1279
To:	David Harmeyer
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109082; PS22-0112 - David Harmeyer - Case Closed Letter 9-14-2022.docx

---

09/14/2022 **Notice of Case Closure Mailed to Complainant**

Original Event:	Outgoing Mail #1280
To:	Christopher Hull
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109083; PS22-0112 - Christopher Hull - Case Closed Letter 9-14-2022.docx

---

09/14/2022 **Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1281
To:	Trugreen LP-FSH
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109084; PS22-0112 - Trugreen LP-FSH - Case Closed Letter 9-14-2022.docx

---

09/14/2022 **Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1282
To:	Reginel Russell
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109085; PS22-0112 - Reginel Russell - Case Closed Letter 9-14-2022.docx

---

**Chain of Custody**

---

05/12/2022 **Sample 22-4-0231 3**

Original Event:	Chain of Custody #739 (22-4-0231 3)
05/12/2022 09:10:	Sample Collected by Paul Jay Kelley
05/13/2022 00:00:	Sample Delivered to Vicki Vauters
05/13/2022 00:00:	Delivery Affirmed by Vicki Vauters

---

05/12/2022 **Sample 22-4-0232 1**

Original Event:	Chain of Custody #740 (22-4-0232 1)
05/12/2022 09:10:	Sample Collected by Paul Jay Kelley
05/13/2022 00:00:	Sample Delivered to Vicki Vauters
05/13/2022 00:00:	Delivery Affirmed by Vicki Vauters

<p>This record was generated on <b>September 22, 2022, 09:54 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:56 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0134

Department	Pesticide
Originated	05/18/2022
Assigned To	Aaron P. Kreider
Status	Closed

### Involved Parties

Complainant	<b>Hoosier Growers LLC</b> Lebanon, IN 46052
Respondent	<b>Caleb Viehe</b> Sheridan, IN 46069
-	<b>INCIDENTAL Co Alliance Cooperative Inc</b> Lebanon, IN 46052
Respondent	<b>Unknown</b>

### Overviews

#### 06/22/2022 Investigation Summary

The report from PPDL shows that the injury to the vegetation in Mr. Cameron's greenhouse was consistent with the ingredients from Mr. Viehe's application. The lab report from the OISC residue lab shows that significant amounts of ingredients used in Mr. Viehe's application were found in the vegetation from Mr. Cameron's greenhouse. The wind data, along with the information provided on the PII, shows that winds were blowing towards Mr. Cameron's greenhouse during the application. Based on all of the evidence, Mr. Viehe's application caused the injury that was observed in Mr. Cameron's greenhouse.

Submitted By: Aaron P. Kreider  
Role: Investigator  
Drift: Confirmed

#### 06/23/2022 Disposition Summary

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect, a general use pesticide was involved, and this was Caleb Viehe's third violation of similar nature. See case numbers PS20-0284 and PS22-0026.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/18/2022 Intake Referral Filed

Complainant stated ag applications to neighboring farm fields injured crops in his greenhouse.

Original Event: Intake Referral (Pesticide) #2481  
Complainant: Hoosier Growers LLC  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

#### 05/18/2022 Case Created



Original Event: Case PS22-0134  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

05/18/2022 **Investigator Called Complainant Communication**

On May 18, 2022, I contacted Derrick Cameron regarding his complaint. Mr. Cameron stated that on May 16, 2022, he noticed that he had injured vegetation throughout his greenhouse. Mr. Cameron stated that he had taken a vegetation sample into the Plant and Pest Diagnostic Lab at Purdue (PPDL). He stated that the report shows that the injury to his vegetation was caused by herbicides. Mr. Cameron contacted the parties responsible for applications around his greenhouse and discovered that an application was made to the field south of his greenhouse on May 12, 2022.

Original Event: Investigation Activity (Pesticide) #4670  
Subject: Hoosier Growers LLC  
Submitted By: Aaron P. Kreider

---

05/19/2022 **Investigator Met with Complainant Interaction**

On May 19, 2022, I met with Michelle Marcotte who is the greenhouse manager for Hoosier Growers. I had her show me the injured vegetation in the greenhouse. The injured vegetation had small white/tan dots on the leaves and it seemed to be worse on the north side of the greenhouse. The fields to the north, northwest, and west looked like they had not been sprayed. The weeds in these three fields were green and seemed to be growing normally. The field to the south had weeds that looked as though they were dying.

Original Event: Investigation Activity (Pesticide) #4671  
Subject: Hoosier Growers LLC  
Submitted By: Aaron P. Kreider

---

05/19/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #897  
Client: Hoosier Growers LLC  
Firm Representative: Michelle Marcotte  
Submitted By: Aaron P. Kreider  
Attachments: File 95099; NOI (M. Marcotte).pdf

---

05/19/2022 **Investigator Collected Photographs Photographs**

These photographs were collected during the on-site investigation. Figure 1 shows the border between the Hoosier Growers property (Left) and the target field (Right). Figures 2 and 3 show the injury that caused Mr. Cameron's complaint.

**Figure 1 (File 95108)**



Figure 2 (File 95116)



Figure 3 (File 95117)



#### Attachments

File 95100; DSC\_0001.JPG  
File 95101; DSC\_0002.JPG  
File 95102; DSC\_0003.JPG  
File 95103; DSC\_0004.JPG  
File 95104; DSC\_0005.JPG  
File 95105; DSC\_0006.JPG  
File 95106; DSC\_0007.JPG  
File 95107; DSC\_0008.JPG  
File 95109; DSC\_0010.JPG  
File 95110; DSC\_0011.JPG  
File 95111; DSC\_0012.JPG  
File 95112; DSC\_0013.JPG  
File 95113; DSC\_0014.JPG  
File 95114; DSC\_0015.JPG  
File 95115; DSC\_0016.JPG  
File 95118; DSC\_0019.JPG  
File 95119; DSC\_0020.JPG  
File 95120; DSC\_0021.JPG  
File 95121; DSC\_0022.JPG  
File 95122; DSC\_0023.JPG  
File 95123; DSC\_0024.JPG  
File 95124; DSC\_0025.JPG  
File 95125; DSC\_0026.JPG  
File 95126; DSC\_0027.JPG  
File 95127; DSC\_0028.JPG  
File 95128; DSC\_0029.JPG  
File 95129; DSC\_0030.JPG  
File 95130; DSC\_0031.JPG  
File 95131; DSC\_0032.JPG  
File 95132; DSC\_0033.JPG  
File 95133; DSC\_0034.JPG  
File 95134; DSC\_0035.JPG  
File 95135; DSC\_0036.JPG  
File 95136; DSC\_0037.JPG  
File 95137; DSC\_0038.JPG  
File 95138; DSC\_0039.JPG  
File 95139; DSC\_0040.JPG  
File 95140; DSC\_0041.JPG  
File 95141; DSC\_0042.JPG  
File 95142; DSC\_0043.JPG  
File 95143; DSC\_0044.JPG  
File 95144; DSC\_0045.JPG  
File 95145; DSC\_0046.JPG  
File 95146; DSC\_0047.JPG  
File 95147; DSC\_0048.JPG  
File 95148; DSC\_0049.JPG  
File 95149; DSC\_0050.JPG

Original Event: Investigation Activity (Pesticide) #4672  
Submitted By: Aaron P. Kreider

---

#### 05/19/2022 Residue Samples Collected

Original Event: Residue Collection #212568 (22-4-0428 0)  
Client: Hoosier Growers LLC  
Submitted By: Aaron P. Kreider  
Sample: 22-4-0428 0 | Veg; Grab; Lettuce; OFF-T, Greenhouse  
Sample: 22-4-0429 8 | Veg; Grab; Weeds; Target  
Sample: 22-4-0430 8 | Veg; Ctrl; Grass Weeds; OFF-T, Front Yard

---

#### 05/19/2022 External Lab Sample Collected

During my on-site investigation, I collected a vegetation sample to submit to PPD.

Original Event: External Lab Sample Collection #212966 (X22-053144)  
Client: Hoosier Growers LLC  
Submitted By: Aaron P. Kreider  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-053144 | This sample contained Romaine lettuce from Mr. Cameron's greenhouse  
Attachments: File 95150; PPD Submission Form.pdf

---

#### 05/19/2022 Investigation Activity



## Activity

This diagram shows the locations where samples were collected.

### Sample Collection Diagram (File 95152)



Original Event: Investigation Activity (Pesticide) #4673  
Submitted By: Aaron P. Kreider

---

#### 05/19/2022 Investigator Met with Business Interaction

On May 19, 2022, I met with Brian Hoffman of Co-Alliance to discuss Mr. Cameron's complaint. Mr. Hoffman stated that they have been very cautious when spraying near Mr. Cameron's greenhouse. He informed me that they are responsible for applications to 3 of the 4 surrounding fields but have not sprayed any of them due to weather conditions. He stated that Mr. Cameron visited them to ask if they could help identify what caused the injury to his vegetation. Mr. Hoffman stated that a few Co-Alliance employees visited Mr. Cameron's greenhouse to see if they could identify the source of the vegetation injury. Mr. Hoffman informed me that the person who sprayed the field to the south of Mr. Cameron's greenhouse had their sprayer loaded at Co-Alliance. Mr. Hoffman provided me with a list of the products that were used.

##### Attachments

File 95153; Viehe Load Ticket.pdf

Original Event: Investigation Activity (Pesticide) #4674  
Subject: Co Alliance Cooperative Inc  
Submitted By: Aaron P. Kreider

---

#### 05/19/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #899  
Client: Co Alliance Cooperative Inc  
Firm Representative: Brian Hoffman  
Submitted By: Aaron P. Kreider  
Attachments: File 95155; NOI (B. Hoffman).pdf

---

#### 05/19/2022 Investigator Called Target Communication

On May 19, 2022, I contacted Caleb Viehe regarding Mr. Cameron's complaint. Mr. Viehe stated that he had made an application to the field south of Mr. Cameron's greenhouse on May 12, 2022. He confirmed that the load ticket from Co-Alliance was accurate and that those products were applied to the target field.

Original Event: Investigation Activity (Pesticide) #4675  
Subject: Caleb Viehe  
Submitted By: Aaron P. Kreider

---

#### 05/19/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #898  
Client: Caleb Viehe  
Firm Representative: Caleb Viehe  
Submitted By: Aaron P. Kreider  
Attachments: File 95154; NOI (C. Viehe).pdf

---

**05/19/2022 New Respondent Identified**

Original Event: Investigation Change #164  
Respondent: Caleb Viehe  
Submitted By: Aaron P. Kreider

---

**05/19/2022 Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #578  
Submitted By: Aaron P. Kreider  
Target Analyte: Boundary 6.5 EC  
Target Analyte: Abundit Edge  
Target Analyte: Sharpen  
PPLS Labels: [000100-01162-20200902.pdf](#)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
  
[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)  
  
[007969-00278-20201113.pdf](#)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00278-20201113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00278-20201113.pdf)

---

**05/20/2022 Received External Lab Report**

On May 20, 2022, I received a report from PPD. The report stated, "Several lettuce and broccoli (?) plants show small round necrotic spots that can be associated with exposure to PPO-inhibitor herbicides such as saflufenacil (Sharpen). A few lettuce and cucurbit plants also show chlorosis followed by necrosis towards the edges of older leaves, which can be a symptom of exposure to metribuzin (Boundary). There were no symptoms of exposure to glyphosate, although low doses of exposure to glyphosate don't always result in visual symptoms." The report also stated, "Multiple species of plants in the physical sample and photos provided show necrotic round leaf lesions ranging from tan to bleached white which looks like chemical injury of some kind. There is also necrosis along leaf veins and low spots in the leaf where water collects in lettuce plants which could be injury as well, but may be associated with environmental factors or injury from cool water if overhead irrigated. No significant disease that might cause these symptoms were observed."

Original Event: External Lab Report #212967 (X22-053144)  
Submitted By: Aaron P. Kreider  
Sample: X22-053144  
Attachments: File 95151; PPD. Report.pdf

---

**05/31/2022 Investigator Received Fax/Email from Target Investigation Inquiry**

On May 31, 2022, I received a Pesticide Investigation Inquiry (PII) from Matt Viehe on behalf of Caleb Viehe. The PII stated that winds were blowing from the east which would mean that winds were blowing towards the complainant's property during portions of the application to the target field. The PII states that Doug Viehe was the certified applicator/supervisor for Caleb Viehe. Doug Viehe's license expired on December 31, 2021. Even though Doug Viehe's license is expired, Caleb Viehe did not need a license or licensed supervisor since he was making an application that did not contain RUPs and was on his family's farm.

**Attachments**

File 96529; Abundit Edge Label.pdf  
File 96530; Boundary 6.5 EC Label.pdf  
File 96512; PS22-0134 PII (Viehe).pdf  
File 96531; Sharpen Label.pdf

**Inquiry Overview**

Non-Certified Applicator Caleb Viehe  
Company Viehe Family Farms  
Application Type Farmer  
Target Field Soybean

**Tank Mix**

Product	EPA	Rate
Abundit Edge	524-549-352	22 oz/A
Boundary 6.5 EC	100-1162	2 pt/A
Sharpen	7969-278	1 oz/A
Sundance II (MSO)		.5 pt/A
Ammonium Sulfate (Conditioner)		2 lbs/A

**Application Date**

Date	Start	End
05/12/2022	3:17 PM	6:01 PM

## Air Conditions

### Time Direction Speed

Start E 8mph

End E 8mph

Original Event: Investigation Activity (Pesticide) #4759

Subject: Caleb Viehe

Submitted By: Aaron P. Kreider

PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)

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

[007969-00278-20201113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00278-20201113.pdf)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00278-20201113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00278-20201113.pdf)

06/09/2022 **Received Residue Lab Report**

### First Page of Lab Report

OCM Collection #	212568	Investigator	KREIDERA		
Collection Date	05/19/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0428 0	Veg; Grab; Lettuce; OFF-T, Greenhouse	Veg	AMPA	BDL ppb	66 ppb
			Glyphosate	13.7 ppb	13 ppb
			Metolachlor	2.37 ppb	0.1 ppb
			Metribuzin	17.3 ppb	3 ppb
			Saflufenacil	0.470 ppb	0.1 ppb
22-4-0429 8	Veg; Grab; Weeds; Target	Veg	AMPA	284 ppb	66 ppb
			Glyphosate	12000 ppb * Result is approximate	13 ppb
			Metolachlor	782 ppb * Estimated amount	0.1 ppb
			Metribuzin	3350 ppb * Estimated amount	3 ppb
			Saflufenacil	89.6 ppb	0.1 ppb

Original Event: Residue Lab Report #215404 (212568-R585)

Submitted By: SYSTEM

Lab Report: Lab Report 212568-R585.pdf

06/13/2022 **Wind Data Researched**

This weather data shows the conditions during Mr. Viehe's application. This data shows that winds were consistently blowing towards the complainant's property during the application.

### Indianapolis Executive Airport (KTYQ)

*Zionsville, Indiana (5.32 miles SE of site)*

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

3:15 PM 86	SE	14	0
3:35 PM 86	SE	10	16
3:55 PM 86	SE	8	0
4:15 PM 86	ESE	12	0
4:35 PM 86	ESE	10	0
4:55 PM 86	SE	9	0
5:15 PM 86	SE	8	0
5:35 PM 86	SE	8	0
5:55 PM 86	SE	9	0
6:15 PM 85	S	6	0

**Frankfort Municipal Airport (KFKR)***Frankfort, Indiana (18.24 miles NNW of site)*

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
3:15 PM	86	SE	9	17
3:35 PM	86	ESE	12	18
3:55 PM	88	SE	13	0
4:15 PM	88	SE	10	20
4:35 PM	88	SE	12	20
4:55 PM	88	ESE	12	0
5:15 PM	88	SE	14	0
5:35 PM	88	SSE	13	0
5:55 PM	88	SE	12	0
6:15 PM	88	SE	12	0

**Eagle Creek Airport (KEYE)***Indianapolis, Indiana (18.55 miles S of site)*

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
3:15 PM		SSE	6	0
3:20 PM				
3:25 PM		ESE	10	0
3:30 PM		ESE	6	0
3:35 PM		ESE	13	0
3:40 PM		SE	6	0
3:45 PM		ESE	12	17
3:50 PM		ESE	13	0
3:53 PM	87	ESE	13	0
3:55 PM		ESE	10	0
4:00 PM		SE	10	0
4:05 PM		ESE	12	0
4:10 PM		SE	8	0
4:15 PM		ESE	8	0
4:20 PM		ESE	10	0
4:25 PM		SE	6	0
4:30 PM		E	9	0
4:35 PM		SE	10	0
4:40 PM		SE	9	0
4:45 PM		ESE	8	0
4:50 PM		E	12	0
4:53 PM	87	SE	9	0
4:55 PM		ESE	8	0
5:00 PM		SE	9	0
5:05 PM		SE	6	0
5:10 PM		SE	5	0
5:15 PM		SE	8	0
5:20 PM		SE	8	0
5:25 PM		SE	8	0
5:30 PM		SE	10	0
5:35 PM		SSE	9	0
5:40 PM		SSE	8	0
5:45 PM		SSE	9	0
5:50 PM		SSE	9	0
5:53 PM	87		6	0
5:55 PM		E	6	0
6:00 PM		ESE	5	0
6:05 PM		ESE	9	0

**Attachments**



File 97997; ISUM Data 5.12.22 (KEYE).pdf  
File 97996; ISUM Data 5.12.22 (KFKR).pdf  
File 97995; ISUM Data 5.12.22 (KTYQ).pdf

Original Event: Wind Data #113  
Submitted By: Aaron P. Kreider  
Date of Weather: 05/12/2022

---

06/13/2022 **Investigation Activity**

**Label Use**

The Abundit Edge labels states, "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 (e.g., when wind is blowing away from the sensitive areas)." The Boundary 6.5EC label states, "Only apply Boundary 6.5EC 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 Sharpen label states, "Apply this product only when the potential for drift to adjacent nontarget areas is minimal (e.g. when the wind is **10 MPH or less and is blowing away** from sensitive areas)."

**Attachments**

File 97999; Abundit Edge Label.pdf  
File 98000; Boundary 6.5EC Label.pdf  
File 98001; Sharpen Label.pdf

Original Event: Investigation Activity (Pesticide) #4844  
Submitted By: Aaron P. Kreider  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[007969-00278-20201113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00278-20201113.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00278-20201113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00278-20201113.pdf)

---

06/23/2022 **Judgement; Civil Penalty Assessed**

**Civil Penalty**

Caleb Viehe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect, a general use pesticide was involved, and this was Caleb Viehe's third violation of similar nature. See case numbers PS20-0284 and PS22-0026.

Original Event: Judgement #1314  
Primary: Caleb Viehe  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 500

---

08/01/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1148  
To: Caleb Viehe  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9996  
Enclosed: Notice of Enforcement  
Attachments: File 104392; PS22-0134EL CP ~ Caleb Viehe.docx

---

08/05/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1642  
Subject: Caleb Viehe  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9996  
Received: 08/05/2022  
Attachments: File 106241; CM 7019 0140 0000 6113 9996 - PS22-0134 - 8-5-2022.pdf

---

09/02/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1676  
Subject: Caleb Viehe  
Submitted By: Joni D. Herman  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 108342; PS22-0134 Caleb Viehe ~ CP Received 9-2-2022.pdf

---

09/20/2022 **Notice of Case Closure Mailed to Complainant**

Original Event:	Outgoing Mail #1324
To:	Hoosier Growers LLC
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109629; PS22-0134 - Hoosier Growers LLC - Case Closed Letter 9-20-2022.docx

---

09/20/2022 **Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1325
To:	Caleb Viehe
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109630; PS22-0134 - Caleb Viehe - Case Closed Letter 9-20-2022.docx

### Chain of Custody

---

05/19/2022 **Sample 22-4-0428 0**

Original Event:	Chain of Custody #1061 (22-4-0428 0)
05/19/2022 09:30:	Sample Collected by Aaron P. Kreider
05/19/2022 16:27:	Sample Delivered to Vicki Vauters
05/19/2022 16:27:	Delivery Affirmed by Vicki Vauters

---

05/19/2022 **Sample 22-4-0429 8**

Original Event:	Chain of Custody #1062 (22-4-0429 8)
05/19/2022 09:30:	Sample Collected by Aaron P. Kreider
05/19/2022 16:27:	Sample Delivered to Vicki Vauters
05/19/2022 16:27:	Delivery Affirmed by Vicki Vauters

---

05/19/2022 **Sample 22-4-0430 8**

Original Event:	Chain of Custody #1063 (22-4-0430 8)
05/19/2022 09:30:	Sample Collected by Aaron P. Kreider
05/19/2022 16:27:	Sample Delivered to Vicki Vauters
05/19/2022 16:27:	Delivery Affirmed by Vicki Vauters

<p>This record was generated on <b>September 22, 2022, 09:56 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 09:59 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0161**

Department	Pesticide
Originated	05/25/2022
Assigned To	Kevin W. Gibson
Status	Closed

**Involved Parties**

Issued To	<b>Beverly J Galema</b> West Lafayette, IN 47906
Registrant Respondent	<b>Hortus USA Corp</b> New York, NY 10011
Complainant	<b>Office of Indiana State Chemist</b>

**Overviews**

06/08/2022 **Investigation Summary**

On 5/18/22, I conducted a routine Worker Protection Standards (WPS) inspection at Galema Greenhouse. During the inspection, I learned one of the pesticide products used at the facility in 2022 was **Hortus IBA Water Soluble Salts** (EPA #63310-22; active ingredient: butyric acid) (see PS22-0136). In researching the product, I discovered the product had not been registered with the Office of Indiana State Chemist (OISC) for 2022.

I contacted OISC product registration section to confirm **Hortus IBA Water Soluble Salts** had not been registered with OISC for 2022. Agent Garret Creason and I met with Galema Greenhouse co-owner Tim Galema with the information. A **Stop Sale Order** was issued to Mr. Galema. The product was not confiscated because Galema Greenhouse had only one container in their possession and that container was less than half full. Mr. Galema agreed not to use the product until notified it was properly registered with OISC. The information was referred to OISC product registration section for follow-up.

OISC product registration section issued a **Stop Sale Order** to Hortus USA Corp. on 5/24/22. Hortus USA Corp. submitted the application for product registration with OISC.

Submitted By: Kevin W. Gibson  
Role: Investigator

06/13/2022 **Disposition Summary**

Hortus USA Corp was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

However, \$250.00 of the assessed civil penalty will be held in abeyance for a period of sixty (60) days and will not be assessed provided Hortus USA Corp registers the pesticide product within that time period.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/24/2022 **INCIDENTAL Notice of Inspection Issued**

I issued Galema Greenhouse owner Bev Galema a Notice of Inspection (NOI) during a WPS inspection which revealed an Indiana unregistered pesticide product (Hortus IBA Salts)

Original Event: Notice of Inspection #912  
Linked From: Pesticide Inspection (Product) #283  
Client: Beverly J Galema  
Firm Representative: Tim Galema  
Submitted By: Kevin W. Gibson  
Photos:



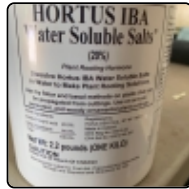
File 95572

---

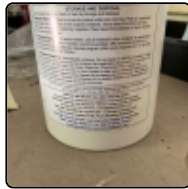
05/24/2022 **Marketplace Inspection Conducted**  
**Marketplace**

An Action Order of Stop Use was issued to Tim Galema to "stop use of Hortus IBA Water Soluble Salts (EPA #63310-22) until properly registered with OISC".

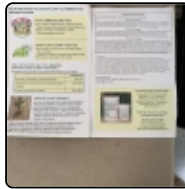
Attachments



File 95657



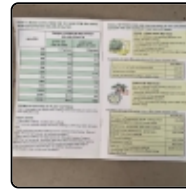
File 95658



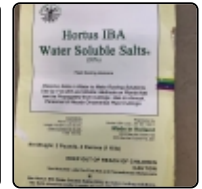
File 95660



File 95661



File 95659



File 95662

File 95663; Hortus Invoice.pdf

Original Event: Pesticide Inspection (Product) #283  
Client: Beverly J Galema  
Firm Representative: Tim Galema  
Submitted By: Kevin W. Gibson

---

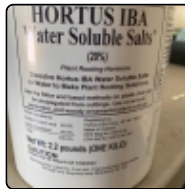
05/24/2022 **Stop Sale Order Issued**

Use of Indiana unregistered pesticide product Hortus IBA Salts.

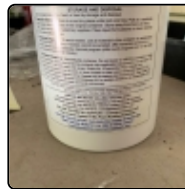
Original Event: Action Order #258  
Issued To: Beverly J Galema  
Registrant: Hortus USA Corp  
Firm Representative: Tim Galema  
Submitted By: Kevin W. Gibson  
Attachments: File 95889; Hortus IBA Water Soluble Salts label.pdf  
Photos:



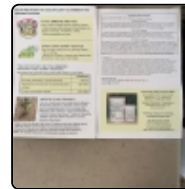
File 95564



File 95570



File 95571



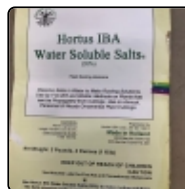
File 95566



File 95567



File 95565



File 95568

---

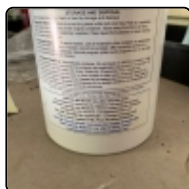
05/24/2022 **Investigator Met with Business**  
**Interaction**

Agent Creason and I met with Galema Greenhouse co-owner Tim Galema regarding an Indiana unregistered pesticide product. The unregistered product (\*\*Hortus IBA Salts\*\*)(EPA #63310-22; active ingredient: indole-3-butyric acid) was discovered during a WPS inspection (see PS22-0136). Mr. Galema reported they have used the product for at least three years and was unaware the product was Indiana registered. He provided an invoice from the most recent purchase on 1/27/22 from BFG Supply Company located at 3874 Solutions Center in Chicago, Illinois. Galema Greenhouse received one container (2.2 lbs.). I issued a "Stop Sale Order" to Mr. Galema to "stop use of Hortus IBA Water Soluble Salts (EPA #63310-22) until properly registered with OISC".

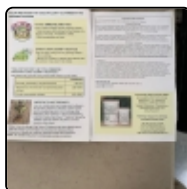
#### Attachments



File 95664



File 95665



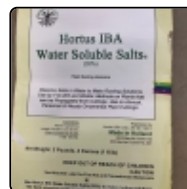
File 95668



File 95669



File 95667



File 95670

File 95666; Hortus Invoice.pdf

Original Event: Investigation Activity (Pesticide) #4720  
Subject: Beverly J Galema  
Submitted By: Kevin W. Gibson

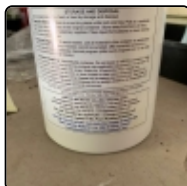
#### 05/24/2022 Intake Referral Filed

During the course of a WPS inspection at Galema Greenhouse, I discovered a pesticide product (\*\*Hortus IBA Salts\*\* (EPA #63310-22; active ingredient: indole-3-butyric acid)) which according to OISC Product Registration Section was unregistered in Indiana.

Original Event: Intake Referral (Pesticide) #2507  
Complainant: Office of Indiana State Chemist  
Location: Beverly J Galema  
Respondent: Hortus USA Corp  
Entered By: Kevin W. Gibson  
Submitted By: George Saxton  
Photos:



File 95562



File 95563

#### 05/25/2022 Case Created

Original Event: Case PS22-0161  
Submitted By: George Saxton  
Assigned To: Kevin W. Gibson

#### 05/26/2022 Notice of Stop Sale Sent

Company was made aware of SSURO. Sarah discussed next steps with Cliff Hoogland on the phone on 5/24/22.

Original Event: Pesticide Products Activity #12  
Primary: Hortus USA Corp  
Submitted By: Sarah K. Caffery

#### 05/26/2022 Stop Sale Released for Sale Hortus IBA Salts

Application was received 5/24/22. Product labeling has been reviewed, waiting for accounting in order to finalize registration.

#### Attachments

File 95878; 2022\_05\_26 SSURO Release Hortus USA Corp.pdf

Original Event: Stop Sale Release (PS) #5  
Issued To: Beverly J Galema  
Registrant: Hortus USA Corp  
Submitted By: Sarah K. Caffery

#### 06/13/2022 Judgement; Civil Penalty Assessed Civil Penalty

Hortus USA Corp was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing an unregistered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

#### Abeysance

However, \$250.00 of the assessed civil penalty will be held in abeyance for a period of sixty (60) days and will not be assessed provided Hortus USA Corp registers the pesticide product within that time period.

Original Event: Judgement #1310  
Primary: Hortus USA Corp  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(1)  
Penalty Amount: 500

#### 06/22/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1122  
To: Hortus USA Corp  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9842  
Enclosed: Notice of Enforcement  
Attachments: File 99367; PS22-0161EL CP Abeyance ~ Hortus USA Corp.docx

---

07/05/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1554  
Subject: Hortus USA Corp  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9842  
Received: 07/05/2022  
Attachments: File 101919; CM 7019 0140 0000 6113 9842 - PS22-0161.pdf

---

07/27/2022 **Compliance Activity**

Dave Beard with Hummert International, Inc. (parent company to Phytotronics who has distribution rights to this product) emailed with George regarding payment of the civil penalty. An extension on the due date was granted. Payment due by August 5, 2022.

Original Event: Compliance Activity #1374  
Primary: Hortus USA Corp  
Submitted By: Joni D. Herman  
Attachments: File 103721; Email - RE\_ Case #PS22-0161 CP Payment.pdf

---

08/01/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1606  
Subject: Hortus USA Corp  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$250.00  
Payment Received: \$250.00  
Attachments: File 104409; PS22-0161 Hortus USA Corp - CP Received 8-1-2022.pdf

---

08/30/2022 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #1232  
To: Beverly J Galema  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 107699; PS22-0161 - Beverly Galema - 8-30-2022.docx

---

08/30/2022 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1233  
To: Hortus USA Corp  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 107698; PS22-0161 - Hortus USA Corp - 8-30-2022.docx

---

## Chain of Custody

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

This record was generated on **September 22, 2022, 09:59 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



Office of  
**INDIANA STATE CHEMIST AND SEED COMMISSIONER**

*Protecting Indiana's Agriculture and Environment*

Purdue University • 175 S University Street  
West Lafayette, IN 47907-2063  
Telephone (765) 494-1492 • Facsimile (765) 494-4331  
www.oisc.purdue.edu

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

This record was generated on **September 22, 2022, 10:00 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

## In Re: Case PS22-0168

Department	Pesticide
Originated	05/27/2022
Assigned To	Elizabeth C. Carter
Status	Closed

## Involved Parties

Complainant	<b>Ron Idlewine</b> Fairmount, IN 46928
Respondent	<b>Gregg A Wood</b> Jonesboro, IN 46938

## Overviews

### 08/04/2022 Investigation Summary

Ron Idlewine contacted the OISC to report pesticide exposure symptoms on his trees and shrubs.

On May 31, 2022, I went to the Idlewine property. I observed some cupping and curling of leaves along with some brown spotting on multiple species of trees. As I moved further north on the property exposure symptoms seemed to lessen. In the back (northern part) of the property, there was a large grove of pine trees that separated the apple trees from the other part of the property. The fruit trees all seemed relatively healthy and without any apparent exposure symptoms. I took photographs of the area and collected physical samples for the Purdue Pest and Diagnostic Lab. I also collected soil and vegetation samples for the OISC Residue Lab.

The PPDL report stated in part, "*These symptoms are all suggestive of herbicide drift. However, the apples don't show any symptoms that are suggestive of herbicide drift.*"

Gregg Wood, the applicator to the south, reported applying Boundary 6.5 EC, Thundermaster, and 2,4-D LV4 on April 28, 2022. He stated the wind was blowing partially toward the complainant's property (E/SE) at 6 miles per hour. The Marion airport reported the prevailing wind was out of the east, southeast blowing approximately 10 miles per hour during the application.

Imazethapyr, the active in Thundermaster, was found at similar levels in the weeds of the target application field as in the vegetation sample in the complainant's front yard.

According to the Thundermaster label, "*DO NOT allow the herbicide solution to drift onto desirable vegetation.*"

Submitted By: Elizabeth C. Carter  
Role: Investigator  
Drift: Confirmed

### 08/04/2022 Disposition Summary

Gregg A Wood was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Gregg A Wood cooperated during the investigation. Consideration was also given to the fact a general use pesticide was used with adverse effect.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

### 05/26/2022 Intake Referral Filed

Complainant stated a herbicide application made to a neighboring farm field injured ornamentals on his property.



Original Event: Intake Referral (Pesticide) #2514  
Complainant: Ron Idlewine  
Respondent: Gregg A Wood  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

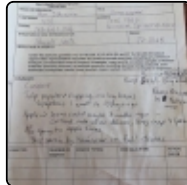
05/27/2022 **Case Created**

Original Event: Case PS22-0168  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

05/31/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #925  
Client: Ron Idlewine  
Firm Representative: Ron Idlewine  
Submitted By: Elizabeth C. Carter  
Photos:



File 96403

---

05/31/2022 **Investigator Met with Complainant Interaction**

I went to the Idlewine property. Mr. Idlewine was unavailable, but I did speak briefly with him on the phone. He stated that approximately 10 days ago (May 21) he noticed leaf cupping and curling on his tulip popular in his front yard. He went on to say that approximately 3 weeks ago (May 10), he noticed the apple tree leaves were slightly curled for a couple days. He was concerned that only a few of his apple trees had set fruit. He thought the lack of fruit set was caused by drift.

In the front of the property (the south), I noticed some cupping and curling of leaves along with some brown spotting on a tulip, gum, and oak tree. As I moved further north on the property exposure symptoms seemed to lessen. In the back (northern part) of the property, there was a large grove of pine trees that separated the apple trees from the other part of the property. I noticed only three apple trees had fruit set. However, the trees all seemed relatively healthy and without any apparent exposure symptoms.

I took photographs of the area and collected physical samples for the Purdue Pest and Diagnostic Lab. I also collected soil and vegetation samples for the OISC Residue Lab.

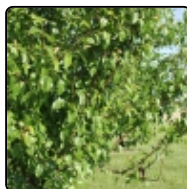
Attachments



File 96390



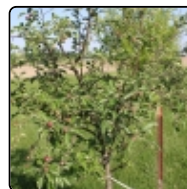
File 96391



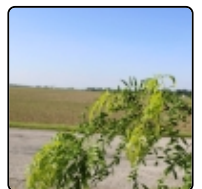
File 96392



File 96393



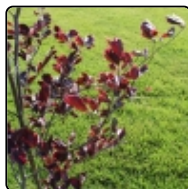
File 96394



File 96395



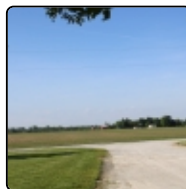
File 96396



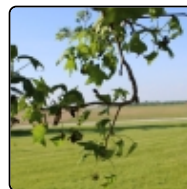
File 96397



File 104480



File 96398



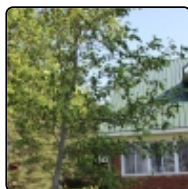
File 96399



File 96400



File 96401



File 96402

Original Event: Investigation Activity (Pesticide) #4758  
Subject: Ron Idlewine  
Submitted By: Elizabeth C. Carter

---

05/31/2022 **Residue Samples Collected**

Original Event: Residue Collection #214307 (22-4-1173 0)  
Client: Ron Idlewine  
Submitted By: Elizabeth C. Carter  
Sample: 22-4-1173 0 | Soil; Comp; 2-4"; Target, S  
Sample: 22-4-1174 8 | Veg; Grab; Target, S  
Sample: 22-4-1175 3 | Veg; Grab; OFF-T, Front Yard, S  
Sample: 22-4-1176 9 | Veg; Ctrl; OFF-T  
Sample: 22-4-1177 6 | Veg; Comp; OFF-T, Back Yard, N  
Sample: 22-4-1178 2 | Soil; Comp; 2-4"; Target, N

---

05/31/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #595  
Submitted By: Elizabeth C. Carter  
Target Analyte: Boundary 6.5  
Target Analyte: Thundermaster  
Target Analyte: 2,4-D LV4  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[042750-00147-20160607.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/042750-00147-20160607.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/042750-00147-20160607.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/042750-00147-20160607.pdf)

---

05/31/2022 **Investigation Activity Screenshots**

This is an aerial image of the property. The apple trees are in the back yard (north) and separated from the front yard by a large stand of evergreens. Symptoms of exposure between front and back yard appear to be different in nature. During my initial inspection, Mr. Idlewine reported seeing curling on his apple trees starting May 10. Since Mr. Peacock, the farmer to the north, did not make any applications until May 12, and PPDL reported apple tree symptoms were not suggestive of herbicide, I focused the investigation on the application south of the Idlewine residence. The other symptoms were all focused in the southern portion of the property, near Greg Woods' field.

Attachments



File 104218



File 104491

Original Event: Investigation Activity (Pesticide) #5167  
Submitted By: Elizabeth C. Carter

---

06/01/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #217995 (X22-86B24D)  
Client: Ron Idlewine  
Submitted By: Elizabeth C. Carter  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-86B24D | This is PPDL sample submission for Idlewine case.  
Attachments: File 100385; PPDL Idlewine submission.pdf

---

06/02/2022 **Received External Lab Report**

PPDL report stated in part, "*These symptoms are all suggestive of herbicide drift. However, the apples don't show any symptoms that are suggestive of herbicide drift.*"

Original Event: External Lab Report #217996 (X22-86B24D)  
Submitted By: Elizabeth C. Carter  
Sample: X22-86B24D  
Attachments: File 100386; PPDL final report idelwine.pdf

---

06/03/2022 **Investigation Inquiry Request Mailed to Target**

Original Event: Outgoing Mail #1102  
To: Gregg A Wood  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9613  
Enclosed: Investigation Inquiry Request  
Enclosed: Notice  
Attachments: File 97333; PS22-0168 Letter ~ PII to Gregg Wood.docx  
File 97334; PS22-0168 Pesticide Investigation Inquiry Form.pdf

---

06/09/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1535  
Subject: Gregg A Wood  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9613  
Received: 06/09/2022  
Attachments: File 101897; CM 7019 0140 0000 6113 9613 - PS22-0168.pdf

06/23/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The apple tree sample (22-4-1177 6) was not analyzed based on PPDL's conclusions and my observations in the field.

Imazethapyr has a very small application rate, so concentrations are low. This active ingredient was found in similar levels in the target field and complainant's tree/ property. The 'control', which was taken from a deciduous tree behind the garage, was below the detection limit/ without imazethapyr.

**First Page of Lab Report**

OCM Collection #		214307	Investigator	CARTERE		
Collection Date		05/31/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-1173 0	Soil; Comp; 2-4"; Target, S	Soil	Imazethapyr	18.6 ppb	0.3 ppb	
22-4-1174 8	Veg; Grab; Target, S	Veg	Imazethapyr	1.21 ppb	0.3 ppb	
22-4-1175 3	Veg; Grab; OFF-T, Front Yard, S	Veg	Imazethapyr	2.53 ppb	0.3 ppb	
22-4-1176 9	Veg; Ctrl; OFF-T	Veg	Imazethapyr	BDL ppb	0.3 ppb	
22-4-1177 6	Veg; Comp; OFF-T, Back Yard, N	Veg	No Analysis Required	Done		
22-4-1178 2	Soil; Comp; 2-4"; Target, N	Soil	Imazethapyr	11.4 ppb	0.3 ppb	

Original Event: Residue Lab Report #216900 (214307-R590)  
Submitted By: SYSTEM  
Lab Report: Lab Report 214307-R590.pdf

07/01/2022 **Investigator Received Mail from Applicator**  
**Investigation Inquiry**

This is the PII submitted by Gregg Wood. According to Mr. Wood, the wind was blowing 6 miles per hour and blowing partially toward complainants property.

Attachments  
File 100378; Wood PII.pdf

**Inquiry Overview**

Certified Applicator Gregg Wood  
Application Type Farmer  
Target Field 38 acre burndown

**Tank Mix**

Product EPA  
Boundary 6.5 EC 100-1162  
Thundermaster 42750-147  
2,4-D LV4 42750-15

**Application Date**

Date Start End  
04/28/2022 8 8:45

Original Event: Investigation Activity (Pesticide) #5009  
Subject: Gregg A Wood  
Submitted By: Elizabeth C. Carter  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/042750-00147-20160607.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/042750-00147-20160607.pdf)  
[042750-00015-20101004.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/042750-00015-20101004.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/042750-00015-20101004.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/042750-00015-20101004.pdf)

08/01/2022 **Investigation Activity**  
**Activity**

Thundermaster label attached below. Label states on page 4, "*DO NOT allow the herbicide solution to drift onto desirable vegetation.*"

Attachments

File 104234; Thundermaster label page 4.pdf

Original Event: Investigation Activity (Pesticide) #5168  
Submitted By: Elizabeth C. Carter

---

08/04/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Gregg A Wood was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Gregg A Wood cooperated during the investigation. Consideration was also given to the fact a general use pesticide was used with adverse effect.

Original Event: Judgement #1332  
Primary: Gregg A Wood  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

08/04/2022 **Wind Data Researched**

The prevailing wind was out of the east, southeast and was blowing approximately 10 miles per hour.

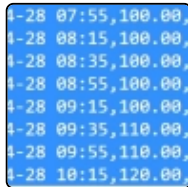
**MZZ**

Marion municipal airport, Indiana (4 miles SE of site)

**Time Direction Speed (mph)**

8:00 ESE 10

**Attachments**



1-28	07:55	100.00
1-28	08:15	100.00
1-28	08:35	100.00
1-28	08:55	100.00
1-28	09:15	100.00
1-28	09:35	110.00
1-28	09:55	110.00
1-28	10:15	120.00

File 104489

Original Event: Wind Data #116  
Submitted By: Elizabeth C. Carter  
Date of Weather: 04/28/2022

---

08/15/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1183  
To: Gregg A Wood  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4063  
Enclosed: Notice of Enforcement  
Attachments: File 106374; PS22-0168EL CP Mitigated ~ Gregg A. Wood.docx

---

08/20/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1665  
Subject: Gregg A Wood  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4063  
Received: 08/20/2022  
Attachments: File 107534; CM 7022 0410 0001 2745 4063 - PS22-0168 - 8-20-2022.pdf

---

09/14/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1686  
Subject: Gregg A Wood  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 109124; PS22-0168 - Gregg A. Wood - 9-14-2022.pdf

---

09/14/2022 **Notice of Case Closure Mailed to Complainant**

Original Event:	Outgoing Mail #1289
To:	Ron Idlewine
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109135; PS22-0168 - Ron Idlewine - Case Closed Letter 9-14-2022.docx

---

09/14/2022 **Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1290
To:	Gregg A Wood
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109136; PS22-0168 - Gregg A. Wood - Case Closed Letter 9-14-2022.docx

## Chain of Custody

---

05/31/2022 **Sample 22-4-1173 0**

Original Event:	Chain of Custody #1477 (22-4-1173 0)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

---

05/31/2022 **Sample 22-4-1174 8**

Original Event:	Chain of Custody #1478 (22-4-1174 8)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

---

05/31/2022 **Sample 22-4-1175 3**

Original Event:	Chain of Custody #1479 (22-4-1175 3)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

---

05/31/2022 **Sample 22-4-1176 9**

Original Event:	Chain of Custody #1480 (22-4-1176 9)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

---

05/31/2022 **Sample 22-4-1177 6**

Original Event:	Chain of Custody #1481 (22-4-1177 6)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

---

05/31/2022 **Sample 22-4-1178 2**

Original Event:	Chain of Custody #1482 (22-4-1178 2)
05/31/2022 09:00:	Sample Collected by Elizabeth C. Carter
06/01/2022 08:00:	Sample Delivered to investigator refrigerator in 218
06/01/2022 09:46:	Delivery Affirmed by Vicki Vauters

<p>This record was generated on <b>September 22, 2022, 10:00 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 26, 2022, 11:43 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0180**

Department	Pesticide
Originated	06/02/2022
Assigned To	Elizabeth C. Carter
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>True Cut Lawns LLC</b> Twelve Mile, IN 46988
Respondent	<b>Jonathan Kenneth Long</b> Twelve Mile, IN 46988

**Overviews**

07/29/2022 **Investigation Summary**

During the course of another investigation, I discovered that Jonathan Long of True Cut Lawns LLC had not renewed his business license for 2022. I collected his application records and issued him an *Action Order* stating he could not make any for hire pesticide applications until he acquired the proper licensing.

Submitted By: Elizabeth C. Carter  
Role: Investigator

08/01/2022 **Disposition Summary**

True Cut Lawns was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides, or other regulated product, for hire without an Indiana pesticide business license.

Jonathan Long was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides or other regulated product, for hire without an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Long cooperated and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

06/02/2022 **Intake Referral Filed**

While conducting a documentary drift complaint from a lawn care application, I discovered the lawn care company had not renewed their pesticide business license for 2022.

Original Event: Intake Referral (Pesticide) #2526  
Complainant: Office of Indiana State Chemist  
Respondent: True Cut Lawns LLC  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

06/02/2022 **Case Created**

Original Event: Case PS22-0180  
Submitted By: Joseph D. Becovitz  
Assigned To: Elizabeth C. Carter

---

06/08/2022 **Investigator Called Applicator Interaction**

On June 8, 2022, I spoke with Mr. Jonathan Long on the phone. I asked if he was making pesticide applications for hire. He stated he was. I then asked if he was licensed. He stated he thought he was. I said our database indicated he hadn't renewed his license for 2022 and that the OISC sent a certified letter regarding his non-renewal and his need to reexamine. Mr. Long said he didn't realize this and would do whatever he needed to do to come into compliance. I then told him I would email him an *Action Order* stating he was not allowed to make any for hire pesticide applications until he acquired the proper licensing. Finally I reviewed the licensing process and requested Mr. Long send me records of all pesticide applications made in 2022.

Original Event: Investigation Activity (Pesticide) #4863  
Subject: True Cut Lawns LLC  
Submitted By: Elizabeth C. Carter

---

06/08/2022 **Investigator Sent Fax/Email to Applicator Communication**

This is the email I sent Mr. Long regarding the licensing process and also the Action Order that I issued.

Attachments



File 98331

Original Event: Investigation Activity (Pesticide) #4865  
Subject: True Cut Lawns LLC  
Submitted By: Elizabeth C. Carter

---

06/08/2022 **Action Order Issued**

stop making all for hire pesticide applications until you acquire the proper licensing from the OISC

Original Event: Action Order #260  
Issued To: True Cut Lawns LLC  
Firm Representative: Jonathan Long  
Submitted By: Elizabeth C. Carter  
Photos:



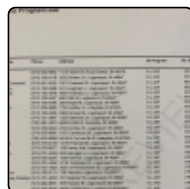
File 98333

---

06/08/2022 **Investigator Received Fax/Email from Applicator Records**

These are the application records Mr. Long emailed to me.

Attachments



File 103872



File 103871



File 103870



File 103869



File 103873

Original Event: Investigation Activity (Pesticide) #5158  
Subject: True Cut Lawns LLC  
Submitted By: Elizabeth C. Carter

---

08/01/2022 **Judgement; Civil Penalty Assessed Citation**

True Cut Lawns was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides, or other regulated product, for hire without an Indiana pesticide business license.



## Civil Penalty

Jonathan Long was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides or other regulated product, for hire without an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Long cooperated and corrective action was taken.

Original Event: Judgement #1330  
Primary: True Cut Lawns LLC  
Secondary: Jonathan Kenneth Long  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1500

---

08/15/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1187  
To: Jonathan Kenneth Long  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4025  
Enclosed: Notice of Enforcement  
Attachments: File 106383; PS22-0180EL CP Mitigated ~ Jonathan K. Long.docx

---

08/15/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1188  
To: True Cut Lawns LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4018  
Enclosed: Notice of Enforcement  
Attachments: File 106384; PS22-0180EL CIT ~ True Cut Lawns LLC - Jonathan K. Long.docx

---

08/19/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1666  
Subject: True Cut Lawns LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4018  
Received: 08/19/2022  
Attachments: File 107535; CM 7022 0410 0001 2745 4018 - PS22-0180 - 8-19-2022.pdf

---

08/19/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1667  
Subject: Jonathan Kenneth Long  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4025  
Received: 08/19/2022  
Attachments: File 107536; CM 7022 0410 0001 2745 4025 - PS22-0180 - 8-19-2022.pdf

---

09/23/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1700  
Subject: Jonathan Kenneth Long  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,500.00  
Payment Received: \$1,500.00  
Attachments: File 110026; PS22-0180 - Jonathan K Long - CP Received 9-23-2022.pdf

---

09/23/2022 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1363  
To: True Cut Lawns LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 110040; PS22-0180 - True Cut Lawns LLC - Case Closed Letter 9-23-2022.docx

---

## Chain of Custody

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

<p>This record was generated on <b>September 26, 2022, 11:43 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--



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 **September 22, 2022, 10:03 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0221**

Department	Pesticide
Originated	06/24/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Anonymous</b>
Issued To Respondent	<b>Home Depot</b> Indianapolis, IN 46256
Respondent Registrant	<b>Woodstream Corporation</b> Lititz, PA 17602

**Overviews**

**06/30/2022 Product Registration Summary**

Not registered in Indiana. To move forward to registration in the state the registrant must submit an application with payment and a complete application package.

Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

**07/07/2022 Investigation Summary**

Anonymous complainant wrote Victor Scent-Away Natural Rodent Repellent Packs (5-Pack) (mint scented) is being offered for sale at the Home Depot located in Castleton. The product is not registered for sale or use in Indiana.

On June 28, 2022 I met with Assistant Store Manager Brenda Fox at Home Depot on Corporation Dr. in Indianapolis, IN. I informed Mrs. Fox that OISC had received an anonymous complaint about a product that Home Depot possibly has in stock. I issued a Notice of Inspection and informed Mrs. Fox that I would be also looking at other pesticide products while at the store.

Upon completion of the inspection I had located the product listed in the complaint. The product was Victor Scent-Away Natural Rodent Repeller Packs. I verified that the product was not registered in the State of Indiana. A sample of the product was collected and a Stop Sale Order was issued to Home Depot.

On June 30, 2022 I delivered the formulation sample to the OISC Formulation lab.

The OISC label review of the product found that the label is NOT Acceptable; Not registered in the State of Indiana. A full label review could not be conducted because no application packet was received providing the efficacy data, SDS, and statement of formula. TO move forward to registration in the state the registrant must submit an application with payment, efficacy data, SDS, and statement of Formula.

Submitted By: Garret A. Creason  
Role: Investigator

**07/08/2022 Disposition Summary**

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

Woodstream Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. 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 Woodstream Corporation cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

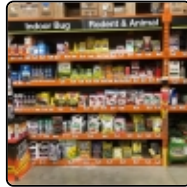
## Chronology of Events

---

### 06/23/2022 Intake Referral Filed

Anonymous complainant wrote Victor Scent-Away Natural Rodent Repellent Packs (5-Pack) (mint scented) is being offered for sale at the Home Depot located in Castleton. The product is not registered for sale or use in Indiana.

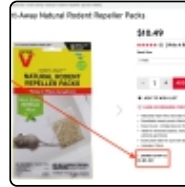
Original Event: Intake Referral (Pesticide) #2567  
Complainant: Anonymous  
Location: Home Depot  
Respondent: Woodstream Corporation  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason  
Attachments: File 99370; Victor complaint form.pdf  
Photos:



File 99371



File 99372



File 99373

---

### 06/24/2022 Case Created

Original Event: Case PS22-0221  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

### 06/28/2022 Investigator Met with Distributor Communication

On June 28, 2022 I met with Assistant Store Manager Brenda Fox at Home Depot on Corporation Dr. in Indianapolis, IN. I informed Mrs. Fox that OISC had received an anonymous complaint about a product that Home Depot possibly has in stock. I issued a Notice of Inspection and informed Mrs. Fox that I would be also looking at other pesticide products while at the store.

#### Communication

Upon completion of the inspection I had located the product listed in the complaint. The product was Victor Scent-Away Natural Rodent Repellent Packs. I verified that the product was not registered in the State of Indiana. A sample of the product was collected and a Stop Sale Order was issued to Home Depot.

Original Event: Investigation Activity (Pesticide) #4972  
Subject: Home Depot  
Submitted By: Garret A. Creason

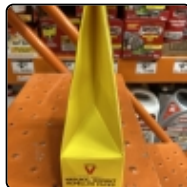
---

### 06/28/2022 Formulation Samples Collected

Original Event: Formulation Collection #217348 (22-3-0032 9)  
Registrant: Woodstream Corporation  
Client: Home Depot  
Firm Representative: Brenda Fox  
Submitted By: Garret A. Creason  
Sample: 22-3-0032 9 | Victor Scent-Away Natural Rodent Repellent Packs  
Photos:



File 99887



File 99888



File 99889



File 99890



File 99891



File 99892

---

### 06/28/2022 Stop Sale Order Issued

Original Event: Action Order #265  
Issued To: Home Depot  
Registrant: Woodstream Corporation  
Firm Representative: Brenda Fox  
Submitted By: Garret A. Creason  
Photos:



File 99893

---

06/29/2022 **Label Review Conducted; Not Acceptable**  
**Victor Scent-Away Natural Rodent Repeller Packs**

NOT Acceptable; Not registered in the State of Indiana. A full label review could not be conducted because no application packet was received providing the efficacy data, SDS, and statement of formula. TO move forward to registration in the state the registrant must submit an application with payment, efficacy data, SDS, and statement of Formula.

Original Event: Label Review (Pesticide) #192 (Woodstream Corpor...)  
Registrant: Woodstream Corporation  
Submitted By: Victoria J. Matsumura

---

06/29/2022 **Notice of Stop Sale Sent**

Notification of SSURO was provided via email to registrant's contact information on file.

Original Event: Pesticide Products Activity #15  
Primary: Woodstream Corporation  
Submitted By: Victoria J. Matsumura  
Attachments: File 99906; Notification of Stop Sale\_ Woodstream Corporation.pdf

---

07/01/2022 **Stop Sale Released for Return/Disposal**  
**Victor Scent-Away Natural Rodent Repeller Packs**

Released for return or disposal

Attachments

File 100188; PS22-0221 - Woodstream Corporation.pdf

Original Event: Stop Sale Release (PS) #6  
Issued To: Home Depot  
Registrant: Woodstream Corporation  
Submitted By: Victoria J. Matsumura

---

07/07/2022 **Judgement; Civil Penalty Assessed**  
**Warning**

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

**Civil Penalty**


Woodstream Corporation was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. 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 Woodstream Corporation cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1325  
Primary: Home Depot  
Secondary: Woodstream Corporation  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(1)  
Penalty Amount: 300

---

07/12/2022 **Received Formulation Lab Report**

**First Page of Lab Report**

		<b>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</b>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>Victor Scent-Away Natural Rodent Repeller Packs</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>06/28/2022</b>	REPORT DATE <b>07/12/2022</b>
OCM COLLECTION <b>217348-01</b>		SAMPLE NO. <b>22-3-0032 9</b>		EPA REG NO.	
ACTIVE INGREDIENT			%GUARANTEE		%FOUND
Documentary - No Analysis Performed					
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #218542 (217348-01-R597)  
Submitted By: SYSTEM  
Lab Report: Lab Report 217348-01-R597.pdf

---

**08/04/2022 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1161  
To: Home Depot  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3615  
Enclosed: Notice of Enforcement  
Attachments: File 104743; PS22-0221EL WRN ~ Home Depot.docx

---

**08/04/2022 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1167  
To: Woodstream Corporation  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3608  
Enclosed: Notice of Enforcement  
Attachments: File 104884; PS22-0221EL CP Mitigated ~ Woodstream Corp..docx

---

**08/11/2022 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1648  
Subject: Home Depot  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3615  
Received: 08/11/2022  
Attachments: File 106417; CM 7022 0410 0001 2745 3615 - PS22-0221 - 8-11-2022.pdf

---

**08/12/2022 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1674  
Subject: Woodstream Corporation  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3608  
Received: 08/12/2022  
Attachments: File 107955; CM 7022 0410 0001 2745 3608 - PS22-0221 - 8-12-2022.pdf

---

**09/12/2022 Received Penalty Payment for Target**

Original Event: Compliance Receipt #1683  
Subject: Woodstream Corporation  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$300.00  
Payment Received: \$300.00  
Attachments: File 108977; PS22-0221 Woodstream Corp. ~ CP Received 9-12-2022.pdf

---

**09/20/2022 Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1333  
To: Woodstream Corporation  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 109643; PS22-0221 - Woodstream Corporation - Case Closed Letter 9-20-2022.docx

---

**09/20/2022 Notice of Case Closure Mailed to Target**

Original Event:	Outgoing Mail #1334
To:	Home Depot
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 109644; PS22-0221 - Home Depot - Case Closed Letter 9-20-2022.docx

## Chain of Custody

---

06/29/2022 **Sample 22-3-0032 9**

Original Event:	Chain of Custody #1871 (22-3-0032 9)
06/28/2022 10:00:	Sample Collected by Garret A. Creason
06/30/2022 08:00:	Sample Delivered to LILY 3129
06/30/2022 16:29:	Delivery Affirmed by Natalie Wilson

<p>This record was generated on <b>September 22, 2022, 10:03 AM EDT</b>. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
--