

A Summary of Cases

For July 10th, 2024

PS22-0187 Complainant stated a herbicide application made to a neighboring farm field injured his classified hardwood forest.

Disposition Summary

Helena Agri Enterprises LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. Consideration was also given to the fact this was their first violation of similar nature and no restricted pesticides were involved. Consideration was also given to the fact there was an adverse effect

Christopher Alan Cole was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. 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 also given to the fact this was his first violation of similar nature, he cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

PS23-0116 The Office of Indiana State Chemist (OISC) was sent information that showed Wiley Lawncare was offering fertilization and weed control. A check of OISC records indicated Wiley Lawncare did not have a pesticide business license.

Disposition Summary

Wiley Lawncare & Landscaping was warned for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire. Consideration was given to the fact Wiley Lawncare & Landscaping cooperated during the investigation and corrective action was immediately taken.

PS23-0165 Complainant stated a herbicide application made to a farm field across the street from his property the first week in May injured his ornamentals.

Disposition Summary

Dale Huseman was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a restricted use pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil

PS23-0175 Complainant stated a herbicide application made to the railroad right-of-way has yellowed, stunted and killed his adjacent soybeans.

Disposition Summary

HD Machines was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. Consideration was given to the fact a general use pesticide caused an adverse effect.

Andrew Rosenbaum was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Rosenbaum cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact a general use pesticide caused an adverse effect.

PS23-0207 Complainant stated the LaPorte County Drainage Board hired a company to spray the ditch and now the complainant has 'several acres of beans' adversely affected.

Disposition Summary

Chadd Baker 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 no restricted use pesticides were involved and Mr. Baker cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

PS23-0230 Complainant advised on June 26, 2023, Superior Ag Resources made an application to the farm field neighboring her property when the wind was blowing toward her property, and within several hours of the application her garden was injured.

Disposition Summary

Superior Ag Resources Co Op was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact Superior Ag Resources Co Op cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Cale D. Colbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Colbert cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

PS23-0236 Complainant stated a herbicide application made to the neighbor's property may be responsible for her dog's illness.

Disposition Summary

Christopher McKillip was warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to move off-target. Consideration was given to the fact Mr. McKillip cooperated during the investigation and this was his first violation of similar nature.

PS23-0254 Complainant stated a fungicide application made by Bi State Air to an adjacent corn field drifted onto his trees and blueberries.

Disposition Summary

Bi State Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site.

Robert Ray Cottingham was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact that a restricted use pesticide was involved and there was an adverse effect.

PS23-0255 Complainant stated a herbicide application made on the afternoon of July 6, 2023 to an adjacent soybean field drifted onto his garden turning the leaves black. The complainant also stated the wind was from the west at 30 mph at the time of the application.

Disposition Summary

Troy Bengé was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for violating the label regarding drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact this was Mr. Bengé's first violation of similar nature; no restricted use pesticides were involved; Mr. Bengé cooperated during the investigation; corrective action was taken and Mr. Bengé attempted compensation. Consideration was also given to the fact there was an adverse effect.

PS23-0256 While investigating Case #PS23-0236, I found the involved business, Greenbriar LLC, and the applicator, Dakota Sims, had made a for-hire pesticide application to 4271 W. Doyle Ave., Bloomington, IN, while not holding a valid pesticide business license or applicator's license with OISC.

Disposition Summary

Greenbrier LLC was cited for one count 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.

Christopher McKillip was cited for one count 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 for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Mr. McKillip cooperated during the investigation and corrective action was taken.

PS23-0264 Complainant stated a herbicide application was made on July 6th 2023, to a soybean field that is west of his property. Complainant further stated the wind was from the WNW at 14 mph when the application was made and it drifted onto him and his property.

Disposition Summary

Scott Henderson Spraying 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 this was their first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

Scott Henderson 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact this was his first violation of similar nature and Mr. Henderson cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

PS23-0271 Complainant stated a glyphosate application made to an adjacent farm field by Co-alliance killed 8 to 12 rows of corn in his field.

Disposition Summary

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. Consideration was given to the fact Co Alliance Cooperative cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Justin Frey 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Justin Frey cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

PS23-0278 Complainant stated a residential mosquito control application drifted onto their property on July 20, 2023.

Disposition Summary

Alpha Organics and Blaze Fox were warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless manner by allowing their pesticide application to drift to a non-target area where it could come into contact with human touch areas. Consideration was given to the fact this was their first violation of similar nature; they cooperated during the investigation and no restricted use pesticides were involved. In addition, Alpha Organics and Blaze Fox believed they were using a minimum risk pesticide for this application.

PS23-0292 Complainant stated an aerial application made adjacent to her property drifted onto her property and person(s) on her property.

Disposition Summary

Aero Ag LLC DBA Prairie Flying SVC and John W. Lewellen were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact this was their first violation of similar nature.

PS23-0293 Complainant stated an aerial application made adjacent to her property drifted onto her property and person(s) on her property.

Disposition Summary

Aero Ag LLC DBA Prairie Flying SVC and John W Lewellen were warned for this application in case number PS23-0292.

PS23-0311 Anonymous complainant stated Ceres Solutions Coop at Wingate has been illegally disposing of excess pesticides and pesticide rinseate at its anhydrous storage facility south of Wingate.

Disposition Summary

Ceres Solutions Cooperative Inc was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Ceres Solutions Cooperative Inc cooperated during the investigation and this was their first violation of similar nature.

PS23-0318 Complainant stated multiple herbicide applications made to his property in the summer and fall of 2022 killed and injured mature trees of all sizes on his property.

Disposition Summary

Northern Star Landscaping LLC was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Logan Gerbers was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of \$2,000.00 (4 counts x \$500.00

per count) was assessed for this violation. However, the civil penalty was reduced to \$1,200.00. Consideration was given to the fact Mr. Gerbers cooperated during the investigation and corrective action was taken.

PS23-0338 Complainant stated a herbicide application made to a county ditch on August 24, 2023, drifted onto her garden injuring raspberries, asparagus and other plants.

Disposition Summary

Chadd Baker was warned 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 sensitive area. Consideration was given to the fact this was Mr. Baker's first violation of similar nature; Mr. Baker cooperated during the investigation and no restricted use pesticides were involved.

PS24-0019 Unregistered pesticide product located for sale at Decatur Ace Hardware.

Disposition Summary

Decatur Ace Hardware was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered for sale in Indiana.

PS24-0023 I informed Mr. Martin that I would be conducting a Producer Establishment Inspection after being requested to by EPA Region Five.

Disposition Summary

No violation of the Indiana Pesticide Use and Application Law was pursued at this time. The case was forwarded to the United States Environmental Protection Agency (USEPA).

PS24-0029 Complainant stated Martin's routinely dumps leftover use dilution down a storm drain located on the west side of the building.

Disposition Summary

Joshua Lynn Miller was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Mr. Miller cooperated during the investigation and no restricted use pesticides were involved.

PS24-0030 During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Moss Fertilizer sold RUP, Xpedient Plus (EPA registration # 5481-609, active ingredient: Bifenthrin) to unlicensed, Ron Planck on May 8 and June 6, 2023.

Disposition Summary

Moss Fertilizer SVC Inc, was warned for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for unknowingly failure to follow label directions, *"for retail sale to and use only by Certified Applicators, or persons under*

their direct supervision, and only for those uses covered by the Certified Applicator's certification." Consideration was given to the fact this was Moss Fertilizer's first violation of similar nature and they cooperated during the investigation.

PS24-0031 During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Helena AgriEnterprises LLC in Walton sold RUP, Lexar EZ (EPA registration # 100-1414, active ingredient: metolachlor, atrazine, and mesotrione) to unlicensed, Jonathan Hartman, on May 16 and 22, 2023.

Disposition Summary

Helena Agri-Enterprises LLC was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for two (2) counts of unknowingly violating the pesticide label by distributing a restricted use pesticide to a non-certified applicator. Consideration was given to the fact this was their first violation of similar nature and Helena Agri-Enterprises cooperated during the investigation.

PS24-0033 Moss Fertilizer sold RUP, Xpedient Plus (EPA registration # 5481-609, active ingredient: Bifenthrin) to unlicensed Ron Planck on May 8 and June 6, 2023.

Disposition Summary

Ronald E Planck was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Planck cooperated during the investigation.

PS24-0034 During the course of a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered a RUP sale to an unlicensed applicator, Jonathan Hartman.

Disposition Summary

Jonathan David Hartman was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Hartman cooperated during the investigation.



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 **April 19, 2024, 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 PS22-0187

Department	Pesticide
Originated	06/05/2022
Assigned To	Melissa D. Rosch
Status	Pending

Involved Parties

Complainant	Ronald Kimball LA Porte, IN 46350	
-	Joseph Stanley Mcquillin LA Porte, IN 46350	Sales Representative
Respondent	Helena Agri Enterprises LLC LA Porte, IN 46352	
Respondent	Christopher Alan Cole Walkerton, IN 46574	Applicator

Overviews

01/20/2023 **Investigation Summary**

The complainant Ron Kimball stated he believed an adjacent agricultural pesticide application made by Helena Agri Enterprises Llc. may have drifted onto his hardwood forest. The Office of Indiana State Chemist (OISC) Pesticide Residue Laboratory report showed pesticide residue levels consistent with drift. Additionally, the wind data does show sustained wind speeds over 20mph blowing at the complainant's hardwood forest during the time of the application.

Submitted By: Melissa D. Rosch
Role: Investigator

01/31/2023 **Disposition Summary**

Helena Agri Enterprises LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. Consideration was also given to the fact this was their first violation of similar nature and no restricted pesticides were involved. Consideration was also given to the fact there was an adverse effect

Christopher Alan Cole was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. 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 also given to the fact this was his first violation of similar nature, he cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/03/2022 **Intake Referral Filed**

Complainant stated a herbicide application made to a neighboring farm field injured his classified hardwood forest.

Original Event: Intake Referral (Pesticide) #2533
Complainant: Ronald Kimball
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

06/05/2022 **Case Created** (Pending)

Original Event: Case PS22-0187
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

06/14/2022 **Investigator Called Subject Activity**

I spoke with sales representative Mr. Joe Mcquillin and he stated he would send over spray/application records.

Attachments

File 114787; Kimball 6-14-22.pdf

Original Event: Investigation Activity (Pesticide) #4848
Subject: Joseph Stanley Mcquillin
Submitted By: Melissa D. Rosch

06/15/2022 **Investigator Called Complainant Communication**

I called the complainant and left a voice mail for return call.

Original Event: Investigation Activity (Pesticide) #4910
Subject: Ronald Kimball
Submitted By: Melissa D. Rosch

06/16/2022 **Investigator Called Target Communication**

I spoke to Mr. Mcquillin and he stated he went out to the target site/tree area with the complainant yesterday to look at the vegetation. I advised I contacted the complainant yesterday and did not receive a return call yet to go take samples.

Original Event: Investigation Activity (Pesticide) #4911
Subject: Joseph Stanley Mcquillin
Submitted By: Melissa D. Rosch

07/05/2022 **Residue Samples Collected**

Original Event: Residue Collection #218019 (22-4-0733 7)
Client: Ronald Kimball
Submitted By: Melissa D. Rosch
Sample: 22-4-0733 7 | Veg; Ctrl; OFF-T
Sample: 22-4-0734 4 | Veg; Grab; N Side Tree Line; OFF-T
Sample: 22-4-0735 9 | Veg; Grab; E Side Tree Line; OFF-T
Sample: 22-4-0736 3 | Veg; Grab; S Side Tree Line; OFF-T
Sample: 22-4-0737 1 | Veg; Grab; Beans Weed; Target

07/05/2022 **Investigator Met with Complainant Interaction**

I met with the complainant Ronald Kimball at 6303 W 50 S, La Porte, Indiana. Mr. Kimball stated he believed on or about May 11, 2022 there was an agricultural pesticide application made to the soybean field immediately adjacent to his hardwood forest. I observed cupping and curling on some of the tree vegetation. There was also cupping and curling on vegetation that was further into the woods and not just adjacent to the soybean field. I took vegetation samples from the North/East/South tree line vegetation for the North soybean field on Mr. Kimball's property and submitted them to the Pesticide Residue Laboratory for residue analysis.

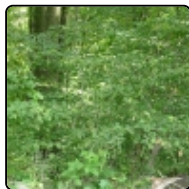
Attachments



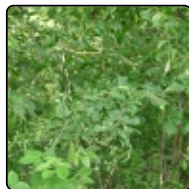
File 114768



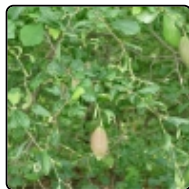
File 114769



File 114770



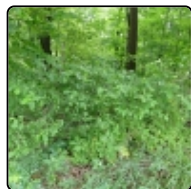
File 114771



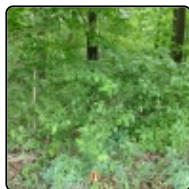
File 114772



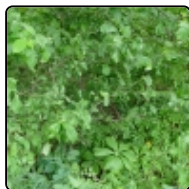
File 114773



File 114774



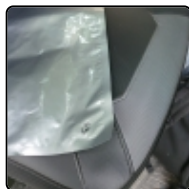
File 114775



File 114776



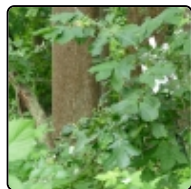
File 114777



File 114778



File 114779



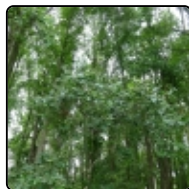
File 114780



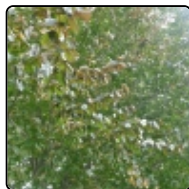
File 114781



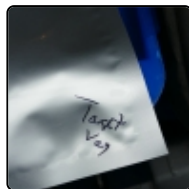
File 114782



File 114783



File 114784



File 114785



File 114786

Original Event: Investigation Activity (Pesticide) #5752
Submitted By: Melissa D. Rosch

07/07/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #626
Submitted By: Melissa D. Rosch
Target Analyte: Barrage HF
Target Analyte: Abundit Edge
Target Analyte: Antares Complete
PPLS Labels: [000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf
[005905-00623-20200504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/005905-00623-20200504.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/005905-00623-20200504.pdf

09/15/2022 **Received Residue Lab Report** Superseded (v1 of 2)

Investigatory Summary

The Pesticide Residue Laboratory Report shows levels of pesticide residue on the complainant's hardwood tree forest consistent with drift.

Original Event: Residue Lab Report #244538 (218019-R644)
Submitted By: SYSTEM
Lab Report: Lab Report 218019-R644.pdf

01/05/2023 **Wind Data Researched**

I triangulated the wind data from the three closest certified AWOS/ASOS stations. All of the data shows the wind was blowing at the complainant's hardwood tree forest. The time of application was 10:44am (CST) to 11: 22am (CST).

KPPO- La Porte Municipal Station

La Porte, Indiana (7 miles SE of site)

Time	Direction	Speed (mph)	Gust (mph)
10:55am (CST)	SSE	21	30
11:15am (CST)	SSE	22	29

KMGC- Michigan City Muni-Phillips Field Station

Michigan City, Indiana (10 miles N of site)

Time	Direction	Speed (mph)	Gust (mph)
10:55am (CST)	S	12	23
11:15am(CST)	SSE	14	23

KSBN- South Bend International Airport

South Bend, Indiana (31 miles E of site)

Time	Direction	Speed (mph)	Gust (mph)
11:54am (EST)	SE	26	33

KSBN- South Bend International Airport Raw METAR Data (1 hour time difference to Weather Underground for daylight savings time)

South Bend, Indiana (31 miles E of site)

Time	Speed (mph)	Gust (mph)
12:45 pm (EST)	25	31
12:50 pm (EST)	22	
12:54 pm (EST)	26	33
12:55 pm (EST)	25	33
1:00 pm (EST)	24	32
1:05 pm (EST)	26	33
1:10 pm (EST)	24	31
1:15 pm (EST)	24	30
1:20 pm (EST)	24	31

Attachments

File 115190; 5 min South Bend Raw metar.pdf
File 114794; 5-9 Michigan City, IN Weather History _ Weather Underground.pdf
File 114795; 5-9 South Bend, IN Weather History _ Weather Underground.pdf
File 114793; La Porte, IN Weather History _ Weather Underground.pdf

Original Event: Wind Data #171
Submitted By: Melissa D. Rosch
Date of Weather: 05/09/2022

01/05/2023 Online Investigation Activity Activity

I attached a map of the sampling area.

Attachments



File 114796

Original Event: Investigation Activity (Pesticide) #5753
Submitted By: Melissa D. Rosch

01/05/2023 Online Investigation Activity Barrage HF

Page 2 of the label reads, "Avoid applications in the vicinity of susceptible plants or when winds are blowing toward nearby susceptible plants or when temperature inversions are expected. Avoid direct application or spray drift to susceptible plants since very small quantities of this herbicide can cause severe injury in the growing or dormant period."

Page 3 of the label reads, "The following steps may be helpful in reducing possible spray drift from ground or aerial applications...6. make applications when wind velocity is more favorable for on-target deposition - a general guide for application would be...e) if wind velocity is over 15 mph do not spray."

Page 6 of the label reads, "Do Not apply at wind speeds great than 15mph (*Note the grammatical error for "great" is the actual label language). Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind."

Attachments

File 114806; Barrage hf US EPA, Pesticide Product Label, BARRAGE HF,04_21_2021.pdf

Abundit Edge

Page 12 of the label reads, "AVOID CONTACT OF THIS HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, EXCEPT AS DIRECTED FOR USE ON GLYPHOSATE TOLERANT CROPS, AS SEVERE PLANT INJURY OR DESTRUCTION COULD RESULT."

Page 13 of the label reads, "Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation, as small quantities of this product can cause severe damage or destruction to the crop, plants or other vegetation on which application was not intended."

Original Event: Investigation Activity (Pesticide) #5767
Submitted By: Melissa D. Rosch
PPLS Labels: [000352-00922-20200501.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf
[005905-00529-20210421.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/005905-00529-20210421.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/005905-00529-20210421.pdf

01/20/2023 New Respondent Identified

Original Event: Investigation Change #300
Respondent: Christopher Alan Cole
Submitted By: Melissa D. Rosch

01/20/2023 New Respondent Identified

Original Event: Investigation Change #301
Respondent: Helena Agri Enterprises LLC
Submitted By: Melissa D. Rosch

01/30/2023 Received Residue Lab Report Current (v2 of 2)

First Page of Lab Report

OCM Collection #	218019	Investigator	ROSCHM			
Collection Date	07/05/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-0733 7	Veg; Ctrl; OFF-T	Veg	Metolachlor	11.8 ppb	3 ppb	
			Metribuzin	9.63 ppb	0.7 ppb	
			Sulfentrazone	BDL ppb	3 ppb	
22-4-0734 4	Veg; Grab; N Side Tree Line; OFF-T	Veg	Metolachlor	BQL ppb	3 ppb	
			Metribuzin	BQL ppb	0.7 ppb	
			Sulfentrazone	BQL ppb	3 ppb	
22-4-0735 9	Veg; Grab; E Side Tree Line; OFF-T	Veg	Metolachlor	6.30 ppb	3 ppb	
			Metribuzin	20.4 ppb	0.7 ppb	
			Sulfentrazone	BDL ppb	3 ppb	
22-4-0736 3	Veg; Grab; S Side Tree Line; OFF-T	Veg	Metolachlor	BQL ppb	3 ppb	
			Metribuzin	1.27 ppb	0.7 ppb	
			Sulfentrazone	BDL ppb	3 ppb	

Original Event: Residue Lab Report #254593 (218019-R727)
Submitted By: SYSTEM
Lab Report: Lab Report 218019-R727.pdf

01/31/2023 Judgement; Civil Penalty Assessed

Citation

Helena Agri Enterprises LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. Consideration was also given to the fact this was their first violation of similar nature and no restricted pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Civil Penalty

Christopher Alan Cole was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact off-target residues were 1% or greater of that found on the target site which research has determined is indicative of drift. 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 also given to the fact this was his first violation of similar nature, he cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1449
Primary: Helena Agri Enterprises LLC
Secondary: Christopher Alan Cole
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 300

01/31/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1773
To: Helena Agri Enterprises LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0486
Enclosed: Notice of Enforcement
Attachments: File 117634; PS22-0187EL CIT ~ Helena Agri Enterprises LLC.docx

01/31/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1774
To: Christopher Alan Cole
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0493
Enclosed: Notice of Enforcement
Attachments: File 117635; PS22-0187EL CIT - CP Mitigated ~ Christopher Alan Cole.docx

02/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1940
Subject: Helena Agri Enterprises LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0486
Received: 02/06/2023
Attachments: File 118173; CM 7021 0950 0000 0608 0486 - PS22-0187 - Helena Agri Enterprises - Recd. 2-6-2023.pdf

02/28/2023 **Mail Service Returned for Target**

On February 28, 2023, certified mail was returned to OISC. Regular Mail has not been returned at this time.

Original Event: Compliance Receipt #1970
Subject: Christopher Alan Cole
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0493
Returned: 02/28/2023
Attachments: File 118929; CM 7021 0950 0000 0608 0493 - Christopher A. Cole - CM Returned 2-28-2023.pdf

03/24/2023 **Compliance Activity**

Spoke to "Todd" who said it was his understanding the CP had already been paid. He will check to see where the civil penalty was sent and get back to me.

Original Event: Compliance Activity #1763
Primary: Christopher Alan Cole
Submitted By: George Saxton

05/01/2023 **Mail Confirmation Assumed for Target**

As of May 1, 2023, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2054
Subject: Christopher Alan Cole
Submitted By: Jacob A. Hatfield

Chain of Custody

07/07/2022 **Sample 22-4-0733 7**

Original Event: Chain of Custody #1968 (22-4-0733 7)
07/05/2022 10:00: Sample Collected by Melissa D. Rosch
07/07/2022 17:32: Sample Delivered to kylo main lab
07/08/2022 10:17: Delivery Affirmed by Vicki Vauters

07/07/2022 **Sample 22-4-0734 4**

Original Event: Chain of Custody #1969 (22-4-0734 4)
07/05/2022 10:00: Sample Collected by Melissa D. Rosch
07/07/2022 17:32: Sample Delivered to kylo main lab
07/08/2022 10:17: Delivery Affirmed by Vicki Vauters

07/07/2022 **Sample 22-4-0735 9**

Original Event: Chain of Custody #1970 (22-4-0735 9)
07/05/2022 10:00: Sample Collected by Melissa D. Rosch
07/07/2022 17:32: Sample Delivered to kylo main lab
07/08/2022 10:17: Delivery Affirmed by Vicki Vauters

07/07/2022 **Sample 22-4-0736 3**

Original Event: Chain of Custody #1971 (22-4-0736 3)
07/05/2022 10:00: Sample Collected by Melissa D. Rosch
07/07/2022 17:32: Sample Delivered to kylo main lab
07/08/2022 10:17: Delivery Affirmed by Vicki Vauters

07/07/2022 **Sample 22-4-0737 1**

Original Event: Chain of Custody #1972 (22-4-0737 1)
07/05/2022 10:00: Sample Collected by Melissa D. Rosch
07/07/2022 17:32: Sample Delivered to kylo main lab
07/08/2022 10:17: Delivery Affirmed by Vicki Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 09:37 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 PS23-0116

Department	Pesticide
Originated	04/25/2023
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Wiley Lawncare & Landscaping Connersville, IN 47331

Overviews

02/01/2024 Investigation Summary

Wiley Lawncare & Landscaping (WLL) was advertising "Weed Spray" without a pesticide business license. Mr. Wiley dissolved the business and did not make any applications while in operation. Based on the evidence, WLL was found to be in violation by advertising pesticide applications without being properly licensed.

Submitted By: Aaron P. Kreider
Role: Investigator

02/01/2024 Disposition Summary

Wiley Lawncare & Landscaping was warned for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire. Consideration was given to the fact Wiley Lawncare & Landscaping cooperated during the investigation and corrective action was immediately taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/25/2023 Intake Referral Filed

The Office of Indiana State Chemist (OISC) was sent information that showed Wiley Lawncare was offering fertilization and weed control. A check of OISC records indicated Wiley Lawncare did not have a pesticide business license.

Original Event: Intake Referral (Pesticide) #2995
Complainant: Office of Indiana State Chemist
Respondent: Wiley Lawncare & Landscaping
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider
Attachments: File 123060; Wiley Lawncare unlicensed.pdf

04/25/2023 Case Created

Original Event: Case PS23-0116
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

04/26/2023 Online Investigation Activity

Screenshots

On April 26, 2023, I performed an online search for Wiley Lawncare & Landscaping (WLL). I was able to find a Facebook page with a post from March 16, 2023 (Figure 1) which advertised "Weed Spray." This Facebook page identified Dustin Wiley as the Owner/Operator.

Figure 1 (File 123219)



Original Event: Investigation Activity (Pesticide) #6097
Subject: Wiley Lawncare & Landscaping
Submitted By: Aaron P. Kreider

05/09/2023 Investigator Called Target Communication

On May 9, 2023, I attempted to contact Mr. Wiley regarding the investigation. I reached his voicemail and left a message.

Original Event: Investigation Activity (Pesticide) #7038
Subject: Wiley Lawncare & Landscaping
Submitted By: Aaron P. Kreider

01/31/2024 Investigator Met with Target Interaction

On January 31, 2024, I met with Mr. Wiley and informed him of the investigation. He stated he had been mowing a few properties for people he knew and decided to start WLL. Mr. Wiley stated he decided shortly after to close the business. He confirmed he advertised "Weed Spray" on Facebook. Mr. Wiley stated he deleted his Facebook page with advertisements during the closure of WLL. He stated he did not have any customers or make any pesticide applications while he was operating WLL.

Original Event: Investigation Activity (Pesticide) #7034
Subject: Wiley Lawncare & Landscaping
Submitted By: Aaron P. Kreider

01/31/2024 Notice of Inspection Issued

Original Event: Notice of Inspection #1943
Client: Wiley Lawncare & Landscaping
Firm Representative: Dustin Wiley
Submitted By: Aaron P. Kreider
Attachments: File 140277; NOI (D. Wiley).pdf

01/31/2024 Investigation Activity Activity

On January 31, 2024, I performed an online search for WLL. I could no longer find a Facebook page for WLL.

Original Event: Investigation Activity (Pesticide) #7039
Subject: Wiley Lawncare & Landscaping
Submitted By: Aaron P. Kreider

02/01/2024 **Judgement; Warning
Warning**

Wiley Lawncare & Landscaping was warned for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire. Consideration was given to the fact Wiley Lawncare & Landscaping cooperated during the investigation and corrective action was immediately taken.

Original Event: Judgement #1647
Primary: Wiley Lawncare & Landscaping
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)

02/05/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3081
To: Wiley Lawncare & Landscaping
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7287
Enclosed: Notice of Enforcement
Attachments: File 140567; PS23-0116EL WRN ~ Wiley Lawncare & Landscaping.docx

03/22/2024 **Mail Confirmation Not Received for Target**

As of today, USPS Online Tracking still shows this piece of mail has been in transit to the next facility since February 12, 2024. It is assumed the certified mail piece was lost.

Original Event: Compliance Receipt #2462
Subject: Wiley Lawncare & Landscaping
Submitted By: Joni D. Herman
USPS: 7021 2720 0003 1614 7287
Attachments: File 143275; CM 7021 2720 0003 1614 7287 - Wiley Lawncare & Landscaping - PS23-0116.pdf
File 143276; CM 7021 2720 0003 1614 7287~USPS Doc. 3.22.2024~Wiley Lawncare-PS23-0116.pdf

03/22/2024 **Mail Confirmation Assumed for Target**

As of today, the regular mail copy of our enforcement letter has not been returned to OISC. It is assumed that it was received by Wiley Lawncare & Landscaping.

Original Event: Compliance Receipt #2463
Subject: Wiley Lawncare & Landscaping
Submitted By: Joni D. Herman

03/22/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3223
To: Wiley Lawncare & Landscaping
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143304; PS23-0116 - Wiley Lawncare & Landscaping - Case Closed Letter 3-22-2024.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 **April 19, 2024, 09:37 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 **April 19, 2024, 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 PS23-0165

Department	Pesticide
Originated	05/22/2023
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant	Dan Greleck Lowell, IN 46356	
Applicator	Trent Ashton Dorn Demotte, IN 46310	Applicator to East and South
Respondent	Dale R Huseman Cedar Lake, IN 46303	Applicator to North and East

Overviews

02/23/2024 Investigation Summary

On May 22, 2023, the complainant Dan Greleck contacted the Office of Indiana State Chemist (OISC) to report a possible agricultural pesticide drift onto his property.

I took vegetation samples from the complainant's property to the Purdue Plant and Pest Diagnostic Laboratory (PPDDL) for a visual analysis. The lab report states, "Multiple plant species had leaves that were curled, stunted, or twisted and/or petioles that were curled. Many of the plants show symptoms that look like exposure to a growth regulator. There are some plants that have injury that could be associated with cold injury if a frost had occurred after leafing out. Lastly, the peony plants have areas of leaf chlorosis and bleaching which would not be caused by a growth regulator. No significant disease was observed. Given the number of herbicide applications, including those made by the complainant, so close to symptom development, it is unclear which was likely to cause the damage observed, however, the primary symptoms present are suggestive of damage by a synthetic auxin."

I also took vegetation and swab samples to the OISC Pesticide Residue laboratory for a chemical analysis. I reviewed the report with the lab manager and concluded Mr. Huseman had drifted onto the complainant's property.

Submitted By: Melissa D. Rosch
Role: Investigator

02/27/2024 Disposition Summary

Dale Huseman was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a restricted use pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/22/2023 Intake Referral Filed

Complainant stated a herbicide application made to a farm field across the street from his property the first week in May injured his ornamentals.

Original Event: Intake Referral (Pesticide) #3042
Complainant: Dan Grellck
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

05/22/2023 **Case Created**

Original Event: Case PS23-0165
Submitted By: Joseph D. Becovitz
Assigned To: Melissa D. Rosch

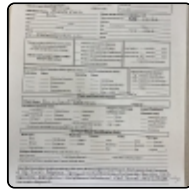
05/24/2023 **Investigator Called Complainant Communication**

I left voice mail for the complainant.

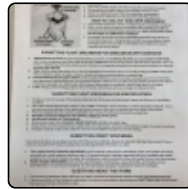
Original Event: Investigation Activity (Pesticide) #6257
Subject: Dan Grellck
Submitted By: Melissa D. Rosch

05/25/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #268921 (X23-D1625C)
Client: Dan Grellck
Submitted By: Melissa D. Rosch
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-D1625C | Mixed ornamental vegetation
Photos:



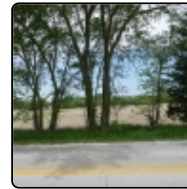
File 125222



File 125223



File 125463



File 125462



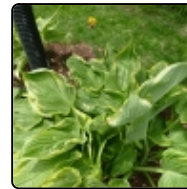
File 125461



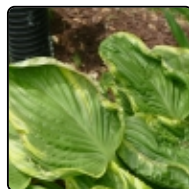
File 125460



File 125459



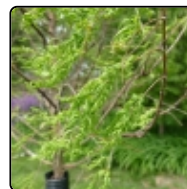
File 125458



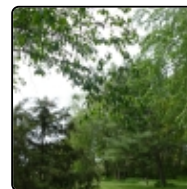
File 125457



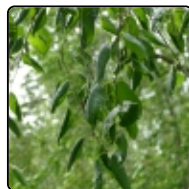
File 125456



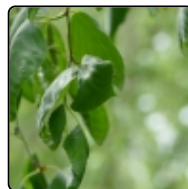
File 125455



File 125454



File 125453



File 125452



File 125451



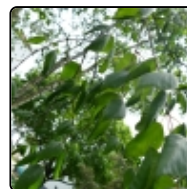
File 125450



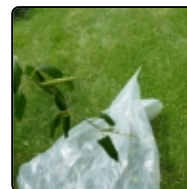
File 125449



File 125448



File 125447



File 125446



File 125445



File 125444



File 125443



File 125442



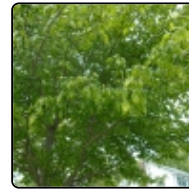
File 125441



File 125440



File 125439



File 125438



File 125437



File 125436



File 125435



File 125434



File 125433

05/26/2023 **Received External Lab Report**

The PPPDL Laboratory report states, "Multiple plant species had leaves that were curled, stunted, or twisted and/or petioles that were curled. Many of the plants show symptoms that look like exposure to a growth regulator. There are some plants that have injury that could be associated with cold injury if a frost had occurred after leafing out. Lastly, the peony plants have areas of leaf chlorosis and bleaching which would not be caused by a growth regulator. No significant disease was observed. Given the number of herbicide applications, including those made by the complainant, so close to symptom development, it is unclear which was likely to cause the damage observed, however, the primary symptoms present are suggestive of damage by a synthetic auxin."

Original Event:	External Lab Report #268922 (X23-D1625C)
Submitted By:	Melissa D. Rosch
Sample:	X23-D1625C
Attachments:	File 125224; FinalReport_Melissa Rosch.pdf

05/30/2023 **Investigator Met with Complainant Activity**

I went to the complainant's property and took vegetation and swab samples for a residue analysis.

Attachments



File 125372



File 125373



File 125374



File 125375



File 125376



File 125377



File 125378



File 125379



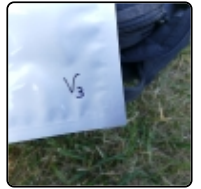
File 125380



File 125381



File 125382



File 125384



File 125385



File 125386



File 125387



File 125388



File 125389



File 125390



File 125391



File 125392



File 125393



File 125394



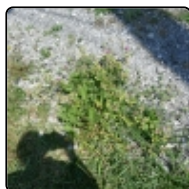
File 125395



File 125399



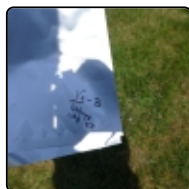
File 125400



File 125397



File 125398



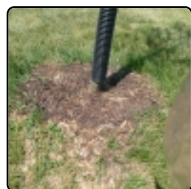
File 125401



File 125402



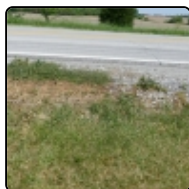
File 125403



File 125404



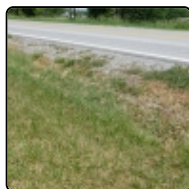
File 125406



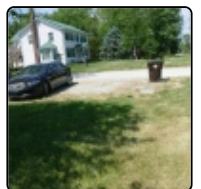
File 125407



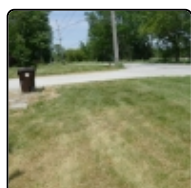
File 125408



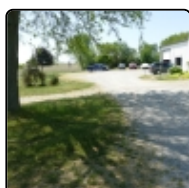
File 125409



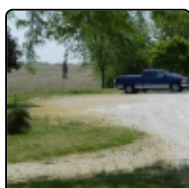
File 125410



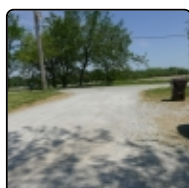
File 125411



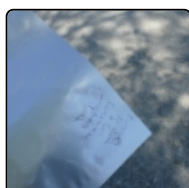
File 125412



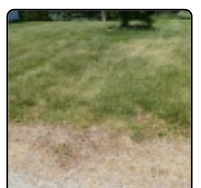
File 125413



File 125414



File 125417



File 125418



File 125419



File 125420



File 125421



File 125422



File 125425



File 125423



File 125424



File 125426



File 125427



File 125428



File 125430



File 125431



File 125432

Original Event: Investigation Activity (Pesticide) #6283
 Subject: Dan Grellck
 Submitted By: Melissa D. Rosch

05/30/2023 **Residue Samples Collected**

Original Event: Residue Collection #269182 (23-4-0632 5)
 Client: Dan Grellck
 Submitted By: Melissa D. Rosch
 Sample: 23-4-0632 5 | Veg; Ctrl; W Side House
 Sample: 23-4-0633 9 | Veg; Grab; V 1; Front Yard
 Sample: 23-4-0634 1 | Veg; Grab; V 2
 Sample: 23-4-0635 6 | Veg; Grab; V 3
 Sample: 23-4-0636 0 | Veg; Grab; Target, E Field
 Sample: 23-4-0637 3 | Veg; Grab; Tree S of V 3; V 3 B
 Sample: 23-4-0638 7 | Veg; Grab; E side by v 3; Target, Turf Spray
 Sample: 23-4-0639 4 | Veg; Grab; Target, Driveway plus West of Driveway
 Sample: 23-4-0640 9 | Swab (Acetone); Trip Blank
 Sample: 23-4-0641 3 | Swab (Acetone); Grab; Barn Window
 Sample: 23-4-0642 1 | Swab (Acetone); Grab; East Side; House Window
 Sample: 23-4-0643 2 | Swab (Acetone); Grab; Front Door Glass
 Sample: 23-4-0644 5 | Veg; Grab; Target, North Field
 Photos:



File 125596



File 125597



File 125598



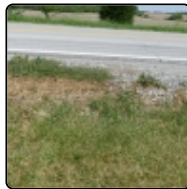
File 125599



File 125600



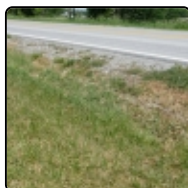
File 125601



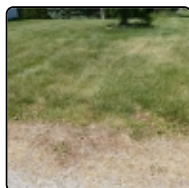
File 125602



File 125603



File 125604



File 125605



File 125606



File 125607



File 125608



File 125609



File 125610

05/31/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #716
 Submitted By: Melissa D. Rosch
 Target Analyte: Degree Extra
 Target Analyte: Incinerate
 Target Analyte: Boundary 6.5 EC
 Target Analyte: Dicamba
 Target Analyte: 2,4-d
 Target Analyte: MCPP
 PPLS Labels: [000100-01131-20180313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20221214.pdf
[000524-00511-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf

06/08/2023 **Target Sent Text Message to Investigator Activity**

I received the pesticide investigation inquiry from one of the possible respondents/target application. May 4, 2023, Mr. Dorn sprayed the following herbicides: LV-4 EPA Reg# 42750-15-534/active ingredient 2,4-D 63.7%; Buccaneer EPA Reg# 55467-9/active ingredient Glyphosate 41%, and Boundary 6.5 EC EPA Reg# 100-1162/active ingredients Metribuzin 13.8% and S-Metolachlor 58.2% in the field to the east of the complainants.

Attachments

File 126308; Trent Dorn.pdf

Investigation Inquiry

Mr. Dorn sprayed approximately 375 acres on May 4, 2023. Mr. Dorn stated he started on the south half and finished with the north half of the field near the complainant's property.

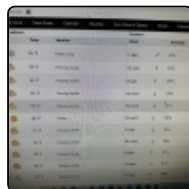
Attachments



File 139583



File 139584



File 139585

File 139578; Trent Dorn.pdf

Inquiry Overview

Certified Applicator Trent Dorn
 Company Dorn Farms
 Application Type Farmer
 Target Field East

Tank Mix

Product EPA
 LV-4 Radar 42750-15-534
 Buccaneer 55467-9
 Boundary 100-1162
 Array

Application Date

Date Start End
 05/04/2023 9:15am 1:35pm

Air Conditions

Time Direction Speed

Start SW 10mph

End CALM 0mph

Original Event: Investigation Activity (Pesticide) #6364
Subject: Trent Ashton Dorn
Submitted By: Melissa D. Rosch
PPLS Labels: [000100-01162-20221214.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20221214.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/042750-00015-20230210.pdf
[055467-00009-20200526.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/055467-00009-20200526.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00009-20200526.pdf

06/12/2023 Investigator Received Fax/Email from Subject Activity

I received the spray records from Dale Huseman for the agricultural field to the north of the complainant. Mr. Huseman made his application on May 7, 2023 from 6-635pm cst.

Attachments

File 139574; state chemist 2.jpg

File 139575; state chemist.jpg

Investigation Inquiry

I received the Pesticide Investigation Inquiry from Mr. Huseman.

Attachments

File 139576; state chemist 2.jpg

File 139577; state chemist.jpg

Inquiry Overview

Certified Applicator Dale R Huseman
Company Huseman Farm Inc.
Application Type Farmer
Target Field Target North Field

Tank Mix

Product	EPA
Degree Extra	524-511
Incinerate	100-1131-1381
2,4-DLV6	1381-250
Roundup Powermax	524-659
AMS	
Interlock	
Superb Crop Oil	

Application Date

Date	Start	End
05/07/2023	6:00pm	6:35pm

Air Conditions

Time Direction Speed

Start ENE 3mph

End ENE 5mph

Activity

I checked the wind at the closest wind stations and found the wind to be blowing from the S, SSW, and N. The wind speeds do not exceed label requirements.

Attachments

File 141676; 5-7 Valparaiso, IN Weather History _ Weather Underground.pdf

File 141674; May 7 2023 Gary, IN Weather History _ Weather Underground.pdf

File 141675; May 7 2023 Rensselaer, IN Weather History _ Weather Underground.pdf

Original Event: Investigation Activity (Pesticide) #6420
Subject: Dale R Huseman
Submitted By: Melissa D. Rosch

PPLS Labels: [000100-01131-20180313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf
[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
[000524-00511-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf

12/19/2023 **Received Residue Lab Report** Current

Investigatory Summary

I reviewed the OISC Pesticide Residue Laboratory Report with the lab manager and concluded Mr. Huseman had drifted onto the complainant's property with: Degree Extra EPA Reg# 524-511 (Active Ingredients Atrazine & Acetochlor), Incinerate EPA Reg# 100-1131-1381 (Active Ingredient Mesotrione), 2,4-d LV6 EPA Reg# 1381-250 (Active Ingredient 2,4-d), and Roundup Powermax EPA Reg# 524-659 (Active Ingredient Glyphosate.)

First Page of Lab Report

OCM Collection #	269182	Investigator	ROSCHM			
Collection Date	05/30/2023					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
23-4-0632 5	Veg; Ctrf; W Side House	Veg	2,4-D	4.36 ppb * Results reported as minimum detected.	0.3 ppb	
			Dicamba	BQL ppb	3 ppb	
			MCPP	BQL ppb	0.3 ppb	
			Acetochlor	6.75 ppb	3 ppb	
			Atrazine	37.6 ppb	0.7 ppb	
			Mesotrione	BQL ppb	0.7 ppb	
			Metolachlor	BDL ppb	0.7 ppb	
			Metribuzin	4.40 ppb	0.7 ppb	
23-4-0633 9	Veg; Grab; V 1; Front Yard	Veg	2,4-D	255 ppb * Results reported as minimum detected.	0.3 ppb	
			Dicamba	BDL ppb	3 ppb	
			MCPP	2.44 ppb	0.3 ppb	
			Acetochlor	88.3 ppb	3 ppb	
			Atrazine	57.9 ppb	0.7 ppb	
			Mesotrione	3.21 ppb	0.7 ppb	
			Metolachlor	BDL ppb	0.7 ppb	
			Metribuzin	1.81 ppb	0.7 ppb	

Original Event: Residue Lab Report #285870 (269182-R2088)
 Submitted By: SYSTEM
 Lab Report: Lab Report 269182-R2088.pdf

02/27/2024 **Judgement; Civil Penalty Assessed**
Civil Penalty

Dale Huseman was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a restricted use pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect.

Original Event: Judgement #1659
 Primary: Dale R Huseman
 Submitted By: George Saxton
 Legal Citation: 357 IAC 1-12-2
 Penalty Amount: 1000

02/28/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3158
To: Dale R Huseman
Submitted By: Jacob A. Hatfield
USPS: 7022 2410 0002 6982 5640
Enclosed: Notice of Enforcement
Attachments: File 142135; PS23-0165EL CIT - CP ~ Dale R. Huseman.docx

03/16/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2460
Subject: Dale R Huseman
Submitted By: Jacob A. Hatfield
USPS: 7022 2410 0002 6982 5640
Received: 03/16/2024
Attachments: File 143129; CM 7022 2410 0002 6982 5640 - Dale R. Huseman - PS23-0165 - Recieved 3-16-2024.pdf

03/19/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2459
Subject: Dale R Huseman
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,000.00
Payment Received: \$1,000.00
Attachments: File 143026; PS23-0165 - Dale R. Huseman - CP Received 3-19-2024.pdf

04/09/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3248
To: Dan Greleck
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144209; PS23-0165 - Dan Greleck - Case Closed Letter 4-9-2024.docx

04/09/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3249
To: Trent Ashton Dorn
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144210; PS23-0165 - Trent A. Dorn - Case Closed Letter 4-9-2024.docx

04/09/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3250
To: Dale R Huseman
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144211; PS23-0165 - Dale R. Huseman - Case Closed Letter 4-9-2024.docx

Chain of Custody

06/08/2023 **Sample 23-4-0632 5**

Original Event: Chain of Custody #7269 (23-4-0632 5)
05/30/2023 10:00: Sample Collected by Melissa D. Rosch
06/01/2023 00:00: Sample Delivered to kylo
06/02/2023 00:00: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-0633 9**

Original Event: Chain of Custody #7155 (23-4-0633 9)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0634 1**

Original Event: Chain of Custody #7156 (23-4-0634 1)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0635 6**

Original Event: Chain of Custody #7157 (23-4-0635 6)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0636 0**
Original Event: Chain of Custody #7158 (23-4-0636 0)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0637 3**
Original Event: Chain of Custody #7159 (23-4-0637 3)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0638 7**
Original Event: Chain of Custody #7160 (23-4-0638 7)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0639 4**
Original Event: Chain of Custody #7161 (23-4-0639 4)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0640 9**
Original Event: Chain of Custody #7162 (23-4-0640 9)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0641 3**
Original Event: Chain of Custody #7163 (23-4-0641 3)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0642 1**
Original Event: Chain of Custody #7164 (23-4-0642 1)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0643 2**
Original Event: Chain of Custody #7165 (23-4-0643 2)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

05/31/2023 **Sample 23-4-0644 5**
Original Event: Chain of Custody #7166 (23-4-0644 5)
05/30/2023 00:00: Sample Collected by Melissa D. Rosch
06/01/2023 15:02: Sample Delivered to kylo
06/02/2023 12:21: Delivery Affirmed by Kangluo Qin

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 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 PS23-0175

Department	Pesticide
Originated	05/27/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Joshua J Freed West Point, IN 47992
Applicator	Andrew F Rosenbaum Meridian, MS 39301
Respondent	HD Machines LLC Meridian, MS 39301

Overviews

09/25/2023 Investigation Summary

On May 26, 2023, Mr. Joshua Freed contacted the Office of the Indiana State Chemist (OISC) to report a herbicide application made to the railroad right-of-way (ROW) had yellowed, stunted and killed his adjacent soybeans.

On May 31, 2023, I met with Mr. Freed at the soybean field in question. During previous research, I learned that the ROW near the Freed soybean field was 44 foot from center of the railroad. (This information was provided by the Track Supervisor for Norfolk Southern, Mr. Daniel Huber.) Upon inspecting the field, I observed soybeans planted near the railroad tracks. Using the 44 foot right of way value, I estimated that approximately half of the perimeter pass (roughly 12-13 rows) was planted in the railroad's ROW. In this perimeter pass, I observed yellowing and stunting of the soybeans. Symptoms seemed to diminish in the field as you moved away from the tracks. I took photos of the site and collected multiple soybeans for submission to Purdue Plant and Pest Diagnostic Lab (PPDL). I also collected soil and soybean samples for the OISC Residue Lab. Since my measurements were approximate, I was especially careful when sampling to be clearly out the railroad's ROW.

The PPDL report stated in part, "*Soybean plants are stunted and show chlorosis of the newer leaves. Some of the soybean leaves in the affected area also have reddish veins on the underside of leaves. These symptoms are characteristic of exposure to ALS herbicides such as Oust Extra (sulfometuron +metsulfuron)...*"

According to the PII supplied by Matt Griffith, Andrew Rosenbaum applied Oust Extra (EPA reg: 352-622, AI: sulfometuron-methyl), Esplanade (EPA reg: 432-1516, AI: Indaziflam), and Credit 41 Extra (EPA reg: 71368-20, AI: glyphosate) on May 16, 2023 to the railroad ROW.

The OISC Residue Lab found the active ingredient in Esplanade (Indaziflam) and Oust Extra (sulfometuron-methyl) in the off target samples near the edge of the Freed soybean field. Credit 41 Extra (glyphosate) was not analyzed for because Freed had applied glyphosate to his field earlier in the year.

The Esplanade label stated the following in part, "*Do not apply or otherwise permit this product or sprays containing this product to come into contact with any non-target crop or desirable plants growing outside the treatment site.*"

Submitted By: Elizabeth C. Carter
Role: Investigator
Drift: Confirmed

09/27/2023 Disposition Summary

HD Machines was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. Consideration was given to the fact a general use pesticide caused an adverse effect.

Andrew Rosenbaum was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Rosenbaum cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact a general use pesticide caused an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/26/2023 Intake Referral Filed

Complainant stated a herbicide application made to the railroad right-of-way has yellowed, stunted and killed his adjacent soybeans.

Original Event: Intake Referral (Pesticide) #3052
Complainant: Joshua J Freed
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter

05/27/2023 Case Created

Original Event: Case PS23-0175
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter

05/30/2023 Investigator Sent Fax/Email to Business Communication

In the email below, Mr. Daniel Huber, the Track Supervisor for Norfolk Southern, reported that the ROW near the Freed soybean field was 44 foot from center of the railroad. Mr. Huber also supplied application information/ pesticide product information.

Attachments



File 125661

Original Event: Investigation Activity (Pesticide) #6302
Subject: Daniel Huber
Submitted By: Elizabeth C. Carter

05/31/2023 Investigator Met with Farmer Interaction

On May 31, 2023, I met with Mr. Josh Freed at the soybean field in question. The field was located immediately adjacent (northeast) of the railroad tracks just outside of West Point, Indiana. See aerial image below.

Mr. Freed reported that approximately a week ago, he noticed his soybeans were 'dying off' near the railroad tracks but healthy in other areas. He said this was a recurring problem for him. He stated he planted his soybeans on April 18, 2023 and had applied Matador, 2,4-D, and glyphosate prior to planting.

Upon inspecting the field, I observed soybeans planted near the railroad tracks. Using the 44 foot right of way value given to me by Mr. Huber, I estimated that approximately half of the perimeter pass (roughly 12-13 rows) was planted in the railroad's ROW. In the perimeter pass, I observed yellowing and stunting of the soybeans. Symptoms seemed to diminish in the field as you moved away from the tracks.

I took photos of the site and collected multiple soybeans for submission to Purdue Plant and Pest Diagnostic Lab (PPDL). I also collected soil and soybean samples for the OISC Residue Lab. Since my measurements were approximate, I was especially careful when sampling to be clearly out the railroad's ROW.

Attachments



File 125725



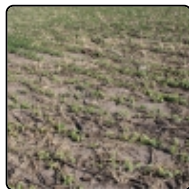
File 125726



File 125727



File 125728



File 125729



File 125730



File 125731



File 125660

Original Event: Investigation Activity (Pesticide) #6287
Subject: Joshua J Freed
Submitted By: Elizabeth C. Carter

05/31/2023 **Residue Samples Collected**

Original Event: Residue Collection #269080 (23-4-1277 9)
Client: Joshua J Freed
Submitted By: Elizabeth C. Carter
Sample: 23-4-1277 9 | Soil; Ctrl; 2-4"; Farm field
Sample: 23-4-1278 0 | Veg; Ctrl; Farm field
Sample: 23-4-1279 8 | Soil; Grab; 2-4"; OFF-T
Sample: 23-4-1280 8 | Veg; Grab; OFF-T
Sample: 23-4-1281 2 | Soil; Grab; 2-4"; Target
Sample: 23-4-1282 0 | Veg; Grab; Target

05/31/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #269254 (X23-2E2E86)
Client: Joshua J Freed
Submitted By: Elizabeth C. Carter
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-2E2E86 | I collected several soybean plants for submission to PPDL.
Attachments: File 125659; PPDL submission- Carter OISC-Freed 23-0175.pdf

05/31/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1637
Client: Joshua J Freed
Firm Representative: Josh Freed
Submitted By: Elizabeth C. Carter
Photos:



File 125732

05/31/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #714
Submitted By: Elizabeth C. Carter
Target Analyte: esplanade
Target Analyte: Oust Extra
Target Analyte: Credit 41 Extra
PPLS Labels: [000432-01516-20220921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf
[071368-00020-20200414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00020-20200414.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/071368-00020-20200414.pdf

06/01/2023 **Received External Lab Report**

The PPDL report stated in part, " Soybean plants are stunted and show chlorosis of the newer leaves. Some of the soybean leaves in the affected area also have reddish veins on the underside of leaves. These symptoms are characteristic of exposure to ALS herbicides such as Oust Extra (sulfometuron +metsulfuron), Alligare Ecomazapyr (imazapyr) and Alligare MSM (metsulfuron)."

Original Event: External Lab Report #269562 (X23-2E2E86)
Submitted By: Elizabeth C. Carter
Sample: X23-2E2E86
Attachments: File 126032; PPDL Final Freed.pdf

06/01/2023 **Investigator Sent Fax/Email to Business Communication**

On June 1, 2023, I emailed Julian Metts, Logistics Coordinator for HD Machines, the *Pesticide Investigation Inquiry*. He forwarded on the information to Matt Griffith.

Original Event: Investigation Activity (Pesticide) #6348
Subject: Matt Griffith
Submitted By: Elizabeth C. Carter

06/01/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1646
Client: Matt Griffith
Firm Representative: Julian Metts/ Matt Griffith
Submitted By: Elizabeth C. Carter
Photos:



File 126167

06/08/2023 **Investigator Received Fax/Email from Subject Investigation Inquiry**

Matt Griffith emailed me the following *Pesticide Investigation Inquiry* on behalf on Andrew Rosenbaum on June 8, 2023.

Attachments

File 126795; Pesticide Investigation Inquiry 23-1075 - signed 6.7.23.pdf

Inquiry Overview

Certified Applicator Andrew Rosenbaum
Company HD Machines LLC
Application Type Commercial

Tank Mix

Product	EPA
Esplanade	432-1516
Credit 41 Extra	71368-20
Oust Extra	352-622

Application Date

Date	Start	End
05/16/2023	7:35	12:01

Original Event: Investigation Activity (Pesticide) #6388
Subject: Andrew F Rosenbaum
Submitted By: Elizabeth C. Carter
PPLS Labels: [000432-01516-20220921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf
[071368-00020-20200414.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00020-20200414.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/071368-00020-20200414.pdf

06/13/2023 **Investigator Sent Fax/Email to Subject Communication**

On June 13, 2023, I sent an email to Matt Griffith, Dan Huber, and Julian Metts regarding the conflicting application/ product issue. The original product information supplied by Mr. Huber was different than the PII supplied by Griffith.

Attachments



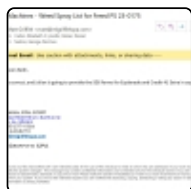
File 126799

Original Event: Investigation Activity (Pesticide) #6389
Subject: Matt Griffith
Submitted By: Elizabeth C. Carter

06/13/2023 **Investigator Received Fax/Email from Subject Communication**

Attached below is the email response from Mr. griffith. He confirmed the PII listed the correct pesticide application information.

Attachments



File 126800

Original Event: Investigation Activity (Pesticide) #6390
Subject: Matt Griffith
Submitted By: Elizabeth C. Carter

07/24/2023 **Received Residue Lab Report** Superseded (v1 of 2)
Lab Remarks

Additional analyte requested. Report will be amended.

Investigatory Summary

Further analysis requested.

Original Event: Residue Lab Report #274022 (269080-R1618)
Submitted By: SYSTEM
Lab Report: Lab Report 269080-R1618.pdf

09/21/2023 **Received Residue Lab Report** Current (v2 of 2)
Lab Remarks

Report updated with additional analytes.

Investigatory Summary

The active ingredients in Esplanade (Indaziflam) and Oust Extra (sulfometuron-methyl) were found off target near the edge of the Freed soybean field. Special care was taken in sampling due to the size of the right of way.

First Page of Lab Report

OCM Collection #	269080	Investigator	CARTERE		
Collection Date	05/31/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-1277 9	Soil; Ctrl; 2-4"; Farm field	Soil	Indaziflam	BDL ppb	0.7 ppb
			Sulfometuron-methyl	BDL ppb	0.3 ppb
23-4-1278 0	Veg; Ctrl; Farm field	Veg	Indaziflam	BDL ppb	3 ppb
			Sulfometuron-methyl	BDL ppb	0.7 ppb
23-4-1279 8	Soil; Grab; 2-4"; OFF-T	Soil	Indaziflam	BDL ppb	0.7 ppb
			Sulfometuron-methyl	0.538 ppb	0.3 ppb
23-4-1280 8	Veg; Grab; OFF-T	Veg	Indaziflam	4.70 ppb	3 ppb
			Sulfometuron-methyl	8.98 ppb	0.7 ppb
23-4-1281 2	Soil; Grab; 2-4"; Target	Soil	Indaziflam	51.1 ppb	0.7 ppb
			Sulfometuron-methyl	121 ppb	0.3 ppb
23-4-1282 0	Veg; Grab; Target	Veg	Indaziflam	4870 ppb * Estimated Amount	3 ppb
			Sulfometuron-methyl	1620 ppb * Estimated Result	0.7 ppb

Original Event: Residue Lab Report #278502 (269080-R1693)
 Submitted By: SYSTEM
 Lab Report: Lab Report 269080-R1693.pdf

09/25/2023 **Investigation Activity**
Esplanade

The Esplanade label (page 3) stated the following in part, "Do not apply or otherwise permit this product or sprays containing this product to come into contact with any non-target crop or desirable plants growing outside the treatment site."

Original Event: Investigation Activity (Pesticide) #6764
 Submitted By: Elizabeth C. Carter
 PPLS Labels: [000432-01516-20220921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20220921.pdf

09/25/2023 **New Respondent Identified**

Original Event: Investigation Change #406
 Respondent: HD Machines LLC
 Submitted By: Elizabeth C. Carter

09/27/2023 **Judgement; Civil Penalty Assessed**
Citation

HD Machines was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. Consideration was given to the fact a general use pesticide caused an adverse effect.

Civil Penalty

Andrew Rosenbaum was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to non-target areas. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Rosenbaum cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact a general use pesticide caused an adverse effect.

Original Event: Judgement #1586
 Primary: HD Machines LLC
 Secondary: Andrew F Rosenbaum
 Submitted By: George Saxton
 Legal Citation: IC 15-16-5-65(2)
 Penalty Amount: 400

09/27/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2726
 To: Andrew F Rosenbaum
 Submitted By: Jacob A. Hatfield
 USPS: 7021 2720 0003 1615 1468
 Enclosed: Notice of Enforcement
 Attachments: File 135182; PS23-0175EL CIT - CP ~ Andrew Rosenbaum - HD Machines LLC.docx

09/27/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2727
To: HD Machines LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1451
Enclosed: Notice of Enforcement
Attachments: File 135181; PS23-0175EL CIT ~ HD Machines LLC.docx

11/28/2023 **Mail Confirmation Not Received for Target**

As of November 28, 2023, certified mail card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since October 9, 2023. It is assumed to have been lost.

Original Event: Compliance Receipt #2323
Subject: Andrew F Rosenbaum
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1468
Attachments: File 138131; CM 7021 2720 0003 1615 1468 - Andrew F. Rosenbaum - PS23-0175 - USPS Tracking
Lost in Transit 10-9-2023.pdf

11/28/2023 **Mail Confirmation Not Received for Target**

As of November 28, 2023, certified mail card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since October 9, 2023. It is assumed to have been lost.

Original Event: Compliance Receipt #2324
Subject: HD Machines LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1451
Attachments: File 138132; CM 7021 2720 0003 1615 1451 - HD Machines LLC - PS23-0175 - USPS Tracking Lost in
Transit 10-9-2023.pdf

11/28/2023 **Mail Confirmation Assumed for Target**

As of November 28, 2023, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2325
Subject: Andrew F Rosenbaum
Submitted By: Jacob A. Hatfield

11/28/2023 **Mail Confirmation Assumed for Target**

As of November 28, 2023, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2326
Subject: HD Machines LLC
Submitted By: Jacob A. Hatfield

02/23/2024 **Informal Review Occurred**

I spoke to Julian Metts of HD Machines. He stated he forgot about the civil penalty and asked for another copy of the summary. He said he would mail in the payment immediately after getting a new copy of the summary. His penalty payment was extended until 2/29/2024. His time to appeal expired 11/6/2023.

Original Event: Compliance Activity #2038
Primary: HD Machines LLC
Submitted By: George Saxton
Stage: Informal Review

02/23/2024 **Requested Documents Mailed to Target**

As requested, a copy of the case report was emailed to Julian Metts of HD Machines. Payment for the civil penalty expected by February 29, 2024.

Original Event: Outgoing Mail #3130
To: HD Machines LLC
Submitted By: Joni D. Herman
Enclosed: Requested Documents
Attachments: File 141723; PS23-0175 Email of Case Report to Julian Metts-HD Machines 2.23.2024.pdf

03/06/2024 **Received Penalty Payment for Target**

On March 6, 2024, OISC received the civil penalty payment for Mr. Rosenbaum for the full unmitigated amount due to it being past the appeal window that expired on November 6, 2023.

Original Event: Compliance Receipt #2449
Subject: Andrew F Rosenbaum
Submitted By: Jacob A. Hatfield
Payment Expected: \$500.00
Payment Received: \$500.00
Attachments: File 142529; PS23-0175 - Andrew F. Rosenbaum - CP Received 3-6-2024.pdf

03/08/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3173
To: Joshua J Freed
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142539; PS23-0175 - Joshua J. Freed - Case Closed Letter 3-8-2024.docx

03/08/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3174
To: Andrew F Rosenbaum
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142540; PS23-0175 - Andrew F. Rosenbaum - Case Closed Letter 3-8-2024.docx

03/08/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3175
To: HD Machines LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142541; PS23-0175 - HD Machines LLC - Case Closed Letter 3-8-2024.docx

Chain of Custody

05/31/2023 **Sample 23-4-1277 9**

Original Event: Chain of Custody #7140 (23-4-1277 9)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-1278 0**

Original Event: Chain of Custody #7141 (23-4-1278 0)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-1279 8**

Original Event: Chain of Custody #7142 (23-4-1279 8)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-1280 8**

Original Event: Chain of Custody #7143 (23-4-1280 8)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-1281 2**

Original Event: Chain of Custody #7144 (23-4-1281 2)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

05/31/2023 **Sample 23-4-1282 0**

Original Event: Chain of Custody #7145 (23-4-1282 0)
05/31/2023 10:00: Sample Collected by Elizabeth C. Carter
05/31/2023 12:10: Sample Delivered to Vicki L. Vauters
05/31/2023 12:14: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 09:40 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 PS23-0207

Department	Pesticide
Originated	06/16/2023
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant **Thomas Alan Parker**
Laporte, IN 46350

Respondent **Chadd A Baker**
St Joe, IN 46785

Overviews

02/23/2024 Investigation Summary

On June 16, 2023, the complainant Thomas Parker contacted the Office of Indiana State Chemist (OISC) to report damaged soybean vegetation in his soybean field. Mr. Parker stated he believed an adjacent herbicide application made to the ditch area may have drifted or runoff onto his soybean field. Mr. Parker saw stunted grown and even soybean death. The OISC Pesticide Residue Laboratory report shows off-target movement of the active ingredients used in the ditch spray in the complainant's soybean field soil.

Submitted By: Melissa D. Rosch
Role: Investigator

02/27/2024 Disposition Summary

Chadd Baker 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 no restricted use pesticides were involved and Mr. Baker cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/16/2023 Intake Referral Filed

Complainant stated the LaPorte County Drainage Board hired a company to spray the ditch and now the complainant has 'several acres of beans' adversely affected.

Original Event: Intake Referral (Pesticide) #3084
Complainant: Thomas Alan Parker
Respondent: Unknown
Submitted By: George Saxton
Assigned To: Melissa D. Rosch

06/16/2023 Case Created

Original Event: Case PS23-0207
Submitted By: George Saxton
Assigned To: Melissa D. Rosch

06/20/2023 Investigator Called Complainant

Communication

On June 20th 2023 I called the complainant Thomas Parker and he stated he saw someone spraying the ditch adjacent to his Enlist soybeans on or about April 25th, 2023. Mr. Parker stated he planted his soybeans on April 20th, 2023. Mr. Parker stated he has replanted the entire area of soybeans that were damaged, which is approximately 3.5 acres. Mr. Parker does not know who made the ditch application, but stated he spoke with the drainage board and did not get much help from them. Mr. Parker stated he has photographs of the damaged area that has been replanted and will send them over.

Original Event: Investigation Activity (Pesticide) #6415
Subject: Thomas Alan Parker
Submitted By: Melissa D. Rosch

06/20/2023 **Complainant Sent Text Message to Investigator Activity**

I received photographs from the complainant of the damaged soybeans.

Attachments



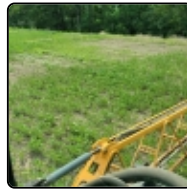
File 127090



File 127091



File 127092



File 127093



File 127094

Original Event: Investigation Activity (Pesticide) #6417
Subject: Thomas Alan Parker
Submitted By: Melissa D. Rosch

06/20/2023 **Residue Samples Collected**

Original Event: Residue Collection #271603 (23-4-0645 0)
Client: Thomas Alan Parker
Submitted By: Melissa D. Rosch
Sample: 23-4-0645 0 | Soil; Grab; 2-4"; far; OFF-T
Sample: 23-4-0646 6 | Soil; Grab; 2-4"; close; OFF-T
Sample: 23-4-0647 8 | Soil; Grab; 2-4"; Target

06/23/2023 **Investigation Activity Photographs**

I took photographs and samples of the complainant's property.

Attachments



File 141724



File 141725



File 141726



File 141727



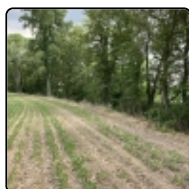
File 141728



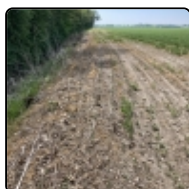
File 141729



File 141730



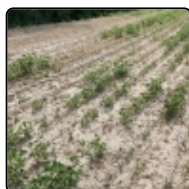
File 141731



File 141732



File 141733



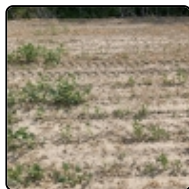
File 141734



File 141735



File 141736



File 141737



File 141738



File 141739



File 141740



File 141741



File 141742



File 141743



File 141744



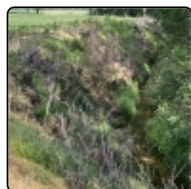
File 141745



File 141746



File 141747



File 141748



File 141749

Original Event: Investigation Activity (Pesticide) #7090
Submitted By: Melissa D. Rosch

06/26/2023 **Investigator Received Fax/Email from Target Communication**

I received the pesticide investigation inquiry from Mr. Baker.

Attachments

File 128582; OISCSanToEmail-07032023.pdf

Original Event: Investigation Activity (Pesticide) #6484
Subject: Chadd A Baker
Submitted By: Melissa D. Rosch

06/28/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #732
Submitted By: Melissa D. Rosch
Target Analyte: Milestone
Target Analyte: Garlon 4 Ultra
PPLS Labels: [062719-00519-20210204.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf
[062719-00527-20190923.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf

09/05/2023 **Received Residue Lab Report Current Investigatory Summary**

The OISC Pesticide Residue Laboratory Report shows the active ingredient Triclopyr in the off-target soil sample.

First Page of Lab Report

OCM Collection #	271603	Investigator	ROSCHM		
Collection Date	06/20/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0645 0	Soil; Grab; 2-4"; far; OFF-T	Soil	Aminopyralid	BDL ppb	4 ppb
			Triclopyr	BDL ppb	0.4 ppb
23-4-0646 6	Soil; Grab; 2-4"; close; OFF-T	Soil	Aminopyralid	BDL ppb	4 ppb
			Triclopyr	1.34 ppb	0.4 ppb
23-4-0647 8	Soil; Grab; 2-4"; Target	Soil	Aminopyralid	BDL ppb	4 ppb
			Triclopyr	4.02 ppb	0.4 ppb

Original Event: Residue Lab Report #277271 (271603-R1661)
 Submitted By: SYSTEM
 Lab Report: Lab Report 271603-R1661.pdf

02/23/2024 **Investigation Activity**
Garlon 4 Ultra

Page 10 of the master label reads:

"Do not spray when wind is blowing toward susceptible crops or ornamental plants that are near enough to be injured."
 ~The Pesticide Investigation Inquiry states the wind was blowing from the South, which is toward the complainant's susceptible crop.

"Do not apply GF-1529 directly to, or otherwise permit it to come into direct contact with cotton, grapes, peanuts, soybeans, tobacco, vegetable crops, flowers, citrus, or other desirable broadleaf plants."
 ~The OISC Pesticide Residue Laboratory Report shows the active ingredient in the soybean field soil.

"Do not apply where runoff or irrigation water may flow onto agricultural land as injury to crops may result."
 ~The OISC Pesticide Residue Laboratory Report shows the active ingredient in the soybean field soil.

Attachments

File 141750; US EPA, Pesticide Product Label, GF-1529,09_23_2019.pdf

Original Event: Investigation Activity (Pesticide) #7091
 Submitted By: Melissa D. Rosch
 PPLS Labels: [062719-00527-20190923.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00527-20190923.pdf

02/27/2024 **Judgement; Civil Penalty Assessed**
Civil Penalty

Chadd Baker 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 no restricted use pesticides were involved and Mr. Baker cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1660
 Primary: Chadd A Baker
 Submitted By: George Saxton
 Legal Citation: IC 15-16-5-65(2)
 Penalty Amount: 400

02/28/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3159
 To: Chadd A Baker
 Submitted By: Jacob A. Hatfield
 USPS: 7022 2410 0002 6982 5657
 Enclosed: Notice of Enforcement
 Attachments: File 142136; PS23-0207EL CIT - CP Mitigated ~ Chadd A. Baker.docx

03/06/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2453
 Subject: Chadd A Baker
 Submitted By: Jacob A. Hatfield
 USPS: 7022 2410 0002 6982 5657
 Received: 03/06/2024
 Attachments: File 142831; CM 7022 2410 0002 6982 5657 - Chadd A. Baker - PS23-0207 ~ Recd 3-6-2024.pdf

03/15/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2457
Subject: Chadd A Baker
Submitted By: Jacob A. Hatfield
Payment Expected: \$400.00
Payment Received: \$400.00
Attachments: File 142886; PS23-0207 - Chadd A. Baker - CP Received 3-15-2024.pdf

04/09/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3251
To: Thomas Alan Parker
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144212; PS23-0207 - Thomas A. Parker - Case Closed Letter 4-9-2024.docx

04/09/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3252
To: Chadd A Baker
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144213; PS23-0207 - Chadd A. Baker - Case Closed Letter 4-9-2024.docx

Chain of Custody

06/28/2023 **Sample 23-4-0645 0**

Original Event: Chain of Custody #7414 (23-4-0645 0)
06/23/2023 00:00: Sample Collected by Melissa D. Rosch
06/28/2023 14:30: Sample Delivered to kylo
06/30/2023 11:49: Delivery Affirmed by Vicki L. Vauters

06/28/2023 **Sample 23-4-0646 6**

Original Event: Chain of Custody #7415 (23-4-0646 6)
06/23/2023 00:00: Sample Collected by Melissa D. Rosch
06/28/2023 14:30: Sample Delivered to kylo
06/30/2023 11:49: Delivery Affirmed by Vicki L. Vauters

06/28/2023 **Sample 23-4-0647 8**

Original Event: Chain of Custody #7416 (23-4-0647 8)
06/23/2023 00:00: Sample Collected by Melissa D. Rosch
06/28/2023 14:30: Sample Delivered to kylo
06/30/2023 11:49: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 09:40 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 **April 19, 2024, 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 PS23-0230

Department	Pesticide
Originated	06/28/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Juli Phillips Fort Branch, IN 47648
Business	Superior Ag Resources Co Op Owensville, IN 47665
Applicator	Cale D Colbert Haubstadt, IN 47639

Overviews

12/08/2023 **Investigation Summary**

On June 26, 2023, the complainant reported Superior Ag had completed a pesticide application to a neighboring field while the wind was blowing toward her property, which caused injury to the vegetation on her property.

On June 29, 2023, I met with the complainant to conduct my on-site investigation, where I observed and photographed her property. I observed minor herbicide exposure symptoms various plants across her property. I identified the field located to the east and north of the complainant's property as the target field. I then collected multiple samples from the listed areas for analysis by the OISC Residue Lab & the PPDL.

I later received Superior Ag's application record, which listed their application to the target field occurred on June 26, 2023 while the wind was blowing towards the complainant's property. The OISC Residue Lab confirmed the pesticides from the target field's application had moved off-target and onto the complainant's property. I documented label violations from Superior Ag's application to the target field.

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

12/12/2023 **Disposition Summary**

Superior Ag Resources Co Op was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact Superior Ag Resources Co Op cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Cale D. Colbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Colbert cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/26/2023 **Intake Referral Filed**

Complainant advised on June 26, 2023, Superior Ag Resources made an application to the farm field neighboring her property when the wind was blowing toward her property, and within several hours of the application her garden was injured.

Original Event: Intake Referral (Pesticide) #3105
Complainant: Julie Phillips
Respondent: Superior Ag Resources Co Op
Entered By: Nathan J. Davis
Submitted By: Jacob A. Hatfield
Assigned To: James M. Trimble

06/28/2023 **Investigator Called Complainant Communication**

On June 28, 2023, I called and spoke with Mrs. Phillips, who reported herbicide exposure symptoms to her vegetable garden plants, berry plants, and other various vegetation across her property. Mrs. Phillips stated she witnessed an application to the neighboring soybean field on June 26 while the wind was blowing towards her property. Mrs. Phillips stated she observed exposure symptoms to her plants, which included cupped leaves, a "few hours" later. Mrs. Phillips stated she then contacted Superior Ag, who first advised her that they had only applied glyphosate but later added they also applied 2,4-D.

Mrs. Phillips stated she had captured video and pictures of the application and would email them to me.

Original Event: Investigation Activity (Pesticide) #6467
Subject: Juli Phillips
Submitted By: James M. Trimble

06/28/2023 **Case Created**

Original Event: Case PS23-0230
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

06/28/2023 **Investigator Received Fax/Email from Complainant Photographs**

On June 28, 2023, I received an email from Mrs. Phillips that contained photos she stated she captured of the application to the neighboring target soybean field, along with two pictures of her plants that she believed had exposure symptoms. Mrs. Phillips' email stated that she could not send the video of the field's application due to the size of the file. I did not observe injury symptoms to the plants in the pictures that would have indicated 2,4-D or glyphosate exposure from only two days prior. I observed the injury to the plants to be caused by disease, insect feeding, or possibly older pesticide exposure.

Attachments



File 128165



File 128168



File 128169

Attachments

File 128170; 6-28 email.pdf

Original Event: Investigation Activity (Pesticide) #6468
Subject: Juli Phillips
Submitted By: James M. Trimble

06/29/2023 **Investigator Met with Complainant**

Photographs

On June 29, 2023, I met with Mr. and Mrs. Phillips at their property to conduct my on-site investigation. Mrs. Phillips showed me what she believed to be herbicide exposure symptoms, which she identified as curled leaf edges, on her tomato plants, berry plants, fruit trees, and other various vegetation on her property. Mr. Phillips stated he had applied glyphosate around his property to kill unwanted vegetation, but had not used any other type of herbicide in their garden, lawn, or other location.

During my on-site investigation, I observed and photographed the vegetation across the Phillips property. I observed the mixed vegetation around the Phillips' property to have minimal leaf curling and/or leaf strapping, which are common symptoms of growth regulator exposure. I also observed leaf chlorosis to a few of the berry plants on the property. I found many of the plants to also have symptoms of disease and insect feeding. I observed the Phillips' vegetable garden was located near the border of the target soybean field, but I only observed minor herbicide exposure symptoms on the vegetable plants. Being that the garden was so close in proximity to the target field, I suspected any herbicide exposure to the plants was very light or not enough time had elapsed since the time of the target field's application (June 26) to my on-site observations. I was not able to identify an obvious drift pattern on the Phillips' property.

I then looked for potential sources of herbicide drift. I observed the target soybean field was located to the west and north of the Phillips' property. I observed the target soybean field showed signs of a recent herbicide application by the herbicide exposure symptoms to the noxious weeds throughout the field, as well as curling and necrosis to the soybean's leaves. I observed the borders of the target field to be fairly straight without noticeable signs of drift coming from the field.

I then collected multiple vegetation samples and swab samples from the Phillips' property and the target soybean field for analysis by the OISC Residue Lab.

I also collected vegetation samples from the Phillips' property for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

Leaf Curling/Cupping (File 138555)



Leaf Strapping/Chlorosis (File 138556)



Attachments



File 127855



File 127856



File 127880



File 127881



File 127882



File 127883



File 127884



File 127885



File 127886



File 127887



File 127888



File 127889



File 127890



File 127891



File 127892



File 127893



File 127894



File 127895



File 127896



File 127897



File 127898



File 127899



File 127900



File 127901



File 127902



File 127903



File 127904



File 127905



File 127906



File 127907



File 127908



File 127909



File 127910



File 127911



File 127912



File 127818



File 127819



File 127820



File 127821



File 127824



File 127825



File 127830



File 127843



File 127854

Original Event: Investigation Activity (Pesticide) #6457
Subject: Juli Phillips
Submitted By: James M. Trimble

06/29/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1694
Client: Juli Phillips
Firm Representative: Juli Phillips
Submitted By: James M. Trimble
Attachments: File 128157; PhillipsNOI.pdf

06/29/2023 **Residue Samples Collected**

Original Event: Residue Collection #271743 (23-4-0945 7)
Client: Julie Phillips
Submitted By: James M. Trimble
Sample: 23-4-0945 7 | Veg; Comp; OFF-T, Grad1, 180yd E
Sample: 23-4-0946 1 | Veg; Comp; OFF-T, Grad2, 90yd E
Sample: 23-4-0947 4 | Veg; Comp; OFF-T, Grad3, 30yd E
Sample: 23-4-0948 8 | Veg; Ctrl; OFF-T
Sample: 23-4-0949 0 | Veg; Comp; Target
Sample: 23-4-0950 1 | Swab (Acetone); Grab; Window; OFF-T, Grad1
Sample: 23-4-0951 7 | Swab (Acetone); Grab; Wall; OFF-T, Grad2
Sample: 23-4-0952 9 | Swab (Acetone); Ctrl; Window; OFF-T
Sample: 23-4-0953 8 | Swab (Acetone); Trip Blank

06/29/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #271943 (X23-354A19)
Client: Juli Phillips
Submitted By: James M. Trimble
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-354A19 | On June 30, 2023, I submitted the vegetation samples I collected from the Phillips' property to PPDL.
Attachments: File 128148; ResponseSummary (2).pdf

06/29/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #736
Submitted By: James M. Trimble
Target Analyte: Enlist One
Target Analyte: Zidua SC
Target Analyte: Cornerstone Plus
PPLS Labels: [042750-00061-20170605.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/042750-00061-20170605.pdf
[000524-00454-20090921.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf
[062719-00695-20220329.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
[007969-00374-20211116.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20211116.pdf

06/29/2023 **Complainant Sent Text Message to Investigator Photographs**

On June 29, 2023, while conducting my on-site investigation at the Phillips property, Mrs. Phillips successfully sent a text of the video of application that she could not email to me.

I observed the video to show a sprayer in the target soybean field applying a substance. The video showed the trees and patio umbrella in the Phillips property to be blowing from the west (towards their property) with the sprayer in the background.

Attachments

File 128171; VID_20230629_134546.mp4

Original Event: Investigation Activity (Pesticide) #6469
Subject: Juli Phillips
Submitted By: James M. Trimble

06/29/2023 **Investigator Called Business**

Communication

On June 29, 2023, after I left the Phillips property, I called and spoke with Phillip Garrett; Superior Ag. Mr. Garrett stated that they were responsible for the herbicide application to the target soybean field. Mr. Garrett stated that when he had went out to look at the Phillips property, he observed what he believed to be herbicide injury to their lawn's clover and thought the Phillips had treated their lawn. I explained to Mr. Garrett that I would later email him a Pesticide Investigation Inquiry (PII) with instructions.

Original Event: Investigation Activity (Pesticide) #6464
Subject: Superior Ag Resources Co Op
Submitted By: James M. Trimble

06/29/2023 Complainant Sent Text Message to Investigator

Photographs

On June 29, 2023, Mrs. Phillips' sent me a picture of the pesticide label for the glyphosate product used by Mr. Phillips around their property, which identified the product as **GlyStar Plus** (EPA Reg. #42750-61, active ingredient of glyphosate).

Attachments



File 128172

Original Event: Investigation Activity (Pesticide) #6471
Subject: Juli Phillips
Submitted By: James M. Trimble

06/30/2023 Investigator Sent Text Message to Business Communication

On June 30, 2023, I emailed Mr. Garrett the PII with instructions to have the completed form returned to me within 15 days of my email.

Attachments

File 128153; 6-30 email.pdf

Original Event: Investigation Activity (Pesticide) #6465
Subject: Superior Ag Resources Co Op
Submitted By: James M. Trimble

06/30/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1693
Client: Superior Ag Resources Co Op
Firm Representative: Phillip Garrett
Submitted By: James M. Trimble
Attachments: File 128156; SuperiorAgNOI2.pdf

06/30/2023 Investigator Received Fax/Email from Business Investigation Inquiry

On June 30, 2023, I received the completed PII from Superior Ag.

Attachments

File 128154; Xerox Scan_06302023113938.pdf

File 128155; Xerox Scan_06302023114022.pdf

Inquiry Overview

Certified Applicator: Cale Colbert
Company: Superior Ag
Application Type: Commercial
Target Field: County Rd 350

Tank Mix

Product	EPA	Rate
Enlist One	62719-695	1 qt per acre
Zidua SC	7969-374	2 oz per acre
Cornerstone Plus	524-454-1381	40 oz per acre

Application Date

Date	Start	End
06/26/2023	8:06 am	10:37 am

Air Conditions

Time Temp Direction Speed

Start 78°F W 7mph

End 78°F W 12.5mph

Original Event: Investigation Activity (Pesticide) #6466
Subject: Superior Ag Resources Co Op
Submitted By: James M. Trimble
PPLS Labels: [000524-00454-20090921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf
[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
[007969-00374-20211116.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20211116.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20211116.pdf

06/30/2023 **New Respondent Identified** **Respondent Identified**

On June 30, 2023, I received the completed PII from Superior Ag, which listed Cale Colbert as the applicator to the target field.

Original Event: Investigation Change #370
Respondent: Cale D Colbert
Submitted By: James M. Trimble

07/05/2023 **Received External Lab Report**

On July 5, 2023, I received the report from PPDL, which stated, *"There is a small amount of leaf deformation on the tomatoes which could be associated with exposure to a growth regulator, but given its susceptibility, it is likely a very low dose of the pesticide. Many plants show holes in the foliage which is associated with chewing feeding damage caused by insects (Cabbage, pepper, eggplant?). Harlequin bugs, true bugs with piercing-sucking mouth parts, were present on the cabbage plants in the photos. The raspberry has multiple dead limbs which are desiccated and likely killed by environmental stress or a canker pathogen. Contact burn is present on a viney weed with cordate leaves and soybean plants within the field. This is not consistent with growth regulator herbicide damage, but could still be in association with the application made. Dogwood and hackberry have leaf curl that can occur under environmental stress and it does not appear to be related to growth regulator exposure. The blueberry has some upward curling leaves which could potentially be associated with herbicide exposure, but the dead stems in the photo are suggestive of Phomopsis/Botryosphaeria canker or cold injury. If drift occurred, it would appear that there is very little damage to the plants in the landscape at this time."*

Original Event: External Lab Report #271944 (X23-354A19)
Submitted By: James M. Trimble
Sample: X23-354A19
Attachments: File 128149; FinalReport_Mitch Trimble.pdf

07/06/2023 **Investigator Called Farmer** **Communication**

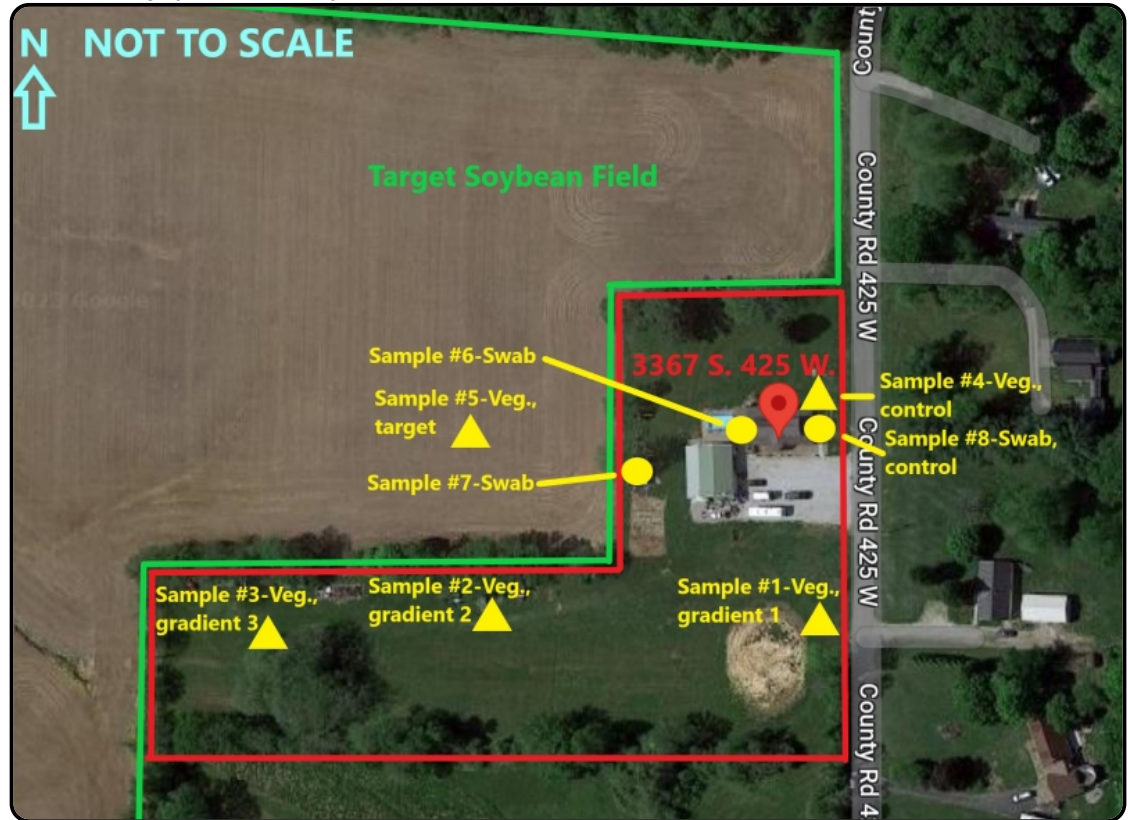
On July 6, 2023, I spoke with the farmer of the target soybean field, Steve Elpers, who advised me that he had not made any herbicide applications to the soybean field this year and hired Superior Ag to do all the applications. Mr. Elpers stated that he had only made a herbicide application to a ditch that was located 1/4 mile away from the Phillips residence approximately four weeks prior.

Original Event: Investigation Activity (Pesticide) #6470
Subject: Steve R. Elpers
Submitted By: James M. Trimble

07/07/2023 **Online Investigation Activity** **Activity**

On July 7, 2023, I created a map of my sample collection for this case.

Collection Map (File 128193)



Original Event: Investigation Activity (Pesticide) #6473
Submitted By: James M. Trimble

08/30/2023 **Received Residue Lab Report** Current
Investigatory Summary

On August 30, 2023, I received the lab report from the OISC Residue Lab, which detected low levels of 2,4-D in the vegetation samples (#23-4-0945 through #23-4-0947) and a swab sample (#22-4-0951) collected from the complainant's property. The 2,4-D detected in the above samples were just above its environmental baseline of 10 ppb but well below the sample collected from the target field (#22-4-0949). The Residue Lab also found Pyroxasulfone in all of the samples collected from the complainant's property (#22-4-0945 to #22-4-0948 & #22-4-0950 through 22-4-0952). Pyroxasulfone does not have an environmental baseline and is not as widely used as 2,4-D. The sample collected closest to the target field (#23-4-0951), had the highest amounts of 2,4-D and Pyroxasulfone of any sample collected from the complainant's property. Although 2,4-D and Pyroxasulfone were found in low levels, the lab results showed the application to the target field moved off-target and onto the complainant's property.

First Page of Lab Report

OCM Collection #	271743	Investigator	TRIMBLEJ		
Collection Date	06/29/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0945 7	Veg; Comp; OFF-T, Grad1, 180yd E	Veg	2,4-D	68.5 ppb * Results reported as minimum detected	0.3 ppb
			Pyroxasulfone	5.96 ppb	0.7 ppb
23-4-0946 1	Veg; Comp; OFF-T, Grad2, 90yd E	Veg	2,4-D	42.8 ppb * Results reported as minimum detected	0.3 ppb
			Pyroxasulfone	1.52 ppb	0.7 ppb
23-4-0947 4	Veg; Comp; OFF-T, Grad3, 30yd E	Veg	2,4-D	64.7 ppb * Results reported as minimum detected	0.3 ppb
			Pyroxasulfone	5.78 ppb	0.7 ppb
23-4-0948 8	Veg; Ctrl; OFF-T	Veg	2,4-D	17.9 ppb * Results reported as minimum detected	0.3 ppb
			Pyroxasulfone	0.903 ppb	0.7 ppb
23-4-0949 0	Veg; Comp; Target	Veg	2,4-D	43900 ppb * Results reported as minimum detected	0.3 ppb
			Pyroxasulfone	371 ppb * Estimated amount	0.7 ppb
23-4-0950 1	Swab (Acetone); Grab; Window; OFF-T, Grad1	Swab (Acetone)	2,4-D	BQL ng/swab	20 ng/swab
			Pyroxasulfone	4.43 ng/swab	1 ng/swab

Original Event: Residue Lab Report #277172 (271743-R1653)
 Submitted By: SYSTEM
 Lab Report: Lab Report 271743-R1653.pdf

12/05/2023 **Investigator Sent Fax/Email to Applicator Communication**

On December 5, 2023, while reviewing the label for Enlist One, which was used by Mr. Colbert during his June 26, 2023 application to the target soybean field, I found that the product required the applicator to maintain a 30 foot downwind buffer from sensitive areas. I sent Mr. Colbert an email, asking if he had followed the label's instructions of maintaining the 30 foot buffer since the wind was blowing towards the complainant's property (sensitive area) during his application.

Later that day, I received a response email from Mr. Colbert, which stated, *"During the application on 6/26 I did not maintain a 30 foot buffer downwind of the sensitive area."*

Attachments

File 138557; 12-5 email.pdf

Original Event: Investigation Activity (Pesticide) #6977
 Subject: Cale D Colbert
 Submitted By: James M. Trimble

12/08/2023 **Online Investigation Activity**

Label Use

On December 8, 2023, I reviewed the labels for the pesticides used by Mr. Colbert during his June 26, 2023 application to the target soybean field while the wind was blowing from the west (towards the complainant's nontarget property). I identified the following label violations:

Enlist One (EPA Reg. #62719-695, active ingredient of 2,4-D)

- "Do not allow contact of herbicide with foliage of desirable plants and trees because severe injury or destruction may result."
- "Do not allow contact of herbicide with foliage, green stems, exposed non-woody roots of crops, desirable plants; including trees and cotton without the Enlist trait, because severe injury or destruction may result."
- "Applicator must maintain a 30 foot downwind buffer (in the direction in which the wind is blowing) from any area except: 1. Roads, paved or gravel surfaces. 2. Planted agricultural fields. (Except those crops listed in the "Susceptible Plants" section.) 3. Agricultural fields that have been prepared for planting. 4. Areas covered by the footprint of a building, shade house, silo, feed crib, or other man-made structure with walls and/ or a roof. To maintain the required downwind buffer zone: Measure wind direction prior to the start of any swath that is within 30 feet of a sensitive area. No application swath can be initiated in, or into an area that is within 30 feet of a sensitive area if the wind direction is towards the sensitive area."

Zidua SC (EPA Reg. #7969-374, active ingredient of Pyroxasulfone)

- "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)."
- "This pesticide must only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, nontarget crops) is minimal (e.g. when wind is blowing away from the sensitive areas)."

In addition to the above label violations, the evidence collected in this investigation found that Mr. Colbert's application of the listed pesticides had drifted from the target field and onto the Phillips' property, which caused minor herbicide exposure symptoms to the Phillips' vegetation. Although adverse effect was documented, Restricted Use Pesticides were not involved.

Attachments

File 138238; Cornerstone.pdf
File 138239; Enlist One.pdf
File 138240; Zidua.pdf

Original Event: Investigation Activity (Pesticide) #6962
Subject: Cale D Colbert
Submitted By: James M. Trimble
PPLS Labels: [000524-00454-20090921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
[007969-00374-20211116.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20211116.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00374-20211116.pdf

12/12/2023 Judgement; Civil Penalty Assessed

Citation

Superior Ag Resources Co Op was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. Consideration was given to the fact Superior Ag Resources Co Op cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Civil Penalty

Cale D. Colbert was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. Colbert cooperated during the investigation and this was his first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1628
Primary: Superior Ag Resources Co Op
Secondary: Cale D Colbert
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 400

01/08/2024 Notice of Enforcement Mailed to Target

A copy of Cale D. Colbert's enforcement letter was also included.

Original Event: Outgoing Mail #2971
To: Superior Ag Resources Co Op
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2090
Enclosed: Notice of Enforcement
Enclosed: Notice of Enforcement

Attachments: File 139359; PS23-0230EL CIT - CP Mitigated ~ Cale D. Colbert - Copy.docx
File 139358; PS23-0230EL CIT ~ Superior Ag Resources Co Op.docx

01/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2972
To: Cale D Colbert
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2106
Enclosed: Notice of Enforcement
Attachments: File 139360; PS23-0230EL CIT - CP Mitigated ~ Cale D. Colbert.docx

01/16/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2392
Subject: Superior Ag Resources Co Op
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2090
Received: 01/16/2024
Attachments: File 140171; CM 7021 2720 0003 1615 2090 - Superior Ag Resources Co Op - PS23-0230 - Received 1-16-2024.pdf

01/23/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2393
Subject: Cale D Colbert
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2106
Received: 01/23/2024
Attachments: File 140172; CM 7021 2720 0003 1615 2106 - Cale D. Colbert - PS23-0230 - Received 1-23-2024.pdf

01/31/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2395
Subject: Cale D Colbert
Submitted By: Jacob A. Hatfield
Payment Expected: \$400.00
Payment Received: \$400.00
Attachments: File 140395; PS23-0230 - Cale D. Colbert - CP Recived 1-31-2024.pdf

02/12/2024 **Received Penalty Payment for Target**

No additional civil penalty is due on this case. The civil penalty assessed to Cale D. Colbert was paid by Superior Ag Resources Co-Op, Inc. on January 31, 2024. Our agency will return check #552 to Cale D. Colbert.

Original Event: Compliance Receipt #2416
Subject: Cale D Colbert
Submitted By: Joni D. Herman
Payment Expected: 0
Payment Received: \$400.00
Attachments: File 141101; PS23-0230 CP Recd. from Cale D. Colbert ~ 2.12.2024.pdf

02/13/2024 **Overpayment Returned to Target**

Returning check #552 dated 2/6/2024 for the amount of \$400.00 to Cale D. Colbert. The CP was already paid by Superior Ag Resources on January 31, 2024. No additional civil penalty monies are due.

Original Event: Outgoing Mail #3099
To: Cale D Colbert
Submitted By: Joni D. Herman
USPS: 7020 3160 0001 0012 5868
Enclosed: Overpayment
Enclosed: Notice
Attachments: File 141121; PS23-0230 Letter to Cale D. Colbert ~ Returning CP Payment - CK 552.docx

02/16/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2437
Subject: Cale D Colbert
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 0012 5868
Received: 02/16/2024
Attachments: File 142177; CM 7020 3160 0001 0012 5868 - Cale D. Colbert - PS23-0230 - Received 2-16-2024.pdf

02/19/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3105
To: Juli Phillips
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141341; P23-0230 - Juli Phillips - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Business**
Original Event: Outgoing Mail #3106
To: Superior Ag Resources Co Op
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141342; P23-0230 - Superior Ag Resources Co Op - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Applicator**
Original Event: Outgoing Mail #3107
To: Cale D Colbert
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141343; P23-0230 - Cale D. Colbert - Case Closed Letter 2-19-2024.docx

03/06/2024 **Second Notice of Case Closure Mailed to Complainant; Second Attempt**
The complainant called to inform us that she has recently move and has not received our case closure letter. She provided a new forwarding address:

1380 East 600 South
Fort Branch, IN 47648

Original Event: Outgoing Mail #3172
To: Juli Phillips
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142273; PS23-0230 - Juli Phillips - Case Closed Letter Second Attempt 2-19-2024.docx

Chain of Custody

06/29/2023 **Sample 23-4-0945 7**
Original Event: Chain of Custody #7433 (23-4-0945 7)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0946 1**
Original Event: Chain of Custody #7434 (23-4-0946 1)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0947 4**
Original Event: Chain of Custody #7435 (23-4-0947 4)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0948 8**
Original Event: Chain of Custody #7436 (23-4-0948 8)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0949 0**
Original Event: Chain of Custody #7437 (23-4-0949 0)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0950 1**
Original Event: Chain of Custody #7438 (23-4-0950 1)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0951 7**
Original Event: Chain of Custody #7439 (23-4-0951 7)
06/29/2023 10:00: Sample Collected by James M. Trimble
06/30/2023 08:58: Sample Delivered to 218
06/30/2023 11:35: Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0952 9**

Original Event:	Chain of Custody #7440 (23-4-0952 9)
06/29/2023 10:00:	Sample Collected by James M. Trimble
06/30/2023 08:58:	Sample Delivered to 218
06/30/2023 11:35:	Delivery Affirmed by Vicki L. Vauters

06/29/2023 **Sample 23-4-0953 8**

Original Event:	Chain of Custody #7441 (23-4-0953 8)
06/29/2023 10:00:	Sample Collected by James M. Trimble
06/30/2023 08:58:	Sample Delivered to 218
06/30/2023 11:35:	Delivery Affirmed by Vicki L. Vauters

<p>This record was generated on April 19, 2024, 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.</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 **April 19, 2024, 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 PS23-0236

Department	Pesticide
Originated	07/05/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Elizabeth Cobb Bloomington, IN 47403
Involved	Dakota Sims Spencer, IN 47460
Business	Greenebriar, LLC Ellettsville, IN 47429
Applicator	Christopher Mckillip Ellettsville, IN 47429

Overviews

12/21/2023 **Investigation Summary**

On July 3, 2023, the complainant reported to OISC that a herbicide application made to the neighbor's property may be responsible for her dog's illness.

On July 10, 2023, I met with the complainant to conduct my on-site investigation. I observed the complainant's property had herbicide exposure symptoms in a small area of their turf, which I believed was caused by overspray from a herbicide application to vegetation at the neighbor's property. I then collected vegetation samples from the complainant's and target properties for analysis by the OISC Residue Lab. The complainant's dog nor any of its excretions were available for my collection to provide evidence of its possible exposure to the herbicide.

I later identified Mr. McKillip with Greenebriar, LLC. as the responsible party for the herbicide application at the target property. I found that Roundup was applied to the target property as a no charge service to the target property's owner.

The OISC Residue Lab confirmed Glyphosate was used on the target property and had moved off-target and onto the complainant's property, which caused adverse effect to the complainant's turf. I found no evidence that the complainant's dog became ill from exposure to a pesticide.

Submitted By: James M. Trimble
Role: Investigator

12/21/2023 **Disposition Summary**

Christopher McKillip was warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to move off-target. Consideration was given to the fact Mr. McKillip cooperated during the investigation and this was his first violation of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/03/2023 **Intake Referral Filed**

Complainant stated a herbicide application made to the neighbor's property may be responsible for her dog's illness.

Original Event: Intake Referral (Pesticide) #3113
Complainant: Elizabeth Cobb
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble
Attachments: File 128045; Cobb complaint form June 2023 Pesticide.pdf
Photos:



File 128046



File 128047



File 128048

07/05/2023 **Case Created**

Original Event: Case PS23-0236
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/06/2023 **Investigator Called Complainant**

Communication

On July 6, 2023, I called and spoke with Ms. Cobb, who reported that she believed her dog, a 8 year old Terrier mix, may have became ill and died from a herbicide application completed to her neighbor's property. Ms. Cobb stated her spouse was inside their home at the time of the application but was unsure if the application had taken place on June 20 or 21. Ms. Cobb stated her spouse became aware of the application when their dog, which was outside in the backyard, began barking. Ms. Cobb stated her spouse looked outside to see a red truck and a trailer parked in front of her neighbor's residence. Ms. Cobb stated she believed the applicator had applied a herbicide along a privacy fence located between her and their neighbor's property while their dog was in their backyard. Ms. Cobb stated their dog was running back and forth next to the fence during the herbicide application and was exposed to a herbicide.

Ms. Cobb stated her dog became ill on June 22 with symptoms that included vomiting, diarrhea, incontinence, inability to eat or drink, and its breath smelled like metal & burnt hair. Ms. Cobb stated that she took her dog to the veterinarian on June 23, 2023, where the vet diagnosed the dog with liver disease. The dog was later put down on Friday, June 30, 2023.

Ms. Cobb stated that she had not collected the dog's vomit, stool, or the dog itself (cremated). Ms. Cobb stated that her dog had acted normal and their routines prior to the herbicide application were "business as usual". Ms. Cobb stated that their neighbor had advised them that "Greenebriar, LLC" was responsible for the herbicide application and had provided a phone number.

Original Event: Investigation Activity (Pesticide) #6474
Subject: Elizabeth Cobb
Submitted By: James M. Trimble

07/10/2023 **Investigator Met with Complainant**

Photographs

On July 10, 2023, I met with Ms. Cobb and Mr. Rose at their residence to conduct my on-site investigation. Ms. Cobb showed me the east side of their wooden privacy fence that separated the backyards of their property and their neighbor's property (4271 W. Doyle Ave.). Ms. Cobb stated their dog had been running next to the east end of the fence while the herbicide was being applied to the vegetation on its other side.

While on-site, I observed and photographed Ms. Cobb's property and their neighbor's target property. I observed symptoms of herbicide exposure and use around the target property's residence, fence lines, and sidewalk/ornamental areas by the yellow and/or brown, dead and/or dying vegetation in the described locations. I observed the target property had a chain link fence surrounding its backyard that ran parallel to Ms. Cobb's wooden privacy fence along their shared border. The two fences had an approximately 6" gap between them with tall, mature vegetation within the gap along the length of the fences. I observed some of the targeted vegetation was touching Ms. Cobb's fence. I observed the herbicide used on the targeted vegetation was consistent with being a non-selective type as all of the vegetation shared the same exposure symptoms.

I did not observe herbicide exposure symptoms to any vegetation within the fenced-in area of Ms. Cobb's property. I did not observe signs that the herbicide applied to the neighbor's property had traveled through the gaps of Ms. Cobb's fence in amounts high enough that caused exposure symptoms to the vegetation on Ms. Cobb's side of the fence. However, I observed an area of herbicide injury to Ms. Cobb's turf that was located just outside the northeast corner of their fence, in their east side yard. I observed the herbicide exposure symptoms to Ms. Cobb's turf showed an injury pattern that was consistent with herbicide overspray to the targeted vegetation located at the corner of the fence.

I then collected multiple vegetation samples from Ms. Cobb's property and a vegetation sample from the target property for analysis by the OISC Residue Lab. No evidence from Ms. Cobb's dog was available for my collection to analyze if the dog was exposed to a pesticide.

At the time of my on-site investigation, I was unable to contact a tenant or owner for the target property of 4271 W. Doyle Ave.

Target Area Along Privacy Fence (File 128445)



Complainant's Side of Privacy Fence (File 128427)



Off-Target Herbicide Injury (File 128441)



Attachments



File 128435



File 128436



File 128437



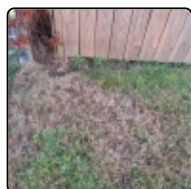
File 128438



File 128439



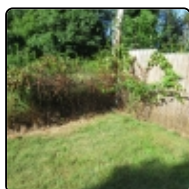
File 128440



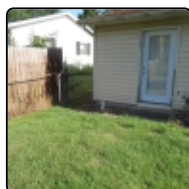
File 128442



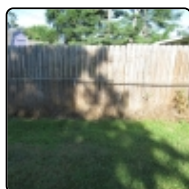
File 128443



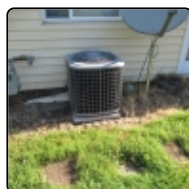
File 128444



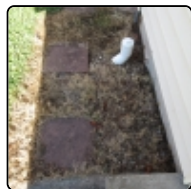
File 128446



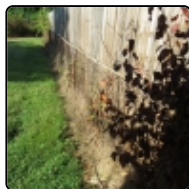
File 128447



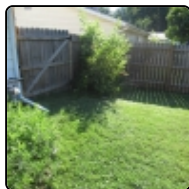
File 128448



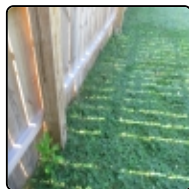
File 128424



File 128425



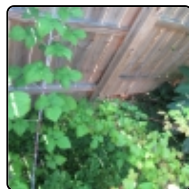
File 128426



File 128428



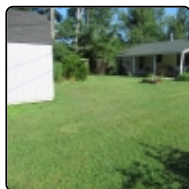
File 128430



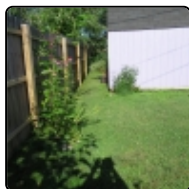
File 128431



File 128432



File 128433



File 128434

Original Event: Investigation Activity (Pesticide) #6480
Subject: Elizabeth Cobb
Submitted By: James M. Trimble

07/10/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #746
Submitted By: James M. Trimble
Target Analyte: Roundup

07/10/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1915
Client: Elizabeth Cobb
Firm Representative: Elizabeth Cobb
Submitted By: James M. Trimble
Attachments: File 139010; Cobb NOI.pdf

07/10/2023 **Residue Samples Collected**

Original Event: Residue Collection #272237 (23-4-0954 0)
Client: Elizabeth Cobb
Submitted By: James M. Trimble
Sample: 23-4-0954 0 | Veg; Comp; OFF-T, Grad1, 20ft W
Sample: 23-4-0955 5 | Veg; Comp; OFF-T, Grad2, 1ft W
Sample: 23-4-0956 4 | Veg; Grab; OFF-T, NE
Sample: 23-4-0957 2 | Veg; Ctrl; OFF-T
Sample: 23-4-0958 6 | Veg; Comp; Target

07/10/2023 **Investigator Called Applicator**

Communication

While conducting my investigation, I found that Dakota Sims with Greenebriar, LLC., was a possible point of contact for the applicator/business responsible for the herbicide application completed at 4271 W. Doyle Ave. I then searched our licensing database and was unable to locate a valid pesticide business license for Greenebriar, LLC. or an applicator's license for Dakota Sims.

On July 10, 2023, after leaving the Cobb property, I attempted to contact the Mr. Sims, via telephone and in-person, but was unsuccessful.

Later that day, I received a phone call from Mr. Sims, who advised me Greenebriar was responsible for the herbicide application to the above address. Mr. Sims stated that the client at the above address was one of their regular mowing accounts and had requested them to spray the noxious weeds around her house with a herbicide, which they did. Mr. Sims stated he had started Greenebriar approximately one year prior with a focus on mowing and odd-jobs. Mr. Sims acknowledged he nor Greenebriar held a OISC-issued license. Mr. Sims stated he had researched the need to obtain any required license before completing pesticide applications, but believed he only needed a license for applying fertilizer and would did not need a license for herbicide applications.

Mr. Sims and I scheduled an appointment at a later date for further discussion.

Original Event: Investigation Activity (Pesticide) #6482
Subject: Dakota Sims
Submitted By: James M. Trimble

07/12/2023 Investigator Met with Business Communication

On July 12, 2023, I met with Dakota Sims and Christopher McKillip, who stated they were co-owners of Greenebriar, LLC. Mr. McKillip advised me that he was applicator responsible for the herbicide application completed at 4271 W. Doyle Ave. Mr. McKillip stated he wasn't sure of the exact date of his application, but believed it was in the middle of June. Mr. McKillip stated he had used the concentrated version of the herbicide "Roundup" to spray the unwanted vegetation to the above property. Mr. McKillip stated he had followed the product's label directions to correctly mix and apply it to the target property. Mr. McKillip stated he did not observe or even hear a dog on the other side of the privacy fence when he completed his application. Mr. McKillip stated he attempted to keep his application on-target and that any off-target contact was unintentional.

Mr. McKillip and Mr. Sims stated that they no longer had the original product container of Roundup he had used for the application and did not know the product's EPA Registration number, but had purchased the product from "Lowe's".

Mr. McKillip and Mr. Sims identified their client at 4271 W. Doyle Ave. as Norma Edie. They advised me that they did not advertise or ask to make the pesticide application to Ms. Edie's property, but had only completed the one herbicide application to her property because she had requested the service. Mr. McKillip and Mr. Sims stated they had not billed nor planned to bill Ms. Edie for their herbicide application. They advised that Ms. Edie was Greenbriar's first mowing account and they had completed the herbicide application free of charge as an act of kindness. I later spoke with Ms. Edie, who confirmed she had not paid nor been billed for the herbicide application service completed at her property.

Original Event: Investigation Activity (Pesticide) #6499
Subject: Greenebriar, LLC
Submitted By: James M. Trimble

07/12/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1706
Client: Greenebriar, LLC
Firm Representative: Dakota Sims
Submitted By: James M. Trimble
Attachments: File 128731; Greenebriar NOI.pdf

07/12/2023 New Respondent Identified Respondent Identified

Greenebriar, LLC. was identified as the business responsible for the herbicide application to the target property.

Original Event: Investigation Change #376
Respondent: Greenebriar, LLC
Submitted By: James M. Trimble

07/12/2023 New Respondent Identified Respondent Identified

Mr. McKillip stated he was responsible for the herbicide application to the target property.

Original Event: Investigation Change #375
Respondent: Christopher McKillip
Submitted By: James M. Trimble

07/13/2023 Online Investigation Activity Activity

On July 13, 2023, I created a map of my sample collection for this investigation.

Collection Map (File 128732)



Original Event:
Submitted By:

Investigation Activity (Pesticide) #6500
James M. Trimble

08/17/2023 **Received Residue Lab Report** Current

Investigatory Summary

On August 17, 2023, I received the OISC Residue Lab report, which showed that Glyphosate, along with its metabolite AMPA, was detected in two of the three samples collected from the off-target property (#23-4-0955 & #23-4-0956). Of the two samples collected from within the fenced-in area of the off-target property (#23-4-0954 & #23-4-0955), only sample #23-4-0955, which was the sample closest to the target application area located on the other side of the fence, showed a positive result of Glyphosate (178 ppb). The results of sample #23-4-0954 & #23-4-0955 showed that a minimal amount of Glyphosate had passed through the gaps of the wooden fence and onto the off-target property, but not in levels high enough to impact the off-target vegetation or move to the collection location of sample #23-4-0954.

Sample #23-4-0956, which was collected outside of the fenced-in area, but still located on the off-target property, detected levels of Glyphosate (1,030 ppb) & AMPA (225 ppb) that showed the application had moved off-target and caused adverse effect to the turf of the off-target property. When the lab results from the samples collected from the off-target property (#22-4-0945 through #22-4-0957) were compared to the amounts of Glyphosate (322,000 ppb) & AMPA (9,420 ppb) detected in the sample collected from the target area (#22-4-0958), it showed that the Glyphosate found on the off-target property was not due to a direct application.

First Page of Lab Report

OCM Collection #	272237	Investigator	TRIMBLEJ		
Collection Date	07/10/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0954 0	Veg; Comp; OFF-T, Grad1, 20ft W	Veg	AMPA	BDL ppb	13 ppb
			Glyphosate	BDL ppb	13 ppb
23-4-0955 5	Veg; Comp; OFF-T, Grad2, 1ft W	Veg	AMPA	BDL ppb	13 ppb
			Glyphosate	178 ppb	13 ppb
23-4-0956 4	Veg; Grab; OFF-T, NE	Veg	AMPA	225 ppb	13 ppb
			Glyphosate	1030 ppb	13 ppb
23-4-0957 2	Veg; Ctrl; OFF-T	Veg	AMPA	BQL ppb	13 ppb
			Glyphosate	BDL ppb	13 ppb
23-4-0958 6	Veg; Comp; Target	Veg	AMPA	9420 ppb	13 ppb
			Glyphosate	322000 ppb * Results is approximate	13 ppb

Original Event: Residue Lab Report #276324 (272237-R1639)
Submitted By: SYSTEM
Lab Report: Lab Report 272237-R1639.pdf

12/20/2023 **Online Investigation Activity Roundup**

On December 20, 2023, I reviewed the evidence collected in this investigation. I concluded that Mr. McKillip's application of Glyphosate to the unwanted vegetation on the property at 4271 W. Doyle Ave., Bloomington, IN was applied in a manner that allowed it to move off-target and caused adverse effect to the turf of Ms. Cobb's non-target property at 4281 W. Doyle Ave. I found no evidence that the complainant's dog became ill from exposure to a pesticide.

Mr. McKillip advised that he had used Roundup, purchased from Lowes, for his pesticide application. Mr. McKillip was not required to keep records of his application to the target property and no longer had the product container in his possession. Roundup is commonly known to contain the active ingredient of Glyphosate, but is also known to have multiple formulations and can contain additional active ingredients. The OISC Residue Lab's report confirmed Glyphosate had been used on the target property. Without the product's EPA Registration Number available, I was unable to identify the exact product used by Mr. McKillip. Therefore, I could not review Mr. McKillip's compliance of the product's label.

Although Ms. Edie had hired Greenbriar to complete the herbicide application at her property with an intention to pay for the service, I found that no money was exchanged nor was a bill of service issued by Greenbriar for their herbicide application to the Edie property. Mr. Sims and Mr. McKillip stated their application was free of charge as a courtesy to Ms. Edie and had no intention of billing Ms. Edie.

Original Event: Investigation Activity (Pesticide) #7000
Subject: Christopher Mckillip
Submitted By: James M. Trimble

12/21/2023 **Judgement; Warning Warning**

Christopher McKillip was warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to move off-target. Consideration was given to the fact Mr. McKillip cooperated during the investigation and this was his first violation of similar nature.

Original Event: Judgement #1636
Primary: Christopher Mckillip
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(5)

01/19/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3028
To: Christopher Mckillip
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2137
Enclosed: Notice of Enforcement
Attachments: File 139710; PS23-0236EL WRN ~ Christopher McKillip.docx

01/25/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2406
Subject: Christopher Mckillip
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2137
Received: 01/25/2024
Attachments: File 140914; CM 7021 2720 0003 1615 2137 - Chrisopher McKillip - PS23-0236 - Received 1-25-2024.pdf

03/01/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3147
To: Elizabeth Cobb
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142095; PS23-0236 - Elizabeth Cobb - Case Closed Letter 3-1-2024.docx

03/01/2024 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #3148
To: Dakota Sims
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142096; PS23-0236 - Dakota Sims - Case Closed Letter 3-1-2024.docx

03/01/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3149
To: Greenebriar, LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142097; PS23-0236 - Greenbriar LLC - Case Closed Letter 3-1-2024.docx

03/01/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3150
To: Christopher Mckillip
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142098; PS23-0236 - Christopher McKillip - Case Closed Letter 3-1-2024.docx

03/13/2024 **Mail Service Returned for Subject**

On March 13, 2024, case closed letter was returned to OISC.

Original Event: Compliance Receipt #2456
Subject: Dakota Sims
Submitted By: Jacob A. Hatfield
Returned: 03/13/2024
Attachments: File 142834; PS23-0236 - Dakota Sims - Case Closed Letter Returned 3-13-2024.pdf

Chain of Custody

07/10/2023 **Sample 23-4-0954 0**

Original Event: Chain of Custody #7562 (23-4-0954 0)
07/10/2023 09:30: Sample Collected by James M. Trimble
07/11/2023 09:36: Sample Delivered to Vicki L. Vauters
07/11/2023 09:36: Delivery Affirmed by Vicki L. Vauters

07/10/2023 **Sample 23-4-0955 5**

Original Event: Chain of Custody #7563 (23-4-0955 5)
07/10/2023 09:30: Sample Collected by James M. Trimble
07/11/2023 09:36: Sample Delivered to Vicki L. Vauters
07/11/2023 09:36: Delivery Affirmed by Vicki L. Vauters

07/10/2023 **Sample 23-4-0956 4**

Original Event: Chain of Custody #7564 (23-4-0956 4)
07/10/2023 09:30: Sample Collected by James M. Trimble
07/11/2023 09:36: Sample Delivered to Vicki L. Vauters
07/11/2023 09:36: Delivery Affirmed by Vicki L. Vauters

07/10/2023 **Sample 23-4-0957 2**

Original Event: Chain of Custody #7565 (23-4-0957 2)
07/10/2023 09:30: Sample Collected by James M. Trimble
07/11/2023 09:36: Sample Delivered to Vicki L. Vauters
07/11/2023 09:36: Delivery Affirmed by Vicki L. Vauters

07/10/2023 **Sample 23-4-0958 6**

Original Event:	Chain of Custody #7566 (23-4-0958 6)
07/10/2023 09:30:	Sample Collected by James M. Trimble
07/11/2023 09:36:	Sample Delivered to Vicki L. Vauters
07/11/2023 09:36:	Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 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 PS23-0254

Department	Pesticide
Originated	07/11/2023
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	John Brier Attica, IN 47918
Respondent	Bi State Air Inc Veedersburg, IN 47987
Respondent	Robert Ray Cottingham Veedersburg, IN 47987

Overviews

12/04/2023 **Investigation Summary**

The wind data, along with documentation from Bi-State Air, shows winds were blowing away from Mr. Brier's property during Mr. Cottingham's application. However, the report from the OISC residue lab shows significant levels of ingredients from Mr. Cottingham's application were found in the samples from Mr. Briers property. Based on the evidence, Mr. Cottingham's application moved off-target onto Mr. Brier's property. Since weather data shows winds were blowing away from Mr. Brier's property and the maps provided by Bi-State Air show Mr. Cottingham left buffers around Mr. Brier's property, OISC is unable to determine how ingredients from Mr. Cottingham's application were found on Mr. Brier's property.

Submitted By: Aaron P. Kreider
Role: Investigator
Drift: Confirmed

12/07/2023 **Disposition Summary**

Bi State Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site.

Robert Ray Cottingham was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/10/2023 **Intake Referral Filed**

Complainant stated a fungicide application made by Bi State Air to an adjacent corn field drifted onto his trees and blueberries.

Original Event: Intake Referral (Pesticide) #3131
Complainant: John Brier
Respondent: Bi State Air Inc
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/11/2023 **Case Created**

Original Event: Case PS23-0254
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/11/2023 **Investigator Called Complainant Communication**

On July 11, 2023, I contacted John Brier regarding his complaint. Mr. Brier stated on July 9, 2023 at approximately 5 PM, he was walking outside of his home and could strongly smell a pesticide application being made to the corn field east of his property. He stated the application was made by plane. Mr. Brier stated he believed the application drifted onto his blueberries causing them to feel "funky". He stated his brother farms the field and he hired Bi-State Air in Attica to make the application. Mr. Brier stated he believed the winds were calm since the flag in his front yard was not moving at all.

Original Event: Investigation Activity (Pesticide) #6618
Subject: John Brier
Submitted By: Aaron P. Kreider

07/11/2023 **Investigator Called Target Communication**

On July 11, 2023 I contacted Bi-State Air and spoke with Karen Rice regarding Mr. Brier's complaint. Mrs. Rice stated she was aware of the complaint because she had been in contact with Mr. Brier. She stated she believes the application consisted of a fungicide but did not have the application record immediately available. Mrs. Rice stated she would contact me at a later time to provide the tank mix information.

Original Event: Investigation Activity (Pesticide) #6914
Subject: Bi State Air Inc
Submitted By: Aaron P. Kreider

07/11/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1872
Client: Bi State Air Inc
Firm Representative: Karen Rice
Submitted By: Aaron P. Kreider
Attachments: File 137521; NOI (K. Rice).pdf

07/11/2023 **Target Called Investigator Communication**

On July 11, 2023, after our initial conversation, Mrs. Rice called to provide the application tank mix. She stated the application consisted of Miravis Neo, HERO, and MasterLock (adjuvant).

Original Event: Investigation Activity (Pesticide) #6915
Subject: Bi State Air Inc
Submitted By: Aaron P. Kreider

07/12/2023 **Investigator Met with Complainant Interaction**

On July 12, 2023, I met with Mr. Brier at his residence. I had him show me around his property. He identified his gardens, fruit trees, and blueberry bushes. Mr. Brier stated he utilizes organic practices on his property and the only pesticide he uses is Neem Oil. He showed me the property line that separates his property and the target corn field. Mr. Brier's blueberries were approximately 20 feet from the property line and approximately 30 feet from the first row of corn.

Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows the border between Mr. Brier's property (left) and the target corn field (right). Figure 2 shows Mr. Brier's blueberry bushes with the target field in the background (facing east). Figure 3 shows an overview of Mr. Brier's gardens, fruit trees, and blueberry bushes with the target field in the background (facing east).

Figure 1 (File 131620)



Figure 2 (File 131619)



Figure 3 (File 131613)



Attachments

- File 131610; DSC_0001.JPG
- File 131611; DSC_0002.JPG
- File 131612; DSC_0003.JPG
- File 131614; DSC_0005.JPG
- File 131615; DSC_0006.JPG
- File 131616; DSC_0007.JPG
- File 131617; DSC_0008.JPG
- File 131618; DSC_0009.JPG
- File 131621; DSC_0012.JPG
- File 131622; DSC_0013.JPG

Original Event: Investigation Activity (Pesticide) #6619
Subject: John Brier
Submitted By: Aaron P. Kreider

07/12/2023 Notice of Inspection Issued

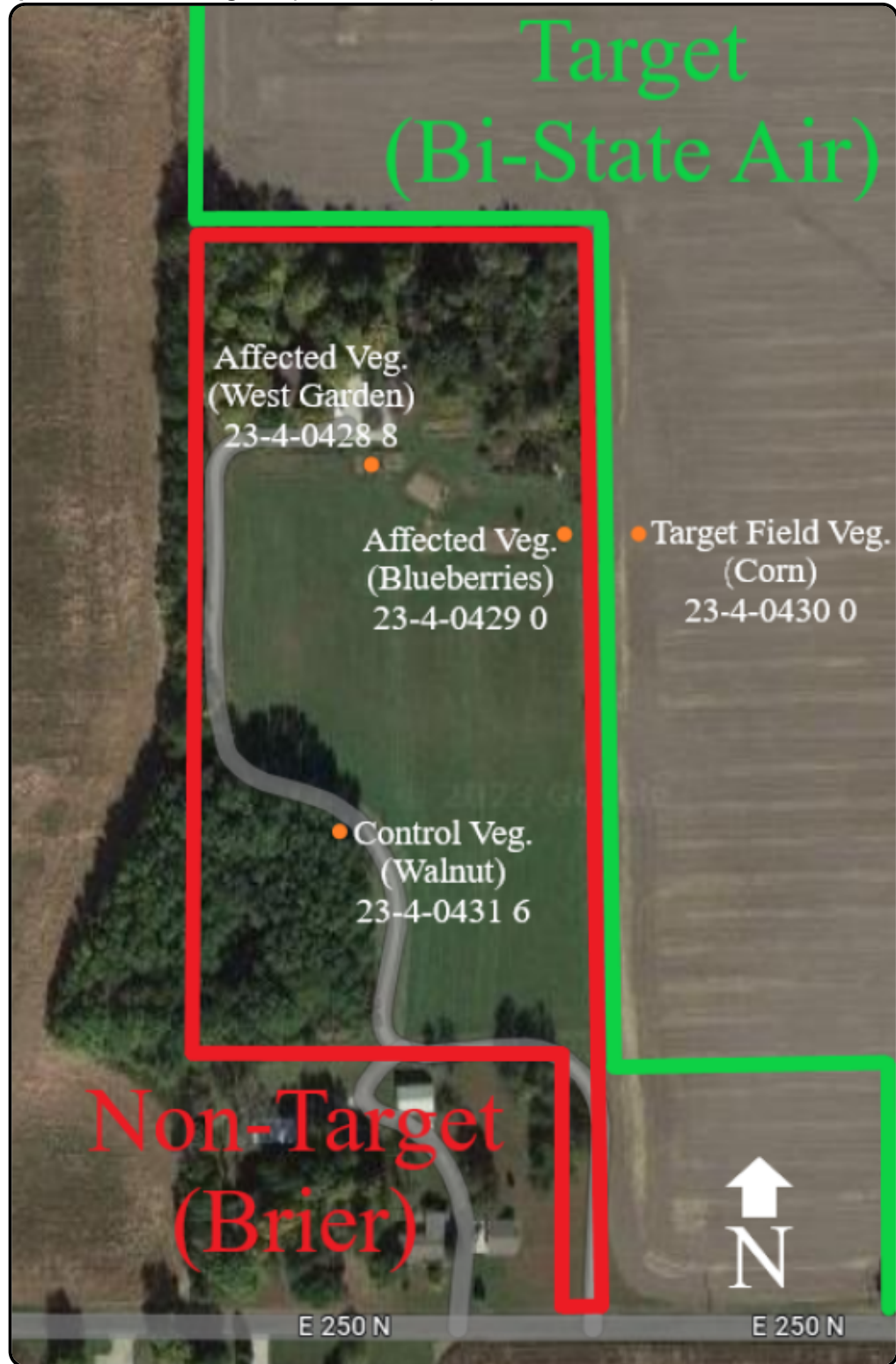
Original Event: Notice of Inspection #1749
Client: John Brier
Firm Representative: John Brier
Submitted By: Aaron P. Kreider
Attachments: File 131763; NOI (J. Brier).pdf

07/12/2023 Residue Samples Collected

Original Event: Residue Collection #272514 (23-4-0428 8)
Client: John Brier
Submitted By: Aaron P. Kreider
Sample: 23-4-0428 8 | Veg; Grab; OFF-T, Garden, W
Sample: 23-4-0429 0 | Veg; Grab; Blueberries; OFF-T
Sample: 23-4-0430 0 | Veg; Grab; Corn; Target
Sample: 23-4-0431 6 | Veg; Ctrl; Walnut; OFF-T

07/12/2023 Sample Collection Diagram Activity

This diagram shows the locations where samples were collected.



Original Event: Investigation Activity (Pesticide) #6708
Submitted By: Aaron P. Kreider

07/12/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #750
Submitted By: Aaron P. Kreider
Target Analyte: Miravis Neo
Target Analyte: HERO
PLS Labels: [000100-01605-20230427.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf
[000279-03315-20211119.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf

07/12/2023 **Investigator Met with Target Interaction**

On July 12, 2023, I met with Tyler and Karen Rice at Bi-State Air. They stated they had spoken with Mr. Brier on the phone and tried to answer his questions and handle his concerns. Mrs. Rice stated the applicator had seen Mr. Brier outside and made sure to leave a buffer. Mr. Rice stated the applicator blew smoke from the plane upon initial flyover to determine wind direction. The applicator determined it was from the west. The Rice's provided me with an application report that contained application details and maps.

Original Event: Investigation Activity (Pesticide) #6916
Subject: Bi State Air Inc
Submitted By: Aaron P. Kreider

07/20/2023 **Investigator Received Fax/Email from Target Investigation Inquiry**

On July 20, 2023, I received a Pesticide Investigation Inquiry (PII) from Mrs. Rice on behalf of Mr. Rice. The PII included an application report, three application maps, a written statement from the applicator, and a written statement from the Rice's. The PII shows that winds were blowing away from Mr. Brier's property during the application. Mr. Rice did not record the temperature during the application. One of the application maps show the applicator left a buffer strip (half the width of a normal pass) between the east side of Mr. Brier's property and the application area. The same map, along with another, appear to show a buffer strip left in the target field on the north side of Mr. Brier's property. The statement from the applicator, and information provided on the PII, show the applicator blew smoke from the plane to check the in-field wind conditions.

Attachments
File 136635; PS23-0254 PII (Bi-State Air).pdf

Inquiry Overview

Certified Applicator Ray Cottingham (F246085)
Company Bi-State Air (10970)
Application Type Commercial
Target Field Corn

Tank Mix

Product	EPA	Rate
HERO	279-3315	5 oz/A
Miravis Neo	100-1605	13.7 oz/A
MasterLock (Adjuvant)		4 oz/A

Application Date

Date	Start	End
07/09/2023	5:00 PM	5:30 PM

Air Conditions

Time	Direction	Speed
Start	WNW	5mph
End	WNW	3mph

Original Event: Investigation Activity (Pesticide) #6850
Subject: Bi State Air Inc
Submitted By: Aaron P. Kreider
PPLS Labels: [000100-01605-20230427.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf
[000279-03315-20211119.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf

08/09/2023 **Received Residue Lab Report Superseded (v1 of 2) Investigatory Summary**

This report shows an initial analysis performed to the samples collected from Mr. Brier's property. The analysis did not include the ingredients in HERO. The analysis was performed again to look for the ingredients in HERO.

Original Event: Residue Lab Report #274871 (272514-R1637)
Submitted By: SYSTEM
Lab Report: Lab Report 272514-R1637.pdf

09/13/2023 **Wind Data Researched**

This weather data shows conditions during Mr. Cottingham's application. This data confirms what was reported on the PII and that winds were blowing away from Mr. Brier's property during the application.

Purdue University Airport (KLAF)*West Lafayette, Indiana (17.39 miles ENE of site)***Time Temp (°F) Direction Speed (mph) Gust (mph)**

4:54 PM 81 VAR 5 0
 5:54 PM 80 WNW 8 0

Vermillion Regional Airport (KDNV)*Danville, Illinois (19.91 miles WSW of site)***Time Temp (°F) Direction Speed (mph) Gust (mph)**

5:55 PM 81 WNW 6 0
 5:15 PM 81 WNW 6 0
 5:35 PM 80 W 6 0

Jasper County Airport (KRZL)*Rensselaer, Indiana (41.19 miles N of site)***Time Temp (°F) Direction Speed (mph) Gust (mph)**

4:55 PM 81 W 8 0
 5:15 PM 81 W 6 0
 5:35 PM 81 W 8 0

Attachments

File 136633; NOAA Data 7.9.23 (KDNV).pdf

File 134101; NOAA Data 7.9.23 (KLAF).pdf

File 136634; NOAA Data 7.9.23 (KRZL).pdf

Original Event: Wind Data #180
 Submitted By: Aaron P. Kreider
 Date of Weather: 07/09/2023

10/18/2023 **Received Residue Lab Report** Current (v2 of 2)**First Page of Lab Report**

OCM Collection #	272514	Investigator	KREIDERA		
Collection Date	07/12/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0428 8	Veg; Grab; OFF-T, Garden, W	Veg	Bifenthrin	1.16 ppb * Minimum amount reported	0.3 ppb
			Cypermethrin	6.95 ppb * Minimum amount reported	0.8 ppb
23-4-0429 0	Veg; Grab; Blueberries; OFF-T	Veg	Bifenthrin	3.27 ppb * Minimum amount reported	0.3 ppb
			Cypermethrin	17.4 ppb * Minimum amount reported	0.8 ppb
23-4-0430 0	Veg; Grab; Corn; Target	Veg	Bifenthrin	4.25 ppb * Minimum amount reported	0.3 ppb
			Cypermethrin	25.7 ppb * Minimum amount reported	0.8 ppb
23-4-0431 6	Veg; Ctrl; Walnut; OFF-T	Veg	Bifenthrin	1.01 ppb * Minimum amount reported	0.3 ppb
			Cypermethrin	1.69 ppb * Minimum amount reported	0.8 ppb

Original Event: Residue Lab Report #281341 (272514-R1726)
 Submitted By: SYSTEM
 Lab Report: Lab Report 272514-R1726.pdf

11/09/2023 **Investigation Activity**

Label Use

The Miravis Neo label states, "AVOID SPRAYDRIFT." Indiana Code 15-16-5-66(d)(12) states, "Applied a restricted use pesticide in a manner that allows it to drift from the target site in a sufficient quantity to cause an adverse effect to a nontarget site (as defined in 357 IAC 1-12-1)."

Attachments

File 137529; HERO Label.pdf
File 137528; Miravis Neo Label.pdf

Original Event: Investigation Activity (Pesticide) #6918
Submitted By: Aaron P. Kreider
PPLS Labels: [000100-01605-20230427.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20230427.pdf
[000279-03315-20211119.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000279-03315-20211119.pdf

12/07/2023 Judgement; Civil Penalty Assessed

Citation

Bi State Air Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site.

Civil Penalty

Robert Ray Cottingham was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for allowing a restricted use pesticide (RUP) to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

Original Event: Judgement #1625
Primary: Bi State Air Inc
Secondary: Robert Ray Cottingham
Submitted By: George Saxton
Legal Citation: 357 IAC 1-12-2
Penalty Amount: 1000

01/08/2024 Notice of Enforcement Mailed to Target

A copy of Robert Cottingham's enforcement letter was also included.

Original Event: Outgoing Mail #2973
To: Bi State Air Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2113
Enclosed: Notice of Enforcement
Enclosed: Notice of Enforcement
Attachments: File 139362; PS23-0254EL CIT - CP ~ Robert Day Cottingham - Bi State Air Inc_ - Copy.docx
File 139361; PS23-0254EL CIT ~ Bi State Air Inc..docx

01/08/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #2974
To: Robert Ray Cottingham
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2120
Enclosed: Notice of Enforcement
Attachments: File 139363; PS23-0254EL CIT - CP ~ Robert Day Cottingham - Bi State Air Inc..docx

01/16/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2384
Subject: Bi State Air Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2113
Received: 01/16/2024
Attachments: File 139826; CM 7021 2720 0003 1615 2113 - Bi State Air, Inc. - PS23-0254 - Received 1-16-2024.pdf
File 139827; CM 7021 2720 0003 1615 2113 - Bi State Air, Inc. - PS23-0254 - USPS Tracking Proof of Delivery 1-16-2024.pdf

01/16/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2385
Subject: Robert Ray Cottingham
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2120
Received: 01/16/2024
Attachments: File 139828; CM 7021 2720 0003 1615 2120 - Robert R. Cottingham - PS23-0254 - Received 1-16-2024.pdf

02/23/2024 **Informal Review Occurred**

I spoke with Karen Rice of Bi-state Air. She said she would put a check in the mail today.

Original Event: Compliance Activity #2039
Primary: Bi State Air Inc
Submitted By: George Saxton
Stage: Informal Review

02/27/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2431
Subject: Robert Ray Cottingham
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,000.00
Payment Received: \$1,000.00
Attachments: File 141962; PS23-0254 - Robert R. Cottingham - CP Received 2-27-2024.pdf

02/27/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3143
To: John Brier
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141963; PS23-0254 - John Brier - Case Closed Letter 2-27-2024.docx

02/27/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3144
To: Bi State Air Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141964; PS23-0254 - Bi State Air, Inc. - Case Closed Letter 2-27-2024.docx

02/27/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3145
To: Robert Ray Cottingham
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141965; PS23-0254 - Robert R. Cottingham - Case Closed Letter 2-27-2024.docx

Chain of Custody

07/12/2023 **Sample 23-4-0428 8**

Original Event: Chain of Custody #7638 (23-4-0428 8)
07/12/2023 09:00: Sample Collected by Aaron P. Kreider
07/12/2023 16:23: Sample Delivered to Vicki L. Vauters
07/12/2023 16:23: Delivery Affirmed by Vicki L. Vauters

07/12/2023 **Sample 23-4-0429 0**

Original Event: Chain of Custody #7639 (23-4-0429 0)
07/12/2023 09:00: Sample Collected by Aaron P. Kreider
07/12/2023 16:23: Sample Delivered to Vicki L. Vauters
07/12/2023 16:23: Delivery Affirmed by Vicki L. Vauters

07/12/2023 **Sample 23-4-0430 0**

Original Event: Chain of Custody #7640 (23-4-0430 0)
07/12/2023 09:00: Sample Collected by Aaron P. Kreider
07/12/2023 16:23: Sample Delivered to Vicki L. Vauters
07/12/2023 16:23: Delivery Affirmed by Vicki L. Vauters

07/12/2023 **Sample 23-4-0431 6**

Original Event: Chain of Custody #7641 (23-4-0431 6)
07/12/2023 09:00: Sample Collected by Aaron P. Kreider
07/12/2023 16:23: Sample Delivered to Vicki L. Vauters
07/12/2023 16:23: Delivery Affirmed by Vicki L. Vauters



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 **April 19, 2024, 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 PS23-0255

Department	Pesticide
Originated	07/11/2023
Assigned To	Adam Brockman
Status	Closed

Involved Parties

Complainant **James Hudnall**
Greensburg, IN 47240

Respondent **Troy A Bengé**
Greensburg, IN 47240

Overviews

02/22/2024 Investigation Summary

The pesticides applied in this case were applied while the wind was blowing towards the complainants property as stated by the applicator's PII. This is a violation of the Liberty Herbicide label as stated, "The pesticide must only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, and known habitats for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas)." This same language can be found on the Round Up label as well. These pesticides were found on the complainants property and were clearly established in the gradient I took of samples.

Submitted By: Adam Brockman
Role: Investigator

02/22/2024 Disposition Summary

Troy Bengé was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for violating the label regarding drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact this was Mr. Bengé's first violation of similar nature; no restricted use pesticides were involved; Mr. Bengé cooperated during the investigation; corrective action was taken and Mr. Bengé attempted compensation. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/10/2023 Intake Referral Filed

Complainant stated a herbicide application made on the afternoon of July 6, 2023 to an adjacent soybean field drifted onto his garden turning the leaves black. The complainant also stated the wind was from the west at 30 mph at the time of the application.

Original Event: Intake Referral (Pesticide) #3132
Complainant: James Hudnall
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Adam Brockman

07/11/2023 Investigator Met with Complainant Photographs

Photographs taken from complainants property.

Attachments



File 129367



File 129368



File 129369



File 129370



File 129371



File 129372



File 129373



File 129374



File 129375



File 129376



File 129377



File 129378



File 129379



File 129380



File 129381



File 129382



File 129383



File 129384



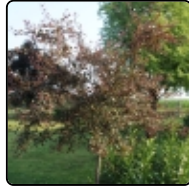
File 129385



File 129386



File 129387



File 129388



File 129389



File 129390



File 129391



File 129392



File 129393



File 129394



File 129395



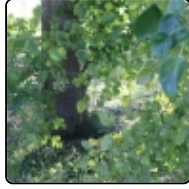
File 129396



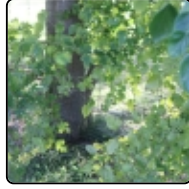
File 129397



File 129398



File 129399



File 129400



File 129401



File 129402



File 129403



File 129404



File 129405



File 129406



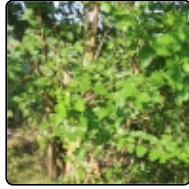
File 129407



File 129408



File 129409



File 129410



File 129411

Original Event: Investigation Activity (Pesticide) #6522
Subject: James Hudnall
Submitted By: Adam Brockman

07/11/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1718
Client: James Hudnall
Firm Representative: James Hudnall
Submitted By: Adam Brockman
Attachments: File 129412; Hudnall.pdf

07/11/2023 **Case Created**

Original Event: Case PS23-0255
Submitted By: Joseph D. Becovitz
Assigned To: Adam Brockman

07/11/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #748
Submitted By: Adam Brockman
Target Analyte: LIBERTY 280 SL HERBICIDE
Target Analyte: ROUNDUP POWER MAX HERBICIDE
Attachments: File 141405; OISCSanToEmail-07312023.pdf

07/12/2023 **Residue Samples Collected**

Original Event: Residue Collection #272370 (23-4-1474 5)
Client: James Hudnall
Submitted By: Adam Brockman
Sample: 23-4-1474 5 | Soil; Comp; 2-4"; Target
Sample: 23-4-1475 0 | Veg; Comp; Target
Sample: 23-4-1476 6 | Soil; Comp; 2-4"; OFF-T, Grad1, 15yd E
Sample: 23-4-1477 8 | Veg; Comp; OFF-T, Grad1, 15yd E
Sample: 23-4-1478 4 | Veg; Comp; OFF-T, Grad2, 40yd E
Sample: 23-4-1479 7 | Veg; Ctrl; OFF-T
Sample: 23-4-1480 7 | Swab (Acetone); Grab; Window; OFF-T
Sample: 23-4-1481 1 | Swab (Acetone); Grab; Window; OFF-T
Sample: 23-4-1482 4 | Swab (Acetone); Grab; Window; OFF-T
Sample: 23-4-1483 0 | Swab (Acetone); Grab; Window; OFF-T
Sample: 23-4-1484 8 | Swab (Acetone); Trip Blank

08/04/2023 **New Respondent Identified**

Original Event: Investigation Change #386
Respondent: Troy A Bengé
Submitted By: Adam Brockman

02/02/2024 **Received Residue Lab Report** Current

First Page of Lab Report

OCM Collection #	272370	Investigator	BROCKMANA		
Collection Date	07/12/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-1474 5	Soil; Comp; 2-4"; Target	Soil	AMPA	183 ppb	80 ppb
			Glufosinate	BQL ppb	4 ppb
			Glyphosate	141 ppb	4 ppb
			MPP	BQL ppb	4 ppb
23-4-1475 0	Veg; Comp; Target	Veg	AMPA	873 ppb	66 ppb
			Glufosinate	7230 ppb	66 ppb
			Glyphosate	40300 ppb * Results is approximate	66 ppb
			MPP	1170 ppb	13 ppb
23-4-1476 6	Soil; Comp; 2-4"; OFF-T, Grad1, 15yd E	Soil	AMPA	BDL ppb	80 ppb
			Glufosinate	BDL ppb	4 ppb
			Glyphosate	34.4 ppb	4 ppb
			MPP	BDL ppb	4 ppb
23-4-1477 8	Veg; Comp; OFF-T, Grad1, 15yd E	Veg	AMPA	BQL ppb	66 ppb
			Glufosinate	161 ppb	66 ppb
			Glyphosate	422 ppb	66 ppb
			MPP	BDL ppb	13 ppb

Original Event: Residue Lab Report #288201 (272370-R2094)
 Submitted By: SYSTEM
 Lab Report: Lab Report 272370-R2094.pdf

02/20/2024 Wind Data Researched

Wind data from three stations. Wind data shows the wind was coming from the N/NE. However the applicators PII indicates that is was coming from the NW was 9-11 mph.

Shelbyville Municipal Airport

Shelbyville, Indiana (30 miles NNW of site)

Time Direction Speed (mph)

13:53 NNE 6.9

Batesville Airport

Batesville, Indiana (20 miles NNE of site)

Time Direction Speed (mph)

14:15 NNE 4.6

Columbus Municipal Airport

Columbus, Indiana (22 miles E of site)

Time Direction Speed (mph)

13:45 N 8

Attachments

- File 141406; asos batesville.txt
- File 141407; asos columbus.txt
- File 141408; asos shelbyville.txt

Original Event: Wind Data #209
 Submitted By: Adam Brockman
 Date of Weather: 07/09/2023

02/20/2024 Investigation Activity Records

Diagram of samples collected from on and off the complainants property.

Attachments

- File 141409; Screenshot 2023-07-11 152854 final.png

Original Event: Investigation Activity (Pesticide) #7072
 Submitted By: Adam Brockman

02/22/2024 **Investigation Activity
Records**

Round Up and Liberty labels.

Attachments

File 141591; liberty.pdf

File 141589; Roundup_PowerMAX_Herbicide_Bayer_Label2pdf.pdf

Original Event: Investigation Activity (Pesticide) #7082
Submitted By: Adam Brockman

02/22/2024 **Judgement; Civil Penalty Assessed
Civil Penalty**

Troy Bengé was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for violating the label regarding drift management. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact this was Mr. Bengé's first violation of similar nature; no restricted use pesticides were involved; Mr. Bengé cooperated during the investigation; corrective action was taken and Mr. Bengé attempted compensation. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1658
Primary: Troy A Bengé
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 200

02/27/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3132
To: Troy A Bengé
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7416
Enclosed: Notice of Enforcement
Attachments: File 141951; PS23-0255EL CIT - CP Mitigated ~ Troy A. Bengé.docx

03/06/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2452
Subject: Troy A Bengé
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7416
Received: 03/06/2024
Attachments: File 142830; CM 7021 2720 0003 1614 7416 - Troy A. Bengé - PS23-0255 ~ Recd 3-6-2024.pdf

04/02/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2480
Subject: Troy A Bengé
Submitted By: Jacob A. Hatfield
Payment Expected: \$200.00
Payment Received: \$200.00
Attachments: File 143823; PS23-0255 - Troy A. Bengé - CP Received 4-2-2024.pdf

04/09/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3253
To: James Hudnall
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144214; PS23-0255 - James Hudnall - Case Closed Letter 4-9-2024.docx

04/09/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3254
To: Troy A Bengé
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144215; PS23-0255 - Troy A. Bengé - Case Closed Letter 4-9-2024.docx

Chain of Custody

07/11/2023 **Sample 23-4-1474 5**

Original Event: Chain of Custody #7591 (23-4-1474 5)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1475 0**

Original Event: Chain of Custody #7592 (23-4-1475 0)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1476 6**
Original Event: Chain of Custody #7593 (23-4-1476 6)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1477 8**
Original Event: Chain of Custody #7594 (23-4-1477 8)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1478 4**
Original Event: Chain of Custody #7595 (23-4-1478 4)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1479 7**
Original Event: Chain of Custody #7596 (23-4-1479 7)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1480 7**
Original Event: Chain of Custody #7597 (23-4-1480 7)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1481 1**
Original Event: Chain of Custody #7598 (23-4-1481 1)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1482 4**
Original Event: Chain of Custody #7599 (23-4-1482 4)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1483 0**
Original Event: Chain of Custody #7600 (23-4-1483 0)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters

07/11/2023 **Sample 23-4-1484 8**
Original Event: Chain of Custody #7601 (23-4-1484 8)
07/12/2023 08:00: Sample Collected by Adam Brockman
07/12/2023 11:30: Sample Delivered to Kylo
07/12/2023 13:15: Delivery Affirmed by Vicki L. Vauters



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 **April 19, 2024, 09:45 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 PS23-0256

Department	Pesticide
Originated	07/11/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Involved	Dakota Sims Spencer, IN 47460
Business	Greenebriar, LLC Ellettsville, IN 47429
Applicator	Christopher Mckillip Ellettsville, IN 47429

Overviews

01/03/2024 Investigation Summary

While investigating Case #PS23-0236, I discovered the business involved had possibly completed a pesticide application while being unlicensed with OISC.

I later discovered that Mr. Mckillip and Greenebriar, LLC. had completed one for-hire pesticide application while neither held a valid license with OISC.

Submitted By: James M. Trimble
Role: Investigator

01/03/2024 Disposition Summary

Greenbrier LLC was cited for one count 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.

Christopher Mckillip was cited for one count 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 for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Mr. Mckillip cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/05/2023 Case Created

Original Event: Case PS23-0236
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/10/2023 **Intake Referral Filed**

While investigating Case #PS23-0236, I found the involved business, Greenbriar LLC, and the applicator, Dakota Sims, had made a for-hire pesticide application to 4271 W. Doyle Ave., Bloomington, IN, while not holding a valid pesticide business license or applicator's license with OISC.

Original Event: Intake Referral (Pesticide) #3133
Complainant: Office of Indiana State Chemist
Respondent: Dakota Sims
Respondent 2: Greenebriar, LLC
Entered By: James M. Trimble
Submitted By: Joni D. Herman

07/10/2023 **Investigator Called Applicator Communication**

On July 10, 2023, while conducting my investigation for case #PS23-0236, I found that Dakota Sims with Greenebriar, LLC., was a possible point of contact for the applicator/business responsible for the herbicide application completed at 4271 W. Doyle Ave. I then searched our licensing database and was unable to locate a valid pesticide business license for Greenebriar, LLC. or an applicator's license for Dakota Sims. I attempted to contact the Mr. Sims, via telephone and in-person, but was unsuccessful.

Later that day, I received a phone call from Mr. Sims, who advised me Greenebriar was responsible for the herbicide application to the above address. Mr. Sims stated that the client at the above address was one of their regular mowing accounts and had requested them to spray the noxious weeds around her house with a herbicide, which they did. Mr. Sims stated he had started Greenebriar approximately one year prior with a focus on mowing and odd-jobs. Mr. Sims acknowledged he nor Greenebriar held a OISC-issued license. Mr. Sims stated he had researched the need to obtain any required license before completing pesticide applications, but believed he only needed a license for applying fertilizer and would not need a license for herbicide applications.

Mr. Sims and I scheduled an appointment at a later date for further discussion.

Original Event: Investigation Activity (Pesticide) #7004
Subject: Dakota Sims
Submitted By: James M. Trimble

07/11/2023 **Case Created**

Original Event: Case PS23-0256
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/12/2023 **Investigator Met with Applicator Interaction**

On July 12, 2023, I met with Dakota Sims and Christopher McKillip, who identified themselves as co-owners of Greenebriar, LLC. Mr. McKillip and Mr. Sims stated that they had incorporated their business approximately one year prior and primarily mow lawns, property clean-up, and construction. They advised me that they were unaware that they needed a pesticide business license from OISC to complete pesticide applications. Mr. McKillip and Mr. Sims stated that they have not advertised pesticide application services to their customers, online, or elsewhere.

Mr. McKillip advised me that he was applicator responsible for the herbicide application completed at 4271 W. Doyle Ave., Bloomington, IN. Mr. McKillip stated he wasn't sure of the exact date of his application, but believed it was in the middle of June. Mr. McKillip stated he had used the concentrated version of the herbicide "Roundup" to spray the unwanted vegetation to the above property. Mr. McKillip stated he had followed the product's label directions to correctly mix and apply it to the target property. Mr. McKillip and Mr. Sims stated that they no longer had the original product container of Roundup used for the application and did not know the product's EPA Registration number, but had purchased the product from "Lowe's".

Mr. McKillip and Mr. Sims identified their client at 4271 W. Doyle Ave. as Norma Edie. They advised me that they did not advertise or ask to make the pesticide application to Ms. Edie's property, but had only completed the one herbicide application to her property because she had requested the service. Mr. McKillip and Mr. Sims stated they had not billed nor planned to bill Ms. Edie for their herbicide application. They advised that Ms. Edie was Greenbriar's first mowing account and they had completed the herbicide application free of charge as an act of kindness. I later spoke with Ms. Edie, who confirmed she had not paid nor been billed for the herbicide application service completed at her property.

Mr. McKillip stated that in addition to the herbicide application performed at 4271 W. Doyle Ave., he had completed one other pesticide application. Mr. McKillip stated he had applied a granular "weed & feed" product to another customer's turf as a for-hire application. Mr. McKillip and Mr. Sims stated that they no longer had the original product container of the weed and feed used for the application and did not know the product's EPA Registration number, but had identified the product as "Menards brand" and had purchased it from "Menards".

Mr. McKillip sent me text messages that contained their invoices for their completed work at 4271 W. Doyle Ave. and for the customer who received the weed & feed application, later identified as Brian Dorsey; 332 W. White Pine Ct., Bloomington, IN.

I then issued Greenebriar an Action Order, which advised them to stop making pesticide applications until they were properly credentialed by OISC. I also provided licensing information and explained to Mr. McKillip and Mr. Sims on how to obtain a pesticide business license and a certified applicator license from OISC.

Original Event: Investigation Activity (Pesticide) #6503
Subject: Greenebriar, LLC
Submitted By: James M. Trimble

07/12/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1706
Client: Greenebriar, LLC
Firm Representative: Dakota Sims
Submitted By: James M. Trimble
Attachments: File 128731; Greenebriar NOI.pdf

07/12/2023 **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 #334
Issued To: Greenebriar, LLC
Firm Representative: Dakota Sims
Submitted By: James M. Trimble
Attachments: File 128951; Greenebriar AO.pdf

07/12/2023 **New Respondent Identified**
Respondent Identified

Mr. McKillip stated he was responsible for the pesticide applications involved in this investigation.

Original Event: Investigation Change #377
Respondent: Christopher McKillip
Submitted By: James M. Trimble

07/12/2023 **Investigator Sent Text Message to Applicator**
Records

While meeting with Mr. Sims and Mr. McKillip, Mr. McKillip sent me text messages that contained their invoices for their completed work at 4271 W. Doyle Ave., Bloomington, IN (Norma Edie) and 332 W. White Pine Ct., Bloomington, IN (Brian Dorsey). I observed two services Greenebriar completed at 4271 W. Doyle Ave., which were both listed only as "grass cutting" and did not list a herbicide application. I observed five services Greenebriar completed at 332 W. White Pine Ct., which were listed as *"Leaf Removal/Fall/Spring Cleanup, Trees and Shrubs-Trim or Remove, Weed and Feed Application, Landscape-Soil, Sand, Mulch, and Rock Delivery, and Tree Removal/Trimming red tree in the middle of the yard"*. I also observed the invoice for 332 W. White Pine Ct. to have a "Notes" section, which stated, *"Weed and feed front and back yard."*

The invoice for 332 W. White Pine Ct. listed each of the above services on a separate item line with a price for each service performed. The invoice did not list a date for when each separate service was performed, but had an invoice date of "06/08/2023". Additionally, the invoice showed that a payment was received on "06/12" for the entire amount due for all of the listed services performed by Greenebriar, including their weed and feed application.

Note: I redacted the prices on the invoices provided by Greenebriar before uploading into this program.

Attachments

File 139033; Invoice 1-redacted.pdf
File 139034; Invoice 2-redacted.pdf

Original Event: Investigation Activity (Pesticide) #7005
Subject: Greenebriar, LLC
Submitted By: James M. Trimble

07/13/2023 **Investigator Called Subject**
Communication

On July 13, 2023, I called and spoke with Ms. Edie to discuss the herbicide application performed at her residence, 4271 W. Doyle Ave. I primarily wanted to confirm the accuracy of Greenebriar's statement to me that they had not billed her for the application at her residence. Ms. Edie stated that she had not paid nor been provided a bill for the herbicide application, but she was unaware that the service was performed for free. Ms. Edie stated that she had planned to call Greenebriar to inquire about the absence of a bill for their herbicide application, but had not. I asked Ms. Edie to contact me if the circumstances changed.

Original Event: Investigation Activity (Pesticide) #6504
Subject: Norma Edie
Submitted By: James M. Trimble

01/02/2024 **Online Investigation Activity**

Label Use

On January 3, 2024, I reviewed the evidence collected in this investigation for the two possible unlicensed for-hire pesticide applications completed by Mr. McKillip and Greenebriar, LLC. at 332 W. White Pine Ct. and 4271 W. Doyle Ave.

I found that Mr. McKillip's application of Roundup (Glyphosate) performed at 4271 W. Doyle Ave., Bloomington, IN, was not completed as a for-hire application and no violations were documented.

Mr. McKillip stated he had applied "Menards brand" weed & feed at 332 W. White Pine Ct. as a for-hire application, but did not have the original product container available for me to record the product's EPA registration number. I found that Menards only offers one product for sale that they label as their store-brand weed & feed, which I identified as **Menards Premium Weed & Feed (EPA Reg. #2217-561-57131, active ingredients of 2,4-D, Dicamba, MCPP-P)**. Additionally, the invoice Greenebriar had provided me for their services performed at 332 W. White Pine Ct. showed that they charged a monetary fee for their weed & feed application and was paid by the customer for their pesticide application.

In conclusion, I found that Mr. McKillip, as a representative of Greenebriar, LLC., had completed one for-hire pesticide application at 332 W. White Pine Ct. while Greenebriar and Mr. McKillip were unlicensed.

Attachments

File 139063; MP_WF_51_SXS.pdf

Original Event: Investigation Activity (Pesticide) #7006
Subject: Christopher McKillip
Submitted By: James M. Trimble
PPLS Labels: [002217-00561-20220909.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002217-00561-20220909.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002217-00561-20220909.pdf

01/03/2024 Judgement; Civil Penalty Assessed

Citation

Greenbrier LLC was cited for one count 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

Christopher McKillip was cited for one count 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 for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Mr. McKillip cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1637
Primary: Greenebriar, LLC
Secondary: Christopher McKillip
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 300

01/19/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #3029
To: Greenebriar, LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2151
Enclosed: Notice of Enforcement
Attachments: File 139711; PS23-0256EL CIT ~ Greenebriar LLC.docx

01/19/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #3030
To: Christopher McKillip
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2144
Enclosed: Notice of Enforcement
Attachments: File 139712; PS23-0256EL CIT - CP Mitigated ~ Christopher McKillip.docx

01/25/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2407
Subject: Greenebriar, LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2151
Received: 01/25/2024
Attachments: File 140917; CM 7021 2720 0003 1615 2151 - Greenbriar LLC - PS23-0256 - Received 1-25-2024.pdf

02/28/2024 Reply Filed

Christopher McKillip called to apologize for not getting his civil penalty payment mailed sooner. The payment will be late, but he said it was being mailed today. The civil penalty due date was extended to March 8, 2024. Appeal time expired today (2/28/2024).

Original Event: Compliance Activity #2048
Primary: Christopher Mckillip
Submitted By: Joni D. Herman
Stage: Disposition
Attachments: File 142075; PS23-0256 VoiceMessage from Chris McKillip 2.28.2024.mp3
File 142076; PS23-0256 WebEx VM Email ~ Chris McKillip 2.28.2024.pdf

03/04/2024 **Received Mail Confirmation for Target**

As of March 4, 2024, certified mail card has not been returned to OISC. According USPS tracking it was delivered on January 25, 2024, therefore it is assumed to have been received.

Original Event: Compliance Receipt #2444
Subject: Christopher Mckillip
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2144
Received: 01/25/2024
Attachments: File 142187; CM 7021 2720 0003 1615 2144 - Christopher McKillip - PS23-0256 - USPS Tracking
Proof of Delivery 1-25-2024.pdf

03/04/2024 **Received Penalty Payment for Applicator**

Original Event: Compliance Receipt #2445
Subject: Christopher Mckillip
Submitted By: Jacob A. Hatfield
Payment Expected: \$300.00
Payment Received: \$300.00
Attachments: File 142192; PS23-0256 - Christopher McKillip - Civil Penalty Received 3-4-2024.pdf

03/05/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3166
To: Dakota Sims
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142226; PS23-0256 - Dakota Sims - Case Closed Letter 3-5-2024.docx

03/05/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3167
To: Greenebriar, LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142227; PS23-0256 - Greenebriar LLC - Case Closed Letter 3-5-2024.docx

03/05/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3168
To: Christopher Mckillip
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142228; PS23-0256 - Christopher McKillip - Case Closed Letter 3-5-2024.docx

03/05/2024 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #3169
To: Norma Edie
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142229; PS23-0256 - Norma Edie - Case Closed Letter 3-5-2024.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 **April 19, 2024, 09:45 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 **April 19, 2024, 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 PS23-0264

Department	Pesticide
Originated	07/13/2023
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant **Stephen Joseph Stauffer**
Franklin, IN 46131

Respondent **Scott Henderson Spraying**
Franklin, IN 46131

Respondent **Scott Mark Henderson**
Franklin, IN 46131

Overviews

11/10/2023 **Investigation Summary**

The report from PPDL shows the vegetation on Mr. Stauffer's property could be showing symptoms of growth regulator injury. When Agent Brockman visited Mr. Stauffer's property on June 28, 2023, he documented growth regulator injury. Since this injury was documented in PS23-0214, I am unable to determine if the injury I observed is from Mr. Henderson's application on July 6, 2023. The report from the OISC residue lab shows significant levels of ingredients from Mr. Henderson's application found in samples taken from Mr. Stauffer's property. The lab report shows there were not significant levels of ingredients detected in the vegetation collected where Mr. Stauffer was standing during Mr. Henderson's application. Based on the evidence, Mr. Henderson's application drifted onto Mr. Stauffer's property but was not likely to have drifted directly onto Mr. Stauffer. Mr. Henderson violated the Enlist One label by not leaving the required downwind buffer and not checking the Bulletins Live! Two website.

Submitted By: Aaron P. Kreider
Role: Investigator
Drift: Confirmed

12/12/2023 **Disposition Summary**

Scott Henderson Spraying 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 this was their first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

Scott Henderson 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact this was his first violation of similar nature and Mr. Henderson cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/12/2023 **Intake Referral Filed**

Complainant stated a herbicide application was made on July 6th 2023, to a soybean field that is west of his property. Complainant further stated the wind was from the WNW at 14 mph when the application was made and it drifted onto him and his property.

Original Event: Intake Referral (Pesticide) #3142
Complainant: Stephen Joseph Stauffer
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/13/2023 **Case Created**

Original Event: Case PS23-0264
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

07/18/2023 **Investigator Called Complainant Communication**

On July 18, 2023, I contacted Stephen Stauffer regarding his complaint. Mr. Stauffer stated he witnessed an application being made to field to the west of his property and that winds were 14 mph blowing towards his property. He stated due to this application, he now has injury to the vegetation on his property. Mr. Stauffer stated the oaks on his property seem to be showing more symptoms than other vegetation. He stated he has a video showing a portion of the application.

Original Event: Investigation Activity (Pesticide) #6711
Subject: Stephen Joseph Stauffer
Submitted By: Aaron P. Kreider

07/19/2023 **Investigator Met with Complainant Interaction**

On July 19, 2023, I met with Mr. Stauffer at his residence. I had him show me the vegetation he believed was affected by the application to the target field. Mr. Stauffer showed me the video he took of the application to the target field and also informed me the video was taken at 2:49 PM on July 6, 2023. I had him identify the location where he was standing while he observed/videod the application. I observed twisting and curling to the leaves of multiple tree species on Mr. Stauffer's property.

Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows the border between Mr. Stauffer's property (left) and the target field (right). Figures 2 and 3 show the symptoms that led to Mr. Stauffer's complaint.

Figure 1 (File 134165)



Figure 2 (File 134171)



Figure 3 (File 134209)



Attachments

File 134166; DSC_0002.JPG
File 134167; DSC_0003.JPG
File 134168; DSC_0004.JPG
File 134169; DSC_0005.JPG
File 134170; DSC_0006.JPG
File 134172; DSC_0008.JPG
File 134173; DSC_0009.JPG
File 134174; DSC_0010.JPG
File 134175; DSC_0011.JPG
File 134176; DSC_0012.JPG
File 134177; DSC_0013.JPG
File 134178; DSC_0014.JPG
File 134179; DSC_0015.JPG
File 134180; DSC_0016.JPG
File 134181; DSC_0017.JPG
File 134182; DSC_0018.JPG
File 134183; DSC_0019.JPG
File 134184; DSC_0020.JPG
File 134185; DSC_0021.JPG
File 134186; DSC_0022.JPG
File 134187; DSC_0023.JPG
File 134188; DSC_0024.JPG
File 134189; DSC_0025.JPG
File 134190; DSC_0026.JPG
File 134191; DSC_0027.JPG
File 134192; DSC_0028.JPG
File 134193; DSC_0029.JPG
File 134194; DSC_0030.JPG
File 134195; DSC_0031.JPG
File 134196; DSC_0032.JPG
File 134197; DSC_0033.JPG
File 134198; DSC_0034.JPG
File 134199; DSC_0035.JPG
File 134200; DSC_0036.JPG
File 134201; DSC_0037.JPG
File 134202; DSC_0038.JPG
File 134203; DSC_0039.JPG
File 134204; DSC_0040.JPG
File 134205; DSC_0041.JPG
File 134206; DSC_0042.JPG
File 134207; DSC_0043.JPG
File 134208; DSC_0044.JPG
File 134210; DSC_0046.JPG
File 134211; DSC_0047.JPG

Original Event: Investigation Activity (Pesticide) #6712
Subject: Stephen Joseph Stauffer
Submitted By: Aaron P. Kreider

07/19/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1786
Client: Stephen Joseph Stauffer
Firm Representative: Stephen Stauffer
Submitted By: Aaron P. Kreider
Attachments: File 134213; NOI (S. Stauffer).pdf

07/19/2023 **Residue Samples Collected**

Original Event: Residue Collection #273095 (23-4-0432 8)
Client: Stephen Joseph Stauffer
Submitted By: Aaron P. Kreider
Sample: 23-4-0432 8 | Veg; Grab; Cypress; OFF-T, W
Sample: 23-4-0433 7 | Veg; Grab; Center Oak; OFF-T
Sample: 23-4-0434 4 | Veg; Ctrl; Maple; OFF-T, E
Sample: 23-4-0435 9 | Veg; Grab; Weeds; Target, W
Sample: 23-4-0436 3 | Veg; Grab; Weeds; Target, N
Sample: 23-4-0437 1 | Veg; Grab; Complainant Location; OFF-T

07/19/2023 **External Lab Sample Collected**

During my on-site investigation, I collected branches from Mr. Stauffer's oak trees to submit for analysis by the Plant and Pest Diagnostic Lab at Purdue (PPDL).

Original Event: External Lab Sample Collection #280919 (X23-EDFE84)
 Client: Stephen Joseph Stauffer
 Submitted By: Aaron P. Kreider
 Lab: Purdue Plant and Pest Diagnostic Laboratory
 Sample: X23-EDFE84 | This sample contained oak tree branches.
 Attachments: File 136323; PS23-0264 PPDL Submission Form Attachment.pdf
 Photos:

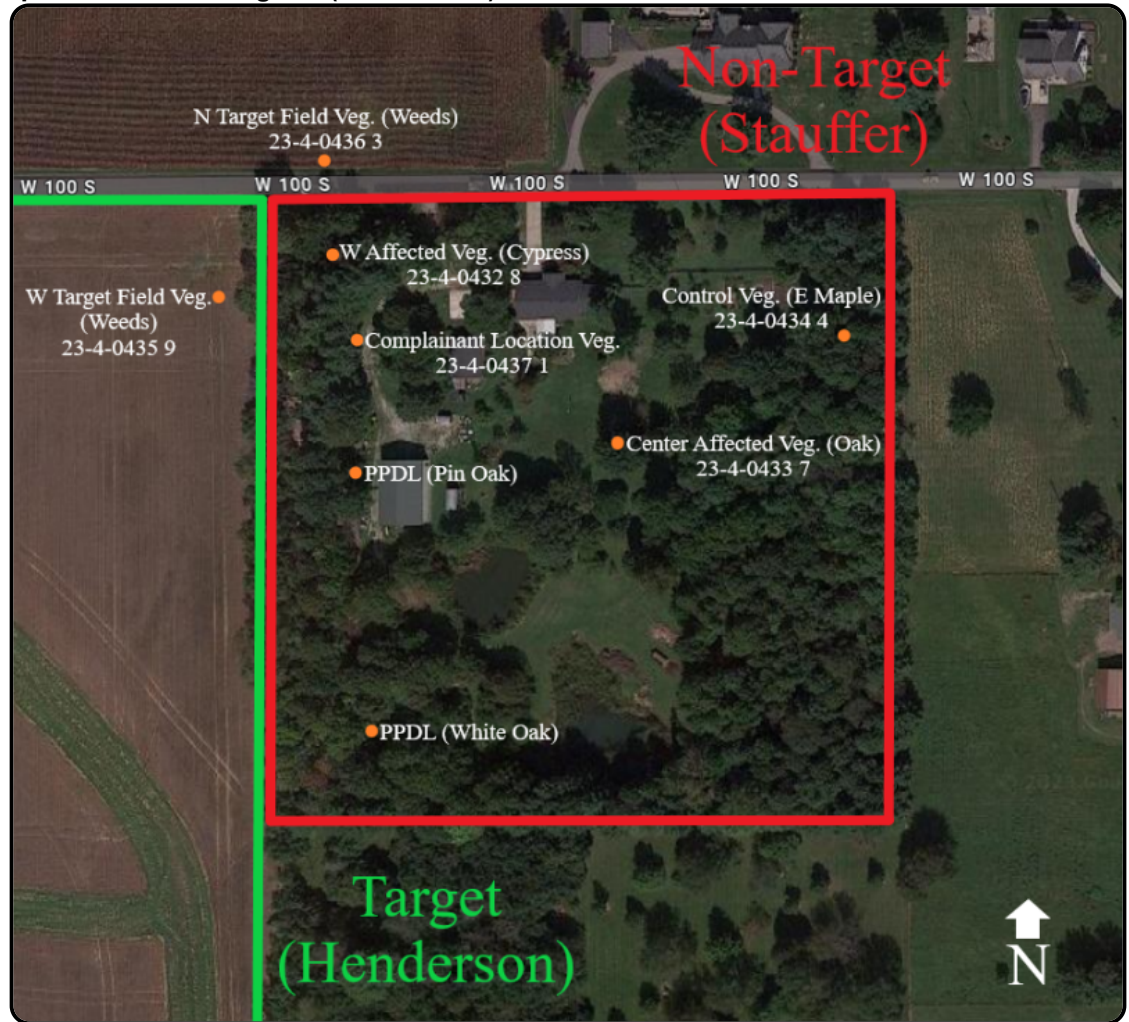


File 136322

07/19/2023 **Sample Collection Diagram Activity**

This diagram shows the locations where samples were collected.

Sample Collection Diagram (File 134215)



Original Event: Investigation Activity (Pesticide) #6713
 Submitted By: Aaron P. Kreider

07/19/2023 **New Respondent Identified Respondent Identified**

On July 19, 2023, I spoke with someone scouting the west target field. They informed me the Henderson family farms the field and that I should contact Scott Henderson.

Original Event: Investigation Change #400
 Respondent: Scott Henderson Spraying
 Submitted By: Aaron P. Kreider

07/19/2023 **Investigator Called Target**

Communication

On July 19, 2023, I contacted Mr. Henderson regarding Mr. Stauffer's complaint. Mr. Henderson confirmed his family farmed the west and north target fields. He stated he sprayed the west target field on July 6, 2023 but had to stop during the application and come back due to a sprayer breakdown. This application contained Enlist One, Intensity, Parallel II, Quadris, Array (water conditioner), and humic acid. Mr. Henderson stated he sprayed the north target field on June 2, 2023. This application contained Degree Xtra, Atrazine, Roundup PowerMAX 3, Callisto, and Array (water conditioner). He stated his uncle made an application of Crossbow to the fencerow between the west target field and Mr. Stauffer's.

Original Event: Investigation Activity (Pesticide) #6714
Subject: Scott Henderson Spraying
Submitted By: Aaron P. Kreider

07/19/2023 Investigator Met with Target Interaction

On July 19, 2023, I met with Mr. Henderson at his farm. He reiterated what products were used in the application to the west target field. Mr. Henderson showed me his spray record and as-applied map from the application.

Original Event: Investigation Activity (Pesticide) #6716
Subject: Scott Henderson Spraying
Submitted By: Aaron P. Kreider

07/19/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1787
Client: Scott Henderson Spraying
Firm Representative: Scott Henderson
Submitted By: Aaron P. Kreider
Attachments: File 134219; NOI (S. Henderson).pdf

07/19/2023 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #755
Submitted By: Aaron P. Kreider
Target Analyte: Enlist One
Target Analyte: PARALLEL PCS
Target Analyte: Intensity
Target Analyte: Satori
PPLS Labels: [034704-01068-20220308.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-01068-20220308.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-01068-20220308.pdf
[034704-00864-20221028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20221028.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20221028.pdf
[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
[066222-00086-20230105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00086-20230105.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/066222-00086-20230105.pdf

07/20/2023 Investigator Received Fax/Email from Complainant Activity

On July 20, 2023, Mr. Stauffer sent me the video he recorded of the application to the west target field. He included a photo of the weather data he collected at the time the application took place.

Attachments

File 136752; 7.6.23-Application.mp4
File 136755; Weather Data (S. Stauffer).png

Original Event: Investigation Activity (Pesticide) #6833
Subject: Stephen Joseph Stauffer
Submitted By: Aaron P. Kreider

07/21/2023 Received External Lab Report

On July 21, 2023, I received a report from PPD. The report stated, "*The primary symptoms on the sample and shown in the photos (oaks, mulberry, hackberry, redbud) points to growth regulator herbicide injury. A few photos show yellowing a the leaf tips that might be attributed to low rate of glyphosate or bleacher herbicide. Some leaf skeletonizer damage was noted and some curling may be associated with leafhopper or other insect injury but that would be scattered. Most of the symptoms are not insect associated. On the young oak trees the yellowing could be due to nutrient deficiency or high pH soil. Photos in the wood show wild blackberry with curled leaves likely caused by aphids or other insects. Yellowing may be nutrient or just normal for blackberry growing in those conditions. The oak samples in the lab had curling that is often difficult to attribute to any one problem, but growth regulator herbicide appears to be at least part of the problem.*"

Original Event: External Lab Report #280920 (X23-EDFE84)
Submitted By: Aaron P. Kreider
Sample: X23-EDFE84
Attachments: File 136324; PS23-0264 PPD. Report.pdf

07/24/2023 **Investigator Received Fax/Email from Target Investigation Inquiry**

On July 24, 2023, I received a Pesticide Investigation Inquiry (PII) from Mr. Henderson. The wind data provided shows winds were blowing towards Mr. Stauffer's property during the application. Mr. Henderson recorded "N/A" as his answer to "Size of in-field downwind buffer." He also recorded "N/A" as his answer to "Date <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins-checked>." This shows that Mr. Henderson did not check the EPA Bulletins Live! Two website and he did not leave an in-field downwind buffer.

Attachments

File 135988; PS23-0264 PII (S. Henderson).pdf

Inquiry Overview

Certified Applicator Scott Henderson (F226899)
Company Scott Henderson Spraying (227960)
Application Type Commercial
Target Field Soybeans

Tank Mix

Product	EPA	Rate
Enlist One	62719-695	1 qt/A
PARALLEL PCS	66222-86	1 pt/A
Intensity	34704-864	12 oz/A
Satori	34704-1068	4 oz/A
Array (Adjuvant)		7.5 lb/100 gal
Humic Acid		1 pt/A

Application Date

Date	Start	End
07/06/2023	2:50 PM	3:20 PM
07/06/2023	5:40 PM	6:13 PM

Air Conditions

Time	Temp	Direction	Speed
Start	84°F	WNW	8mph
End	86°F	NW	10mph

Original Event: Investigation Activity (Pesticide) #6826
Subject: Scott Henderson Spraying
Submitted By: Aaron P. Kreider
PPLS Labels: [034704-01068-20220308.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-01068-20220308.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-01068-20220308.pdf
[034704-00864-20221028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20221028.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20221028.pdf
[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
[066222-00086-20230105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00086-20230105.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/066222-00086-20230105.pdf

09/21/2023 **Received Residue Lab Report** Current

First Page of Lab Report

OCM Collection #	273095	Investigator	KREIDERA		
Collection Date	07/19/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0432 8	Veg; Grab; Cypress; OFF-T, W	Veg	2,4-D	88.7 ppb * Results reported as minimum detected.	0.7 ppb
			Azoxystrobin	57.4 ppb	0.7 ppb
			Metolachlor	233 ppb	0.7 ppb
23-4-0433 7	Veg; Grab; Center Oak; OFF-T	Veg	2,4-D	64.0 ppb * Results reported as minimum detected.	0.7 ppb
			Azoxystrobin	2.15 ppb	0.7 ppb
			Metolachlor	9.09 ppb	0.7 ppb
23-4-0434 4	Veg; Ctrl; Maple; OFF-T, E	Veg	2,4-D	3.16 ppb * Results reported as minimum detected.	0.7 ppb
			Azoxystrobin	2.01 ppb	0.7 ppb
			Metolachlor	2.89 ppb	0.7 ppb
23-4-0435 9	Veg; Grab; Weeds; Target, W	Veg	2,4-D	20000 ppb * Results reported as minimum detected.	0.7 ppb
			Azoxystrobin	208 ppb	0.7 ppb
			Metolachlor	419 ppb	0.7 ppb

Original Event: Residue Lab Report #278503 (273095-R1693)
 Submitted By: SYSTEM
 Lab Report: Lab Report 273095-R1693.pdf

10/13/2023 **Wind Data Researched**

This data shows the conditions during Mr. Henderson's application. It confirms what Mr. Henderson reported on the PII.

Indy South Greenwood Airport (KHFY)

Greenwood, Indiana (11.56 miles NNE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
2:15 PM	78	NW	7	0
2:35 PM	78	W	6	0
2:55 PM	80	NNW	4	0
3:15 PM	79	W	5	0
3:35 PM	79	WNW	5	0
5:15 PM	82	W	5	0
5:55 PM	83	WNW	9	0
6:15 PM	83	W	9	18

Attachments

File 136321; ISUM Data 7.6.23 (KHFY).pdf

Original Event: Wind Data #189
 Submitted By: Aaron P. Kreider
 Date of Weather: 07/06/2023

10/13/2023 **Investigation Activity**

Enlist One

The Enlist One label states, "Applicator must maintain a 30 foot downwind buffer (in the direction in which the wind is blowing) from any area except: 1. Roads, paved or gravel surfaces. 2. Planted agricultural fields. (Except those crops listed in the "Susceptible Plants" section.) 3. Agricultural fields that have been prepared for planting. 4. Areas covered by the footprint of a building, shade house, silo, feed crib, or other man-made structure with walls and/or a roof." The Enlist One label states, "You must obtain a Bulletin no earlier than six months before using this product. To obtain Bulletins, consult <http://www.epa.gov/espp/>, call 1-844-447-3813, or email ESPP@epa.gov."

Original Event: Investigation Activity (Pesticide) #6834
 Submitted By: Aaron P. Kreider
 PPLS Labels:

10/24/2023 Investigator Called Target Communication

On October 24, 2023, I contacted Mr. Henderson to clarify his "N/A" responses to the questions "Size of in-field downwind buffer" and "Date <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins-checked>" on the PII. He stated he did not leave the 30 foot downwind buffer required by the Enlist One label. Mr. Henderson stated he did not check the Bulletins Live! Two website.

Original Event: Investigation Activity (Pesticide) #6858
Subject: Scott Henderson Spraying
Submitted By: Aaron P. Kreider

12/12/2023 Judgement; Civil Penalty Assessed Citation

Scott Henderson Spraying 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 this was their first violation of similar nature. Consideration was also given to the fact there was an adverse effect.

Civil Penalty

Scott Henderson 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact this was his first violation of similar nature and Mr. Henderson cooperated during the investigation. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1629
Primary: Scott Henderson Spraying
Secondary: Scott Mark Henderson
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 400

01/08/2024 Notice of Enforcement Mailed to Target

A copy of Scott Henderson's enforcement letter was also included.

Original Event: Outgoing Mail #2969
To: Scott Henderson Spraying
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2076
Enclosed: Notice of Enforcement
Enclosed: Notice of Enforcement
Attachments: File 139356; PS23-0264EL CIT - CP Mitigated ~ Scott Mark Henderson - Henderson Spraying - Copy.docx
File 139355; PS23-0264EL CIT ~ Scott Henderson Spraying - Scott M. Henderson.docx

01/08/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #2970
To: Scott Mark Henderson
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2083
Enclosed: Notice of Enforcement
Attachments: File 139357; PS23-0264EL CIT - CP Mitigated ~ Scott Mark Henderson - Henderson Spraying.docx

01/29/2024 Received Penalty Payment for Target

Original Event: Compliance Receipt #2394
Subject: Scott Mark Henderson
Submitted By: Jacob A. Hatfield
Payment Expected: \$400.00
Payment Received: \$400.00
Attachments: File 140173; PS23-0264 - Scott M. Henderson - CP Received - 1-29-2024.pdf

02/13/2024 Mail Service Returned for Target

On February 13, 2024, certified mail was returned to OISC. According to USPS tracking Mr. Henderson has moved without leaving a forwarding address.

Original Event: Compliance Receipt #2422
Subject: Scott Henderson Spraying
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2076
Returned: 02/13/2024
Attachments: File 141267; CM 7021 2720 0003 1615 2076 - Scott Henderson Spraying - PS23-0264 - Returned to Sender 2-13-2024.pdf

02/13/2024 Mail Service Returned for Target

On February 13, 2024, certified mail was returned to OISC. According to USPS tracking Mr. Henderson has moved without leaving a forwarding address.

Original Event: Compliance Receipt #2423
Subject: Scott Mark Henderson
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2083
Returned: 02/13/2024
Attachments: File 141268; CM 7021 2720 0003 1615 2083 Scott M. Henderson - PS23-0264 - Returned to Sender 2-13-2024.pdf

02/16/2024 Investigator Called Target Communication

On February 16, 2024, I contacted Mr. Henderson regarding the returned certified mail. Mr. Henderson stated he has not moved and confirmed the address on his account is correct. He stated he received his enforcement letters and his 2024 renewal letter sent through regular mail.

Original Event: Investigation Activity (Pesticide) #7067
Subject: Scott Mark Henderson
Submitted By: Aaron P. Kreider

02/19/2024 Notice of Case Closure Mailed to Complainant

Original Event: Outgoing Mail #3113
To: Stephen Joseph Stauffer
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141367; P23-0264 - Stephen J. Stauffer - Case Closed Letter 2-19-2024.docx

02/19/2024 Notice of Case Closure Mailed to Target

Original Event: Outgoing Mail #3114
To: Scott Mark Henderson
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141368; P23-0264 - Scott Henderson - Case Closed Letter 2-19-2024.docx

Chain of Custody

07/19/2023 Sample 23-4-0432 8

Original Event: Chain of Custody #7792 (23-4-0432 8)
07/19/2023 10:30: Sample Collected by Aaron P. Kreider
07/21/2023 15:29: Sample Delivered to Kylo
07/24/2023 09:42: Delivery Affirmed by Vicki L. Vauters

07/19/2023 Sample 23-4-0433 7

Original Event: Chain of Custody #7793 (23-4-0433 7)
07/19/2023 10:30: Sample Collected by Aaron P. Kreider
07/21/2023 15:29: Sample Delivered to Kylo
07/24/2023 09:42: Delivery Affirmed by Vicki L. Vauters

07/19/2023 Sample 23-4-0434 4

Original Event: Chain of Custody #7794 (23-4-0434 4)
07/19/2023 10:30: Sample Collected by Aaron P. Kreider
07/21/2023 15:29: Sample Delivered to Kylo
07/24/2023 09:42: Delivery Affirmed by Vicki L. Vauters

07/19/2023 Sample 23-4-0435 9

Original Event: Chain of Custody #7795 (23-4-0435 9)
07/19/2023 10:30: Sample Collected by Aaron P. Kreider
07/21/2023 15:29: Sample Delivered to Kylo
07/24/2023 09:42: Delivery Affirmed by Vicki L. Vauters

07/19/2023 Sample 23-4-0436 3

Original Event: Chain of Custody #7796 (23-4-0436 3)
07/19/2023 10:30: Sample Collected by Aaron P. Kreider
07/21/2023 15:29: Sample Delivered to Kylo
07/24/2023 09:42: Delivery Affirmed by Vicki L. Vauters

07/19/2023 Sample 23-4-0437 1

Original Event:
07/19/2023 10:30:
07/21/2023 15:29:
07/24/2023 09:42:

Chain of Custody #7797 (23-4-0437 1)
Sample Collected by Aaron P. Kreider
Sample Delivered to Kylo
Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 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 PS23-0271

Department	Pesticide
Originated	07/19/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Justin Coleman Pittsboro, IN 46167
Business	Keystone Cooperative Inc Danville, IN 46122
Applicator	Justin W Frey North Salem, IN 46165
-	Co-Alliance Cooperative Inc Indianapolis, IN 46214

Elizabeth A. South, V.P. & General Counsel

Overviews

01/08/2024 **Investigation Summary**

On July 18, 2023, the complainant reported to OISC that a herbicide application made to an adjacent soybean field drifted onto and injured his corn field.

On July 25, 2023, I met with the complainant to conduct my on-site investigation. I observed the impacted corn field to have a pattern of herbicide exposure symptoms at its west end, next to the target soybean field. I then collected multiple samples from the fields for analysis by the OISC Residue Lab & the PPDL.

It was later determined that Co-Alliance had made an application to the target soybean field while the wind was blowing towards the non-target corn field, which was in violation of three pesticide labels applied. The OISC Residue lab also confirmed the pesticides from the target field's application had moved off-target and onto the corn field.

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

01/09/2024 **Disposition Summary**

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. Consideration was given to the fact Co Alliance Cooperative cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Justin Frey 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Justin Frey cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/18/2023 **Intake Referral Filed**

Complainant stated a glyphosate application made to an adjacent farm field by Co-alliance killed 8 to 12 rows of corn in his field.

Original Event: Intake Referral (Pesticide) #3148
Complainant: Justin Coleman
Respondent: Co Alliance Cooperative Inc
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/19/2023 **Case Created**

Original Event: Case PS23-0271
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/24/2023 **Investigator Called Complainant Communication**

On July 24, 2023, I called and spoke with Mr. Coleman, who reported he observed herbicide exposure symptoms to his non-GMO corn field from a herbicide application by Co-Alliance to the neighboring soybean field. Mr. Coleman stated he witnessed the application on July 10, 2023 while the wind was blowing out of the west (towards his corn field) at 15 MPH. Mr. Coleman stated he believed Co-Alliance had applied Roundup on the target soybean field.

Original Event: Investigation Activity (Pesticide) #6536
Subject: Justin Coleman
Submitted By: James M. Trimble

07/26/2023 **Investigator Met with Complainant Photographs**

On July 25, 2023, I met with Mr. Coleman to conduct my on-site investigation, where I followed Mr. Coleman to the location of his corn field that he believed had herbicide exposure symptoms. Mr. Coleman identified the soybean field located to the west of his corn field as the target field. Mr. Coleman stated he had witnessed Co-Alliance's pesticide application to the target soybean field on July 10, 2023, in the afternoon, while the wind was 15 MPH out of the west (towards his corn field). Mr. Coleman stated he noticed herbicide exposure symptoms to his corn approximately one week after he witnessed the application to the soybean field. Mr. Coleman stated his corn field was planted in non-GMO corn and he had not completed a post-emergent herbicide application to his corn field. Mr. Coleman stated he had only used 2,4-D outside the south end of his corn field for noxious weed control along the roadway.

During my on-site investigation, I observed and photographed the west edge of Mr. Coleman's corn field, where his corn field and the target soybean field had a shared border without separation or a barrier between the two. I observed herbicide exposure symptoms to Mr. Coleman's corn plants along portions of its west border, which included stunted growth, pale green/yellow leaves and stalks, and brown & yellow leaf streaking. I observed the herbicide exposure symptoms in the corn field was not widespread and confined only to areas of its west edge in an uneven north to south "s" pattern. I observed the herbicide exposure symptoms to the west edge of the corn field varied from approximately one to eight rows deep.

I then looked for potential sources of off-target herbicide movement. I observed the target soybean field located to the west of Mr. Coleman's corn field was largely clean of noxious weeds, but found its east edge had an uneven "s" pattern of dense weeds that followed the pattern of herbicide exposure symptoms I observed in the corn field. The pattern I observed on both fields was consistent with off-target herbicide movement from what I believed to be caused by drift and/or uneven application equipment movement.

I collected multiple corn leaf samples from Mr. Coleman's corn field and a soil sample from the target soybean field for analysis by the OISC Residue Lab.

I also collected impacted corn plants from Mr. Coleman's corn field for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

Herbicide Exposure Symptom in Corn Field (File 130116)



Observed "S" Pattern (File 139087)



Attachments



Original Event: Investigation Activity (Pesticide) #6549
Subject: Justin Coleman
Submitted By: James M. Trimble

07/26/2023 **Residue Samples Collected**

Original Event: Residue Collection #273653 (23-4-0959 3)
Client: Justin Coleman
Submitted By: James M. Trimble
Sample: 23-4-0959 3 | Veg; Comp; OFF-T, Grad1, 100yd E
Sample: 23-4-0960 4 | Veg; Comp; OFF-T, Grad2, 50yd E
Sample: 23-4-0961 5 | Veg; Comp; OFF-T, Grad3, 5yd E
Sample: 23-4-0962 7 | Veg; Ctrl; OFF-T
Sample: 23-4-0963 6 | Soil; Comp; 2-4"; Target

07/26/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #762
Submitted By: James M. Trimble
Target Analyte: Enlist One
Target Analyte: Liberty 280 SL
Target Analyte: Roundup Powermax 3
Target Analyte: Everprex
PPLS Labels: [000352-00923-20230131.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf

[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf

[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf

07/26/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #274143 (X23-42A963)
Client: Justin Coleman
Submitted By: James M. Trimble
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-42A963 | On July 27, 2023, I submitted the samples I collected from Mr. Coleman's field on July 26, 2023 to PPDL for analysis.
Attachments: File 130350; ResponseSummary (4).pdf

07/26/2023 **Investigator Sent Fax/Email to Business Communication**

On July 26, 2023, I sent Mr. Wedemeyer; Co-Alliance an email that contained the Pesticide Investigation Inquiry with instructions to have the completed form returned to me within 15 days of the email.

Attachments
File 130351; 7-26 email.pdf

Original Event: Investigation Activity (Pesticide) #6564
Subject: Co Alliance Cooperative Inc
Submitted By: James M. Trimble

07/26/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1730
Client: Co Alliance Cooperative Inc
Firm Representative: Caleb Wedemeyer
Submitted By: James M. Trimble
Photos:

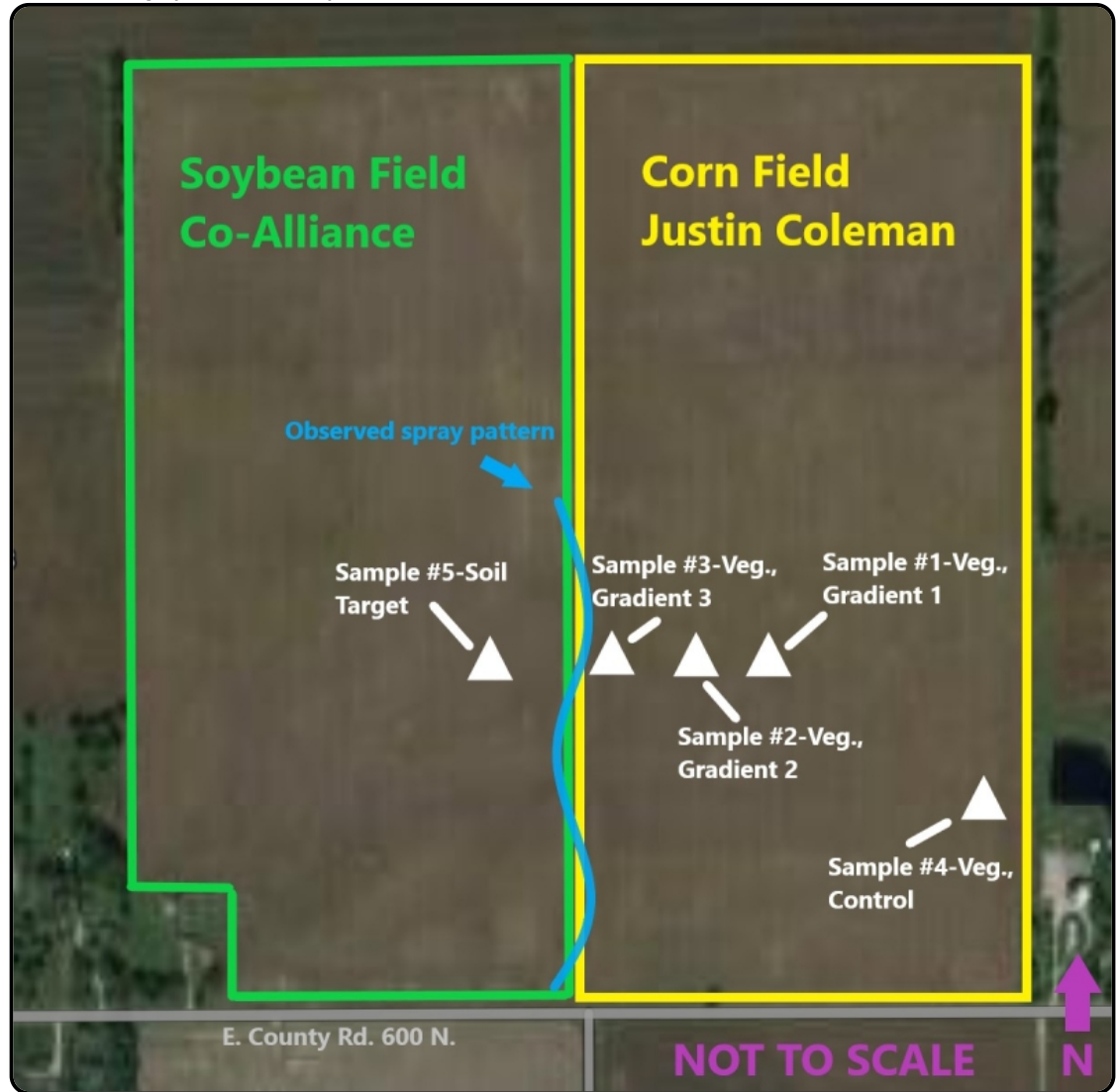


File 130352

07/31/2023 **Online Investigation Activity Activity**

On July 31, 2023, I created a map of my sample collection on July 26, 2023.

Collection Map (File 130354)



Original Event: Investigation Activity (Pesticide) #6565
Submitted By: James M. Trimble

08/01/2023 **Received External Lab Report**

On August 1, 2023, I received the PPDL report, which stated, "Corn plants are stunted and show bleaching/chlorosis of leaves particularly in the whorl. These symptoms are characteristic of exposure to a low rate of glyphosate (Group #9) or ACCase herbicides (Group #1) in susceptible corn. The pattern of injury is also consistent with herbicide drift." It further stated, "The samples show general bleaching symptoms in newer leaves as well as sporadically on older leaves in the form of non-uniform interveinal bleaching. Given the distribution of plants along the field edge, this is suggestive of drift into corn. Symptoms are not consistent with a nutritional deficiency nor a disease."

Original Event: External Lab Report #274281 (X23-42A963)
Submitted By: James M. Trimble
Sample: X23-42A963
Attachments: File 130576; FinalReport_Mitch Trimble.pdf

08/04/2023 **Investigator Received Fax/Email from Business**

Investigation Inquiry

On August 4, 2023, I received the completed PII from Mr. Wedemeyer, which listed their application occurred while the wind was blowing from the west (towards the non-target corn field).

Attachments
File 131393; PII.pdf

Inquiry Overview

Certified Applicator Justin Frey
Company Co-Alliance Cooperative
Application Type Commercial
Target Field Soybeans

Tank Mix

Product	EPA	Rate
Enlist One	62719-695	32oz
Liberty SL280	264-829	32oz
Roundup Powermax 3	524-659	30oz
Everprex	352-923	1 pint

Application Date

Date	Start	End
07/10/2023	2:02 PM	2:52 PM

Air Conditions

Time	Temp	Direction	Speed
Start	80°F	W	8mph
End	80°F	W	7mph

Original Event: Investigation Activity (Pesticide) #6606
Subject: Co Alliance Cooperative Inc
Submitted By: James M. Trimble
PPLS Labels: [000352-00923-20230131.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf
[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf

08/04/2023 **New Respondent Identified** **Respondent Identified**

Co-Alliance's completed PII listed Justin Frey as the certified applicator responsible for the application to the target soybean field.

Original Event: Investigation Change #427
Respondent: Justin W Frey
Submitted By: James M. Trimble

09/28/2023 **Received Residue Lab Report** Superseded (v1 of 2)

Original Event: Residue Lab Report #279642 (273653-R1709)
Submitted By: SYSTEM
Lab Report: Lab Report 273653-R1709.pdf

12/04/2023 **Received Residue Lab Report** Current (v2 of 2) **Investigatory Summary**

On December 4, 2023, I received the OISC Residue Lab report, which detected positive amounts of Glufosinate, Glyphosate, & Metolachlor in sample #23-4-0961, but was negative in samples #23-4-0959, #23-4-0960, and #23-4-0962. Samples #23-4-0959 (Gradient #1), #23-4-0960 (Gradient #2), & #23-4-0961 (Gradient #3) were the three gradient samples collected from the non-target corn field, with sample #23-4-0959 being the sample collected farthest from the target soybean field and sample #23-4-0961 being the sample collected closest to the target soybean field. When the elevated levels of the analytes detected in sample #23-4-0961 were compared to the negative result in samples #23-4-0959 & #23-4-0960, it showed that the application to the target soybean field had moved off-target and onto the non-target corn field in sufficient quantity to cause adverse effect, but only traveled a minimal distance and did not effect the corn field past sample #23-4-0961.

Note: Due to the use of 2,4-D by the complainant near his corn field, the 2,4-D results were not used in the above comparisons, but would have not changed the outcome.

First Page of Lab Report

OCM Collection #	273653	Investigator	TRIMBLEJ		
Collection Date	07/26/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0959 3	Veg; Comp; OFF-T, Grad1, 100yd E	Veg	2,4-D	752 ppb * Results reported as minimum detected. Results is approximated.	0.7 ppb
			AMPA	BDL ppb	66 ppb
			Glufosinate	BDL ppb	66 ppb
			Glyphosate	BDL ppb	66 ppb
			MPP	BDL ppb	13 ppb
			Metolachlor	BDL ppb	1 ppb
23-4-0960 4	Veg; Comp; OFF-T, Grad2, 50yd E	Veg	2,4-D	389 ppb * Results reported as minimum detected	0.7 ppb
			AMPA	BDL ppb	66 ppb
			Glufosinate	BDL ppb	66 ppb
			Glyphosate	BDL ppb	66 ppb
			MPP	BDL ppb	13 ppb
			Metolachlor	BDL ppb	1 ppb

Original Event: Residue Lab Report #284470 (273653-R2010)
 Submitted By: SYSTEM
 Lab Report: Lab Report 273653-R2010.pdf

01/04/2024 **Wind Data Researched**

On January 4, 2023, I reviewed the weather data from nearby weather stations to compare with Co-Alliance's PII, where I found them to be consistent with each other.

Indianapolis International Airport Station

Indianapolis, Indiana (13.5 miles SE of site)

Time Direction Speed (mph)

1:54 PM W 13
 2:54 PM WSW 8

Crawfordsville Municipal Station

Crawfordsville, Indiana (26 miles NW of site)

Time Direction Speed (mph)

2:15 PM W 8
 2:55 PM WSW 8

Purdue University Airport Station

West Lafayette, Indiana (45 miles NNW of site)

Time Direction Speed (mph)

1:54 PM N 6
 2:54 PM SSW 6

Attachments



File 139092 File 139091 File 139093

Original Event: Wind Data #203
 Submitted By: James M. Trimble
 Date of Weather: 07/10/2023

Communication

On January 4, 2023, while reviewing the label for Enlist One, which was used by Mr. Frey during his July 10, 2023 application to the target soybean field, I found that the product required the applicator to maintain a 30 foot downwind buffer from sensitive areas. I sent Mr. Frey an email that asked if he had followed the label's instructions of maintaining the 30 foot buffer since the wind was blowing towards the complainant's property (sensitive area) during his application.

Attachments

File 139224; 1-4 email.pdf

Original Event: Investigation Activity (Pesticide) #7020
Subject: Justin W Frey
Submitted By: James M. Trimble

01/08/2024 Investigator Called Applicator Communication

On January 8, 2023, after not receiving a response from my January 4, 2023 email to Mr. Frey, I attempted to call him. Mr. Frey did not answer, but called me back shortly thereafter. I then asked Mr. Frey if he had maintained a 30' downwind buffer from the non-target corn field (sensitive area) during his application to the target soybean field. Mr. Frey stated he did maintain the required 30' downwind buffer.

Original Event: Investigation Activity (Pesticide) #7021
Subject: Justin W Frey
Submitted By: James M. Trimble

01/08/2024 Online Investigation Activity Label Use

On January 8, 2023, I reviewed the labels for the pesticides used by Mr. Frey during his July 10, 2023 application to the target soybean field while the wind was blowing from the west (towards the complainant's nontarget property). I identified the following label violations:

Liberty 280 SL (EPA Reg. #264-829, active ingredient of Glufosinate)

- *"The pesticide must only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, and known habitats for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas)."*

Roundup Powermax 3 (EPA Reg. #524-659, active ingredient of Glyphosate)

- *"Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation, as small quantities of this product can cause severe damage or destruction to the crop, plants or other vegetation on which application was not intended."*

Everprex (EPA Reg. #352-923, active ingredient of S-Metolachlor)

- *"Apply pesticides when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, and known habitat for threatened or endangered species, nontarget crops) is minimal (e.g., when wind is blowing away from the sensitive areas)."*

In addition to the above label violations, the evidence collected in this investigation found that Mr. Frey's application of the listed pesticides had drifted from the target field and onto the non-target corn field, which caused adverse effect. Although adverse effect was documented, a Restricted Use Pesticide was not involved.

Attachments

File 139100; Enlist.pdf
File 139098; Everprex.pdf
File 139099; liberty 17.pdf
File 139101; powermax3.pdf

Original Event: Investigation Activity (Pesticide) #7015
Subject: Justin W Frey
Submitted By: James M. Trimble
PPLS Labels: [000352-00923-20230131.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00923-20230131.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf
[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf

01/09/2024 Judgement; Civil Penalty Assessed

Citation

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact Co Alliance Cooperative Inc cooperated and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Civil Penalty

Justin Frey 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. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Justin Frey cooperated during the investigation and no restricted use pesticides were involved. Consideration was also given to the fact there was an adverse effect.

Original Event: Judgement #1638
Primary: Co Alliance Cooperative Inc
Secondary: Justin W Frey
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 400

01/19/2024 Notice of Enforcement Mailed to Target

A copy of Justin Frey's enforcement letter was also included.

Original Event: Outgoing Mail #3031
To: Co Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2168
Enclosed: Notice of Enforcement
Enclosed: Notice of Enforcement
Attachments: File 139749; PS23-0271EL CIT - CP Mitigated ~ Justin W. Frey - CoAlliance Cooperative - Copy.docx
File 139713; PS23-0271EL CIT ~ CoAlliance Cooperative - Danville.docx

01/19/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #3032
To: Justin W Frey
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2175
Enclosed: Notice of Enforcement
Attachments: File 139714; PS23-0271EL CIT - CP Mitigated ~ Justin W. Frey - CoAlliance Cooperative.docx

01/19/2024 Requested Documents Mailed to Subject

All complaints, regulatory or licensing enforcement actions for Co-Alliance Cooperative, Inc., or one of its employees are to be cc'd and sent to Elizabeth A. South as Registered Agent, at Co-Alliance's Legal Service Address, as follows:

Co-Alliance Cooperative, Inc.
Attn: Elizabeth A. South, V.P. & General Counsel
770 North High School Road
Indianapolis, Indiana 46214

Original Event: Outgoing Mail #3033
To: Co-Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Requested Documents
Attachments: File 139768; PS23-0271 - Email copy - Co-Alliance - Danville and Justin Frey Enforcement Action
Letter to Elizabeth South - 1-19-2024.pdf

01/25/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2408
Subject: Co Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2168
Received: 01/25/2024
Attachments: File 140918; CM 7021 2720 0003 1615 2168 - Co Alliance Cooperative, Inc. - PS23-0271 - Received 1-25-2024.pdf

01/27/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2409
Subject: Justin W Frey
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2175
Received: 01/27/2024
Attachments: File 140919; CM 7021 2720 0003 1615 2175 - Justin W. Frey - PS23-0271 - Received 1-27-2024.pdf
File 140920; CM 7021 2720 0003 1615 2175 - Justin W. Frey - PS23-0271 - USPS Tracking Proof of Delivery 1-27-2024.pdf

02/21/2024 Received Penalty Payment for Target

Original Event: Compliance Receipt #2430
Subject: Justin W Frey
Submitted By: Jacob A. Hatfield
Payment Expected: \$400.00
Payment Received: \$400.00
Attachments: File 141698; PS23-0271 - Justin W. Frey - CP Received 2-21-2024.pdf

03/01/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3154
To: Justin Coleman
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Enclosed: Case Summary
Attachments: File 142111; PS23-0271 - Justin Coleman - Case Closed Letter 3-1-2024.docx

03/01/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3155
To: Keystone Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142112; PS23-0271 - Co Alliance Cooperative, Inc. - Case Closed Letter 3-1-2024.docx

03/01/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3156
To: Justin W Frey
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142113; PS23-0271 - Justin W. Frey - Case Closed Letter 3-1-2024.docx

03/01/2024 **Requested Documents Mailed to Subject**

All complaints, regulatory or licensing enforcement actions for Co-Alliance Cooperative, Inc., or one of its employees are to be cc'd and sent to Elizabeth A. South as Registered Agent, at Co-Alliance's Legal Service Address, as follows:

Co-Alliance Cooperative, Inc.
Attn: Elizabeth A. South, V.P. & General Counsel
770 North High School Road
Indianapolis, Indiana 46214

Original Event: Outgoing Mail #3157
To: Co-Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Requested Documents
Attachments: File 142120; PS23-0271 - Notice of Case Closure Email to Elizabeth South - 3-1-2024.pdf

Chain of Custody

07/26/2023 **Sample 23-4-0959 3**

Original Event: Chain of Custody #7914 (23-4-0959 3)
07/26/2023 10:00: Sample Collected by James M. Trimble
07/27/2023 11:40: Sample Delivered to Kylo
07/28/2023 13:13: Delivery Affirmed by Vicki L. Vauters

07/26/2023 **Sample 23-4-0960 4**

Original Event: Chain of Custody #7915 (23-4-0960 4)
07/26/2023 10:00: Sample Collected by James M. Trimble
07/27/2023 11:40: Sample Delivered to Kylo
07/28/2023 13:13: Delivery Affirmed by Vicki L. Vauters

07/26/2023 **Sample 23-4-0961 5**

Original Event: Chain of Custody #7916 (23-4-0961 5)
07/26/2023 10:00: Sample Collected by James M. Trimble
07/27/2023 11:40: Sample Delivered to Kylo
07/28/2023 13:13: Delivery Affirmed by Vicki L. Vauters

07/26/2023 **Sample 23-4-0962 7**

Original Event: Chain of Custody #7917 (23-4-0962 7)
07/26/2023 10:00: Sample Collected by James M. Trimble
07/27/2023 11:40: Sample Delivered to Kylo
07/28/2023 13:13: Delivery Affirmed by Vicki L. Vauters

07/26/2023 **Sample 23-4-0963 6**

Original Event:	Chain of Custody #7918 (23-4-0963 6)
07/26/2023 10:00:	Sample Collected by James M. Trimble
07/27/2023 11:40:	Sample Delivered to Kylo
07/28/2023 13:13:	Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 09:49 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS23-0278

Department	Pesticide
Originated	07/25/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Debbie Holzmeyer Evansville, IN 47715
Business	Alpha Organics Inc Evansville, IN 47712
Applicator	Blaize Fox Evansville, IN 47712

Overviews

01/19/2024 Investigation Summary

On July 24, the complainant reported a residential mosquito control application completed at a neighboring property on July 20, 2023 had drifted onto their property. Alpha Organics was identified as the business responsible for the pesticide applications completed at the neighbor's property.

On August 1, 2023, I arrived at the complainant's residence to conduct my on-site investigation. The complainant's stated they observed the application to their neighbor's property move onto their property and were concerned about the impact pesticides could have on their property. I collected several swab samples from the Holzmeyer property that I identified as common touch surfaces by humans and/or animals for analysis by the OISC Residue Lab.

Using the OISC Residue Lab report, along with the other evidence collected in this case, I concluded that Blaize Fox, as employee by Alpha Organics', had applied a pesticide in a manner that allowed it to move off-target and onto the complainant's property.

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

01/22/2024 Disposition Summary

Alpha Organics and Blaze Fox were warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless manner by allowing their pesticide application to drift to a non-target area where it could come into contact with human touch areas. Consideration was given to the fact this was their first violation of similar nature; they cooperated during the investigation and no restricted use pesticides were involved. In addition, Alpha Organics and Blaze Fox believed they were using a minimum risk pesticide for this application.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

07/24/2023 Intake Referral Filed

Complainant stated a residential mosquito control application drifted onto their property on July 20, 2023.

Original Event: Intake Referral (Pesticide) #3155
Complainant: Debbie Holzmeier
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/25/2023 **Case Created**

Original Event: Case PS23-0278
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

07/26/2023 **Investigator Called Applicator Communication**

On July 26, 2023, I spoke with Mrs. Holzmeier, who reported she believed routine mosquito applications completed at her neighbor's residence, 1311 Bonnie View Dr., was continually drifting onto her property. Mrs. Holzmeier stated she hadn't observed an adverse effect from pesticide drift on her property, but was concerned about possible health issues to the humans and/or animals on her property from exposure to the substance that was being applied. Mrs. Holzmeier identified "Alpha Organics" as the possible pesticide business responsible for the applications to the neighbor's property.

Original Event: Investigation Activity (Pesticide) #6550
Subject: Debbie Holzmeier
Submitted By: James M. Trimble

07/31/2023 **Investigator Called Business Communication**

On July 31, 2023, I called and spoke with Alpha Organics General Manager, Jerry Grannan, about my investigation. Mr. Grannan stated Alpha Organics was responsible for the mosquito applications completed at 1311 Bonnie View Dr. Mr. Grannan identified "Progaea TM Pro" as the product they had used on the above address for mosquito mitigation. Mr. Grannan stated Progaea TM Pro was a organic, natural botanical product with active ingredients that included Lemongrass Oil, Castor Oil, Geraniol Oil, Cedarwood Oil, and Corn Oil.

Original Event: Investigation Activity (Pesticide) #6588
Subject: Alpha Organics Inc
Submitted By: James M. Trimble

07/31/2023 **New Respondent Identified Respondent Identified**

On August 1, 2023, Mr. Grannan confirmed Alpha Organics was responsible for the mosquito application completed at 1311 Bonnie View Dr.

Original Event: Investigation Change #384
Respondent: Alpha Organics Inc
Submitted By: James M. Trimble

08/01/2023 **Investigator Met with Complainant Photographs**

On August 1, 2023, I met with Mrs. Holzmeier's husband, Kevin Holzmeier, at their residence to conduct my on-site investigation. Mr. Holzmeier stated the July 20, 2023 application at 1311 Bonnie View Dr. on July 20, 2023 created a large, cloud-like substance, which was observed to be suspended in the air and travel onto their property before it dissipated. Mr. Holzmeier stated they had grown several varieties of plants, erected animal feeders, and did not use pesticides on their property in an attempt to promote the migration of insects, birds, and other organisms onto their property and was concerned the continued off-target pesticide movement would deter or harm the people and/or animals.

While on-site, I observed and photographed the Holzmeier property and its proximity to the target property of 1311 Bonnie View Dr. I observed the Holzmeier's backyard shared a property line with the target property's south border. The two properties were separated by a short, white picket fence along with some vegetation near the fence line that offered only a small buffer in the event of pesticide drift. Due to the use of an insecticide at the target property by Alpha Organics, there were no exposure symptoms or a drift pattern to be observed on the Holzmeier property. I also did not observe evidence of an unusual amount of dead insects or any sick and/or deceased animals at the Holzmeier or surrounding properties.

I then collected several swab samples from around the Holzmeier property that I identified as common touch surfaces by humans and/or animals, for analysis by the OISC Residue Lab. The swab samples collected from the Holzmeier property included from a bird feeder and a patio table located in the backyard, along from a yard hydrant and a mailbox located in the front yard.

Complainant's Backyard Looking at Target Property (File 130631)



Attachments



File 130592



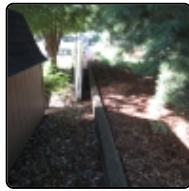
File 130593



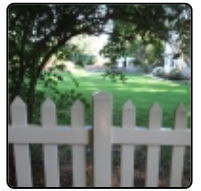
File 130594



File 130595



File 130596



File 130597



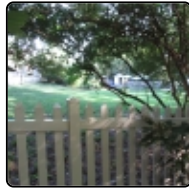
File 130598



File 130616



File 130620



File 130621



File 130622



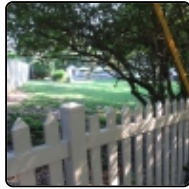
File 130623



File 130624



File 130625



File 130626



File 130627



File 130628



File 130629



File 130630



File 130632



File 130633



File 130634



File 130635



File 130636



File 130637



File 130638



File 130639

Original Event: Investigation Activity (Pesticide) #6583
Subject: Debbie Holzmeyer
Submitted By: James M. Trimble

08/01/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1737
Client: Debbie Holzmeyer
Firm Representative: Kevin Holzmeyer
Submitted By: James M. Trimble
Attachments: File 130656; HolzmeyerNOI.pdf

08/01/2023 **Residue Samples Collected**

Original Event: Residue Collection #274288 (23-4-0976 5)
Client: Debbie Holzmeyer
Submitted By: James M. Trimble
Sample: 23-4-0976 5 | Swab (Acetone); Grab; Bird Feeder; OFF-T, Back Yard
Sample: 23-4-0977 7 | Swab (Acetone); Grab; Patio Table; OFF-T, Back Yard
Sample: 23-4-0978 3 | Swab (Acetone); Grab; Water Hydrant; OFF-T, Front Yard
Sample: 23-4-0979 6 | Swab (Acetone); Grab; Mailbox; OFF-T, Front Yard
Sample: 23-4-0980 6 | Swab (Acetone); Ctrl; Window; OFF-T
Sample: 23-4-0981 0 | Swab (Acetone); Trip Blank

08/01/2023 **Investigator Met with Business**

Records

On August 1, 2023, after leaving the Holzmeyer property, I traveled to Alpha Organics, where I met with Mr. Grannan. Mr. Grannan provided me with a record that identified their past two applications to the target property, 1311 Bonnie View Dr. The application record listed "Progaea TMPro (100% natural botanical spray)" as the product applied to the above address on July 5, 2023 & July 20, 2023. Mr. Grannan provided me with a label that was removed from an empty container of Progaea TMPro. Mr. Grannan stated they mix and apply the product per its usage instructions and explained their application procedures for using the product. Mr. Grannan stated their applicators utilize Stihl backpack sprayer/misters as their application equipment and that they self-calibrate them once a year.

I also informed Mr. Grannan that I was unable to locate an Indiana registration for Progaea TMPro in our pesticide product search database, but I would contact the OISC Product Registration section to confirm and would let him know.

Attachments

File 130660; Alpha Records.pdf
File 130661; Progaea Label bottom.pdf
File 130662; Progaea Label top.pdf

Original Event: Investigation Activity (Pesticide) #6589
Subject: Alpha Organics Inc
Submitted By: James M. Trimble

08/01/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1738
Client: Alpha Organics Inc
Firm Representative: Jerry Grannan
Submitted By: James M. Trimble
Attachments: File 130663; Alpha NOI.pdf

08/02/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #768
Submitted By: James M. Trimble
Target Analyte: Progaea TMpro
Attachments: File 130642; Progaea Label bottom.pdf
File 130643; Progaea Label top.pdf

08/02/2023 **Case Created** (Pending)

Original Event: Case PS23-0295
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

08/02/2023 **Case Created**

Original Event: Case PS23-0296
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

08/02/2023 **Online Investigation Activity Activity**

On August 2, 2023, I created a map of my sample collection for this investigation.

Collection Map (File 130647)



Original Event: Investigation Activity (Pesticide) #6587
Submitted By: James M. Trimble

08/02/2023 **Investigation Activity Communication**

On August 2, 2023, I contacted and confirmed with the OISC Product Registration department that Progaea TM Pro was not a registered pesticide product for use, distribution, and/or sale in Indiana.

The above information was relayed to Alpha Organics. An appointment was scheduled for formulation sample collection and issuance of a Stop Sale Order.

Original Event: Investigation Activity (Pesticide) #6597
Subject: Office of Indiana State Chemist
Submitted By: James M. Trimble

08/02/2023 **Investigator Sent Fax/Email to Business Communication**

On August 2, 2023, I reviewed the application records I collected from Alpha Organics on August 1, 2023. I observed there was not an applicator name and/or license number listed on the application record. I emailed Mr. Grannan, which asked for him to identify the applicator(s) of the applications by their name and license number.

Attachments
File 131034; 8-2 email.pdf

Original Event: Investigation Activity (Pesticide) #6599
Subject: Alpha Organics Inc
Submitted By: James M. Trimble

08/02/2023 **Business Called Investigator**

Communication

On August 2, 2023, shortly after I sent my email to Alpha Organics, I received a call from Mr. Grannan. Mr. Grannan stated Alpha Organics had a non-certified user, Blaize Fox, complete all of their residential mosquito applications for their past two rounds after their previous applicator responsible for their mosquito applications had abruptly quit.

Original Event: Investigation Activity (Pesticide) #7025
Subject: Alpha Organics Inc
Submitted By: James M. Trimble

08/02/2023 **New Respondent Identified** **Respondent Identified**

On August 2, 2023, Mr. Grannan identified Blaize Fox as the responsible applicator to the target property.

Original Event: Investigation Change #435
Respondent: Blaize Fox
Submitted By: James M. Trimble

09/21/2023 **Wind Data Researched**

On September 21, 2023, I reviewed the weather conditions for July 20, 2023, the date of Alpha Organics' mosquito application at 1311 Bonnie View Dr. Alpha Organic's records listed their application had occurred at 11:45 AM. I observed the wind direction during the above date was varied as it swirled and moved directions multiple times, but listed it was blowing, at least in part, towards or parallel to the complainant's property during the time of application.

Evansville Regional Airport Station

Evansville, Indiana (6.5 miles NW of site)

Time	Direction	Speed (mph)
------	-----------	-------------

10:54 am	WSW	8
----------	-----	---

11:30 am	W	6
----------	---	---

11:54 am	WSW	10
----------	-----	----

Attachments



File 139772

Original Event: Wind Data #205
Submitted By: James M. Trimble
Date of Weather: 07/20/2023

09/21/2023 **Received Residue Lab Report** Current **Investigatory Summary**

Since Progaea TM Pro was found to be an unregistered 25(b) pesticide product, I had requested the OISC Residue Lab run a general insecticide screen on the collected samples.

On September 21, 2023, I received the OISC Residue Lab report. The report stated it had detected positive amounts of Bifenthrin in sample #23-4-0976 along with Bifenthrin and Permethrin in sample #23-4-0977. Samples #23-4-0976 & #23-4-0977 were collected from the complainant's backyard, which bordered the target property. Samples #23-4-0978 & #23-4-0979 were collected from the front yard of the complainant's property and had no detects of the analytes. The results showed the application to the target property had moved off-target and into the backyard of the complainant's property, which contacted common touch surfaces of people and/or animals, but did not travel into the front yard of the complainant's property.

Furthermore, the active ingredients listed on the Progaea TM Pro label, Lemongrass Oil, Castor Oil, Geraniol Oil, Cedarwood Oil, and Corn Oil, were not analyzed by the OISC Residue Lab once Bifenthrin and Permethrin were detected in the samples. On August 7, 2023, as part of case #PS23-0295, I collected formulation samples of Progaea TM Pro at Alpha Organics. On October 10, 2023, the OISC Residue Lab detected Bifenthrin and Permethrin in the formulation samples, which confirmed the product's adulteration/contamination.

First Page of Lab Report

OCM Collection #	274288	Investigator	TRIMBLEJ		
Collection Date	08/01/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0976 5	Swab (Acetone); Grab; Bird Feeder; OFF-T, Back Yard	Swab (Acetone)	Bifenthrin	9.60 ng/swab	2 ng/swab
			Permethrin	BDL ng/swab	20 ng/swab
23-4-0977 7	Swab (Acetone); Grab; Patio Table; OFF-T, Back Yard	Swab (Acetone)	Bifenthrin	10.3 ng/swab	2 ng/swab
			Permethrin	51.6 ng/swab	20 ng/swab
23-4-0978 3	Swab (Acetone); Grab; Water Hydrant; OFF-T, Front Yard	Swab (Acetone)	Bifenthrin	BDL ng/swab	2 ng/swab
			Permethrin	BDL ng/swab	20 ng/swab
23-4-0979 6	Swab (Acetone); Grab; Mailbox; OFF-T, Front Yard	Swab (Acetone)	Bifenthrin	BDL ng/swab	2 ng/swab
			Permethrin	BDL ng/swab	20 ng/swab
23-4-0980 6	Swab (Acetone); Ctrl; Window; OFF-T	Swab (Acetone)	Bifenthrin	BDL ng/swab	2 ng/swab
			Permethrin	BDL ng/swab	20 ng/swab
23-4-0981 0	Swab (Acetone); Trip Blank	Swab (Acetone)	Bifenthrin	BDL ng/swab	2 ng/swab
			Permethrin	BDL ng/swab	20 ng/swab

Original Event: Residue Lab Report #278693 (274288-R1698)
 Submitted By: SYSTEM
 Lab Report: Lab Report 274288-R1698.pdf

09/26/2023 **Investigator Called Business**

Records

On September 26, 2023, I informed Mr. Grannan that Bifenthrin and Permethrin were found in the samples collected from the off-target property. Mr. Grannan advised that they had completed a Bifenthrin application (later identified as Bifen 7.9F Select-EPA Reg. #89442-23, active ingredient of Bifenthrin) for control of Armyworm at the target property, 1311 Bonnie View Dr., on July 21, 2023, one day after their mosquito application on July 20, 2023.

Later that day, Mr. Grannan emailed me their record of application from July 21, 2023.

Attachments

- File 135347; Document - 2023-09-26T105104.024.pdf
- File 135348; ServiceSummaryReport (3).pdf

Original Event: Investigation Activity (Pesticide) #6791
 Subject: Alpha Organics Inc
 Submitted By: James M. Trimble

01/19/2024 **Online Investigation Activity**

Progaea TM Pro

On January 19, 2023, I reviewed the information available for Mr. Fox's July 20, 2023 application of Progaea TM Pro to the target property, 1311 Bonnie View Dr.

I observed Progaea TM Pro's label did not have an Environmental Protection Agency (EPA) registration number listed on its label, but instead stated "EPA25(b)". Products classified as 25(b) are minimal risk pesticides exempted from the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) by the EPA, who does not require registration or provide a label review and/or approval process before the product is used, distributed, or sold in the United States. However, the Office of Indiana State Chemist (OISC) does require registration of 25(b) products, which includes a label review and approval process by OISC, before it can be used, distributed, and/or sold in Indiana. Since Progaea TM Pro was identified as an unregistered 25(b) pesticide product in Indiana, along with the evidence that it was contaminated and/or adulterated with non-exempt pesticides, the product would not qualify for 25(b) exemption and therefore is a federally unregistered pesticide product. Additionally, due to the unregistered status of Progaea TM Pro, a label use review of the product by Mr. Fox could not be enforced.

Using the evidence summarized below, I concluded that Mr. Fox's mosquito application of Progaea TM Pro had moved off-target from the target property and onto common touch surfaces in the backyard of the Holzmeyer property. The OISC Residue Lab report confirmed Bifenthrin and Permethrin was in the formulation of Progaea TM Pro when it was used for the mosquito application on the target property and was detected in the samples I collected from the Holzmeyer property. Although Alpha Organics had applied a Bifenthrin-only (Bifen 7.9F Select) product to the same target property for Armyworm control on the day after (July 21) their mosquito application (July 20), the additional detection of Permethrin in the samples from the off-target property indicated the application of Progaea TM Pro was the product that had moved off-target. Furthermore, the equipment and methods used for the mosquito application were designed to disperse, suspend, and move the product's particles into the air for large area coverage. Lastly, Permethrin does not have an environmental baseline level and was not a listed active ingredient in Bifen 7.9F Select.

See case #PS23-0295 regarding the investigation into the use, distribution and/or sales of the unregistered product Progaea TM Pro. See case #PS23-0296 regarding the investigation into the unsupervised and unlicensed applications by Mr. Fox.

Attachments

File 139770; Progaea Label bottom.pdf

File 139771; Progaea Label top.pdf

Original Event: Investigation Activity (Pesticide) #7024
Subject: Blaize Fox
Submitted By: James M. Trimble

01/22/2024 **Judgement; Warning** **Warning**

Alpha Organics and Blaze Fox were warned for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless manner by allowing their pesticide application to drift to a non-target area where it could come into contact with human touch areas. Consideration was given to the fact this was their first violation of similar nature; they cooperated during the investigation and no restricted use pesticides were involved. In addition, Alpha Organics and Blaze Fox believed they were using a minimum risk pesticide for this application.

Original Event: Judgement #1643
Primary: Alpha Organics Inc
Secondary: Blaize Fox
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(5)

01/24/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3052
To: Alpha Organics Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1048
Enclosed: Notice of Enforcement
Attachments: File 139948; PS23-0278EL WRN ~ Alpha Organics Inc..docx

01/24/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3053
To: Blaize Fox
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1055
Enclosed: Notice of Enforcement
Attachments: File 139947; PS23-0278EL WRN ~ Blaize Fox - Alpha Organics Inc..docx

02/01/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2400
Subject: Alpha Organics Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1048
Received: 02/01/2024
Attachments: File 140891; CM 7021 2720 0003 1615 1048 - Alpha Organics, Inc. - PS23-0278 - Received 2-1-2024.pdf

02/01/2024 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #2401
Subject: Blaize Fox
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 1055
Received: 02/01/2024
Attachments: File 140892; CM 7021 2720 0003 1615 1055 - Blaize Fox - PS23-0278 - Received 2-1-2024.pdf

03/04/2024 **Notice of Case Closure Mailed to Complainant**
Original Event: Outgoing Mail #3163
To: Debbie Holzmeyer
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142189; PS23-0278 - Debbie Holzmeyer - Case Closed Letter 3-4-2024.docx

03/04/2024 **Notice of Case Closure Mailed to Business**
Original Event: Outgoing Mail #3164
To: Alpha Organics Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142190; PS23-0278 - Alpha Organics, Inc. - Case Closed Letter 3-4-2024.docx

03/04/2024 **Notice of Case Closure Mailed to Applicator**
Original Event: Outgoing Mail #3165
To: Blaize Fox
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142191; PS23-0278 - Blaize Fox - Case Closed Letter 3-4-2024.docx

Chain of Custody

08/02/2023 **Sample 23-4-0976 5**
Original Event: Chain of Custody #8050 (23-4-0976 5)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters

08/02/2023 **Sample 23-4-0977 7**
Original Event: Chain of Custody #8051 (23-4-0977 7)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters

08/02/2023 **Sample 23-4-0978 3**
Original Event: Chain of Custody #8052 (23-4-0978 3)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters

08/02/2023 **Sample 23-4-0979 6**
Original Event: Chain of Custody #8053 (23-4-0979 6)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters

08/02/2023 **Sample 23-4-0980 6**
Original Event: Chain of Custody #8054 (23-4-0980 6)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters

08/02/2023 **Sample 23-4-0981 0**
Original Event: Chain of Custody #8055 (23-4-0981 0)
08/01/2023 09:30: Sample Collected by James M. Trimble
08/03/2023 09:00: Sample Delivered to Kylo
08/03/2023 13:41: Delivery Affirmed by Vicki L. Vauters



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 **April 19, 2024, 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 PS23-0292

Department	Pesticide
Originated	08/01/2023
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Alisha Bailey Portland, IN 47371
Respondent	Aero Ag LLC DBA Prairie Flying SVC Portland, IN 47371
Respondent	John W Lewellen Portland, IN 47371

Overviews

12/01/2023 **Investigation Summary**

I responded to a complaint of off-target pesticide movement from an aerial application to people and objects at the property of Alisha Bailey. The plane reportedly flew over the Bailey pasture while spraying two adjacent corn fields.

I collected a shirt and swab samples from several hard surfaces in the pasture and near the house where Mrs. Bailey and her daughter were during the application.

I contacted Wade Lewellen, of Aero Ag, who confirmed he sprayed the fields with Trivapro Fungicide.

The OISC Residue Lab detected the three fungicide active ingredients from the application in all of the samples collected.

Submitted By: Andrew R. Roth
Role: Investigator

12/04/2023 **Disposition Summary**

Aero Ag LLC DBA Prairie Flying SVC and John W. Lewellen were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact this was their first violation of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/01/2023 **Intake Referral Filed**

Complainant stated an aerial application made adjacent to her property drifted onto her property and person(s) on her property.

Original Event: Intake Referral (Pesticide) #3170
Complainant: Alisha Bailey
Respondent: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/01/2023 **Case Created**

08/02/2023 **Investigator Met with Complainant Interaction**

On August 1, I spoke with Alisha Bailey who reported a plane sprayed her pasture while making an aerial application to corn fields to the northeast and southeast of her property. She indicated she did not know why the plane was flying over the pasture between her house and a wooded area to the east but it spooked her horses. She indicated she was outside at the time and felt the spray while standing between the garage and the house.

On August 2, I met Mrs. Bailey at her property on the north side of CR650S in Jay County. She showed me where she was standing, near a flag pole by the garage, on July 31 when she observed the plane spraying a field northeast of her property. It flew over the pasture and, after being hit by the spray, Mrs. Bailey reportedly went to notify her neighbor on the other side of the woods to the east (See Case PS23-0293). Concerned for the various animals on her property and not knowing what was being applied, she reportedly called the Sheriff's Department to report the incident. Mrs. Bailey stated she could not provide the work shirt she was wearing during the application but her daughter was outside for a short time while the plane was spraying and may also have been contacted by the spray. She provided the shirt her daughter was wearing when the application was made.

We walked the pasture and identified several hard surfaces from which to collect swab samples. I photographed the site and collected the following samples for analysis by the OISC Residue Lab:

- trip blank
- control swab
- swab from flag pole near garage where Mrs. Bailey and her daughter were standing
- swab from truck windshield which was parked in front of garage
- swab from small hut in pasture
- swab from plastic jug in pasture
- swab from vegetation in pasture
- swab from corn in target field
- shirt worn by daughter

Attachments



File 138267

Photographs

Photos of the site and an aerial photo.

Attachments



File 138236



File 130824



File 130825



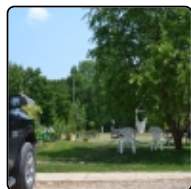
File 130826



File 130827



File 130828



File 130829



File 130830

08/02/2023 **Notice of Inspection Issued**

Photos:



File 130831

08/02/2023 **Residue Samples Collected**

Original Event: Residue Collection #274405 (23-4-0809 6)
Client: Alisha Bailey
Submitted By: Andrew R. Roth
Sample: 23-4-0809 6 | Swab (Acetone); Trip Blank
Sample: 23-4-0810 6 | Swab (Acetone); Ctrl; OFF-T
Sample: 23-4-0811 0 | Swab (Acetone); Grab; OFF-T, flag pole
Sample: 23-4-0812 3 | Swab (Acetone); Grab; OFF-T, truck windshield
Sample: 23-4-0813 4 | Swab (Acetone); Grab; OFF-T, pasture hut
Sample: 23-4-0814 7 | Swab (Acetone); Grab; OFF-T, pasture jug
Sample: 23-4-0815 2 | Swab (Acetone); Grab; OFF-T, pasture vegetation
Sample: 23-4-0816 8 | Swab (Acetone); Grab; Target
Sample: 23-4-0817 5 | Clothing; Grab; OFF-T

08/03/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #769
Submitted By: Andrew R. Roth
Target Analyte: Trivapro
PPLS Labels: [000100-01613-20211215.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01613-20211215.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01613-20211215.pdf

08/14/2023 **Investigator Received Fax/Email from Applicator Communication**

On August 2, after the on-site investigation, I contacted Wade Lewellen, of Aero Ag, and informed him of the complaint. He confirmed he sprayed the split field near the Bailey property on July 31. Mr. Lewellen reported the farm consisted of two fields, a large field on the north side of the county road and a smaller field on the south side of the road. He indicated the larger field northeast of the Bailey property was sprayed primarily in north-south swaths.

Records

On August 14, I received application information from Mr. Lewellen which indicated he sprayed the 88-acres of corn with Trivapro Fungicide (EPA Reg#100-1613), active ingredients benzovindiflupyr, azoxystrobin and propiconazole, from 420pm-515pm on July 31. Winds were reported as blowing from the north-northeast (30 degrees) at 5mph at the start of the application and 6mph at the end of the application. Winds from the northeast would be blowing toward the Bailey pasture from the adjacent field.

Attachments

File 138237; 23-0292PI.pdf

Original Event: Investigation Activity (Pesticide) #6953
Subject: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Andrew R. Roth

08/18/2023 **Received Residue Lab Report** Current

Investigatory Summary

The OISC Residue Lab analyzed the swab samples for the three fungicide active ingredients in Trivapro which was reportedly applied to the corn fields at the site. All three active ingredients, benzovindiflupyr, azoxystrobin and propiconazole, were detected in all samples collected from the Bailey property, including the shirt Mrs. Bailey's daughter was wearing during the application.

First Page of Lab Report

OCM Collection #	274405	Investigator	ROTHA		
Collection Date	08/02/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0809 6	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.4 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
23-4-0810 6	Swab (Acetone); Ctrl; OFF-T	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.4 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
23-4-0811 0	Swab (Acetone); Grab; OFF-T, flag pole	Swab (Acetone)	Azoxystrobin	1230 ng/swab	0.4 ng/swab
			Benzovindiflupyr	70.2 ng/swab	0.4 ng/swab
			Propiconazole	140 ng/swab	10 ng/swab
23-4-0812 3	Swab (Acetone); Grab; OFF-T, truck windshield	Swab (Acetone)	Azoxystrobin	5580 ng/swab	0.4 ng/swab
			Benzovindiflupyr	7830 ng/swab	0.4 ng/swab
			Propiconazole	1490 ng/swab	10 ng/swab
23-4-0813 4	Swab (Acetone); Grab; OFF-T, pasture hut	Swab (Acetone)	Azoxystrobin	3340 ng/swab	0.4 ng/swab
			Benzovindiflupyr	980 ng/swab	0.4 ng/swab
			Propiconazole	2060 ng/swab	10 ng/swab

Original Event: Residue Lab Report #276327 (274405-R1641)
 Submitted By: SYSTEM
 Lab Report: Lab Report 274405-R1641.pdf

11/30/2023 **Online Investigation Activity**

Trivapro

The evidence at the site and the lab results support that the fungicide active ingredients applied by Mr. Lewellen moved off-target to people and objects on the Bailey property. The Trivapro label reads, in part, "Do not apply this product in a way that will contact workers or other persons, either directly or through drift." It further states, "Do not apply when conditions favor drift beyond the target area."

Attachments

File 138270; Trivapro.pdf

Original Event: Investigation Activity (Pesticide) #6963
 Submitted By: Andrew R. Roth

12/04/2023 **Judgement; Warning**

Warning

Aero Ag LLC DBA Prairie Flying SVC and John W. Lewellen were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. Consideration was given to the fact this was their first violation of similar nature.

Original Event: Judgement #1622
 Primary: Aero Ag LLC DBA Prairie Flying SVC
 Secondary: John W Lewellen
 Submitted By: George Saxton
 Legal Citation: IC 15-16-5-65(2)

01/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2965
 To: Aero Ag LLC DBA Prairie Flying SVC
 Submitted By: Jacob A. Hatfield
 USPS: 7021 2720 0003 1615 2038
 Enclosed: Notice of Enforcement
 Attachments: File 139344; PS23-0292EL WRN ~ Aero Ag LLC dba Prairie Flying Svc.docx

01/08/2024 **Notice of Enforcement Mailed to Target**
Original Event: Outgoing Mail #2966
To: John W Lewellen
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2045
Enclosed: Notice of Enforcement
Attachments: File 139345; PS23-0292EL WRN ~ John W. Lewellen.docx

01/16/2024 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #2386
Subject: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2038
Received: 01/16/2024
Attachments: File 139832; CM 7021 2720 0003 1615 2038 - Aero Ag LLC dba Prairie Flying Svc. - PS23-0292 - Received 1-16-2024.pdf
File 139833; CM 7021 2720 0003 1615 2038 - Aero Ag LLC dba Prairie Flying Svc. - PS23-0292 - USPS Tracking Proof of Delivery 1-16-2024.pdf

01/16/2024 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #2387
Subject: John W Lewellen
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2045
Received: 01/16/2024
Attachments: File 139830; CM 7021 2720 0003 1615 2045 - John W. Lewellen - PS23-0292 - Received 1-16-2024.pdf
File 139831; CM 7021 2720 0003 1615 2045 - John W. Lewellen - PS23-0292 - USPS Tracking Proof of Delivery 1-16-2024.pdf

02/19/2024 **Notice of Case Closure Mailed to Complainant**
Original Event: Outgoing Mail #3115
To: Alisha Bailey
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141369; P23-0292 - Alisha Bailey - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Business**
Original Event: Outgoing Mail #3116
To: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141370; P23-0292 - Aero Ag LLC dba Prairie Flying Svc. - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Applicator**
Original Event: Outgoing Mail #3117
To: John W Lewellen
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141371; P23-0292 - John W. Lewellen - Case Closed Letter 2-19-2024.docx

Chain of Custody

08/03/2023 **Sample 23-4-0809 6**
Original Event: Chain of Custody #8084 (23-4-0809 6)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0810 6**
Original Event: Chain of Custody #8085 (23-4-0810 6)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0811 0**
Original Event: Chain of Custody #8086 (23-4-0811 0)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0812 3**
Original Event: Chain of Custody #8087 (23-4-0812 3)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0813 4**
Original Event: Chain of Custody #8088 (23-4-0813 4)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0814 7**
Original Event: Chain of Custody #8089 (23-4-0814 7)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0815 2**
Original Event: Chain of Custody #8090 (23-4-0815 2)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0816 8**
Original Event: Chain of Custody #8091 (23-4-0816 8)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0817 5**
Original Event: Chain of Custody #8092 (23-4-0817 5)
08/02/2023 12:00: Sample Collected by Andrew R. Roth
08/03/2023 13:44: Sample Delivered to kylo
08/03/2023 14:36: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 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 PS23-0293

Department	Pesticide
Originated	08/01/2023
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Heather Mcabee Portland, IN 47371
Respondent	Aero Ag LLC DBA Prairie Flying SVC Portland, IN 47371
Respondent	John W Lewellen Portland, IN 47371

Overviews

12/01/2023 Investigation Summary

I responded to a complaint of off-target pesticide movement from an aerial application to people and objects at the property of Heather McAbee. Mrs. McAbee and her daughters were outside when the plane reportedly flew over the property while spraying two adjacent corn fields.

I collected a shirt and swab samples from several hard surfaces on the McAbee property, including the areas where people were located during the application.

I contacted Wade Lewellen, of Aero Ag, who confirmed he sprayed the fields with Trivapro Fungicide.

The OISC Residue Lab detected the three fungicide active ingredients from the application in all of the samples collected.

Submitted By: Andrew R. Roth
Role: Investigator

12/05/2023 Disposition Summary

Aero Ag LLC DBA Prairie Flying SVC and John W Lewellen were warned for this application in case number PS23-0292.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/01/2023 Intake Referral Filed

Complainant stated an aerial application made adjacent to her property drifted onto her property and person(s) on her property.

Original Event: Intake Referral (Pesticide) #3171
Complainant: Heather Mcabee
Respondent: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/01/2023 Case Created

08/02/2023 **Investigator Met with Complainant Interaction**

On August 1, I spoke with Heather McAbee who reported she, her children and her property were drifted on when an aerial application was made to farm fields north and south of her property.

On August 2, I met Mrs. McAbee at her home on the north side of CR650S in Jay County. She indicated she was painting fence posts at the front of the property when an aerial application was made to a field which abuts the back of the property and a field across the road to the south. Mrs. McAbee reported her three daughters were playing outside north of the house near the driveway at the time. Knowing the Mrs. McAbee has children and horses, the neighbor to the west reportedly came to notify her of the application and inform her that she and her property had been exposed to the spray application (See Case PS23-0292). Mrs. McAbee indicated her daughters came to her and were reportedly wet from the application. She stated several horses were also unprotected in the sectioned pasture area east of the house during the application. Mrs. McAbee provided the shirt one of her daughters was wearing when the application was made.

The non-wooded portion of the McAbee property, which is occupied by the house, yard, barns and pasture, is approximately 90 yards in depth between the target fields. I photographed the site and collected the following samples for analysis by the OISC Residue Lab:

- trip blank
- control swab
- swab from fence post in front of property where Mrs. McAbee was painting
- swab from Jeep window which was parked near house
- swab from horse trailer at head of driveway (north) near field
- swab from pasture fence, between the house and field
- swab from corn in target field
- shirt worn by daughter

Attachments



File 138269

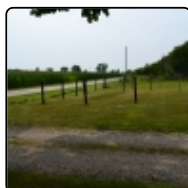
Photographs

Photos of the site and two aerial photos.

Attachments



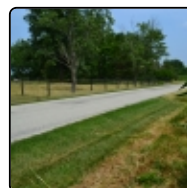
File 138263



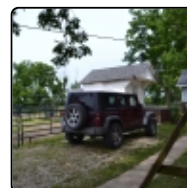
File 130836



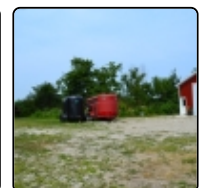
File 130837



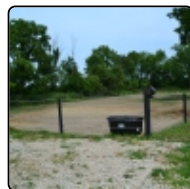
File 130838



File 130839



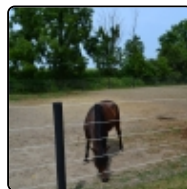
File 130840



File 130841



File 130842



File 130843

08/02/2023 **Notice of Inspection Issued**



File 130844

08/02/2023 **Residue Samples Collected**

Original Event: Residue Collection #274422 (23-4-0818 1)
Client: Heather Mcabee
Submitted By: Andrew R. Roth
Sample: 23-4-0818 1 | Swab (Acetone); Trip Blank
Sample: 23-4-0819 9 | Swab (Acetone); Ctrl; OFF-T
Sample: 23-4-0820 1 | Swab (Acetone); Grab; OFF-T, fence post
Sample: 23-4-0821 7 | Swab (Acetone); Grab; OFF-T, Jeep window
Sample: 23-4-0822 9 | Swab (Acetone); Grab; OFF-T, horse trailer
Sample: 23-4-0823 8 | Swab (Acetone); Grab; OFF-T, pasture gate
Sample: 23-4-0824 0 | Swab (Acetone); Grab; Target
Sample: 23-4-0825 5 | Clothing; Grab; OFF-T

08/02/2023 **Investigator Called Applicator Communication**

On August 2, after the on-site investigation, I contacted Wade Lewellen, of Aero Ag, and informed him of the complaint. He confirmed he sprayed the fields north and south of the McAbee property on July 31. Mr. Lewellen reported the farm consisted of two fields, a large field on the north side of the county road and a smaller field on the south side of the road. He indicated the larger field to the north was sprayed primarily in north-south swaths.

Records

On August 14, I received application information from Mr. Lewellen which indicated he sprayed the 88-acres of corn with Trivapro Fungicide (EPA Reg#100-1613), active ingredients benzovindiflupyr, azoxystrobin and propiconazole, from 420pm-515pm on July 31. Winds were reported as blowing from the north-northeast (30 degrees) at 5mph at the start of the application and 6mph at the end of the application. Winds from the northeast would be blowing toward the McAbee property from the abutting field to the north. Further, north-south spray passes over that field would require a flight path directly over the McAbee property.

Attachments

File 138266; 23-0293PI.pdf

Original Event: Investigation Activity (Pesticide) #6957
Subject: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Andrew R. Roth

08/03/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #770
Submitted By: Andrew R. Roth
Target Analyte: Trivapro
PPLS Labels: [000100-01613-20211215.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01613-20211215.pdf

08/18/2023 **Received Residue Lab Report** Current
Investigatory Summary

The OISC Residue Lab analyzed the swab samples for the three fungicide active ingredients in Trivapro which was reportedly applied to the corn fields at the site. All three active ingredients, benzovindiflupyr, azoxystrobin and propiconazole, were detected in all samples collected from the McAbee property, including the shirt Mrs. McAbee's daughter was wearing during the application.

First Page of Lab Report

OCM Collection #	274422	Investigator	ROTHA		
Collection Date	08/02/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0818 1	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.4 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
23-4-0819 9	Swab (Acetone); Ctrl; OFF-T	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.4 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
23-4-0820 1	Swab (Acetone); Grab; OFF-T, fence post	Swab (Acetone)	Azoxystrobin	221 ng/swab	0.4 ng/swab
			Benzovindiflupyr	72.9 ng/swab	0.4 ng/swab
			Propiconazole	181 ng/swab	10 ng/swab
23-4-0821 7	Swab (Acetone); Grab; OFF-T, Jeep window	Swab (Acetone)	Azoxystrobin	36900 ng/swab	0.4 ng/swab
			Benzovindiflupyr	39700 ng/swab	0.4 ng/swab
			Propiconazole	31100 ng/swab	10 ng/swab
23-4-0822 9	Swab (Acetone); Grab; OFF-T, horse trailer	Swab (Acetone)	Azoxystrobin	85000 ng/swab	0.4 ng/swab
			Benzovindiflupyr	51300 ng/swab	0.4 ng/swab
			Propiconazole	34100 ng/swab	10 ng/swab

Original Event: Residue Lab Report #276328 (274422-R1641)
 Submitted By: SYSTEM
 Lab Report: Lab Report 274422-R1641.pdf

11/30/2023 **Online Investigation Activity**

Trivapro

The evidence at the site and the lab results support that the fungicide active ingredients applied by Mr. Lewellen moved off-target to people and objects on the McAbee property. The Trivapro label reads, in part, "Do not apply this product in a way that will contact workers or other persons, either directly or through drift." It further states, "Do not apply when conditions favor drift beyond the target area."

Attachments

File 138274; Trivapro.pdf

Original Event: Investigation Activity (Pesticide) #6964
 Submitted By: Andrew R. Roth

12/05/2023 **Judgement
No Violation**

Aero Ag LLC DBA Prairie Flying SVC and John W Lewellen were warned for this application in case number PS23-0292.

Original Event: Judgement #1623
 Primary: Aero Ag LLC DBA Prairie Flying SVC
 Secondary: John W Lewellen
 Submitted By: George Saxton

01/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2967
 To: Aero Ag LLC DBA Prairie Flying SVC
 Submitted By: Jacob A. Hatfield
 USPS: 7021 2720 0003 1615 2052
 Enclosed: Notice of Enforcement
 Attachments: File 139346; PS23-0293EL WRN ~ Aero Ag LLC dba Prairie Flying Svc.docx

01/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2968
To: John W Lewellen
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2069
Enclosed: Notice of Enforcement
Attachments: File 139347; PS23-0293EL WRN ~ John W. Lewellen.docx

01/16/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2388
Subject: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2052
Received: 01/16/2024
Attachments: File 139834; CM 7021 2720 0003 1615 2052 Aero Ag LLC dba Pairie Flying Svc. - PS23-0293 - Received 1-16-2024.pdf
File 139835; CM 7021 2720 0003 1615 2052 Aero Ag LLC dba Pairie Flying Svc. - PS23-0293 - USPS Tracking Proof of Delivery 1-16-2024.pdf

01/16/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2389
Subject: John W Lewellen
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2069
Received: 01/16/2024
Attachments: File 139837; CM 7021 2720 0003 1615 2069 - John W. Lewellen - PS23-0293 - Received 1-16-2024.pdf
File 139838; CM 7021 2720 0003 1615 2069 - John W. Lewellen - PS23-0293 - USPS Tracking Proof of Delivery 1-16-2024.pdf

02/19/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3118
To: Heather Mcabee
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141372; P23-0293 - Heather McAbee - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3119
To: Aero Ag LLC DBA Prairie Flying SVC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141373; P23-0293 - Aero Ag LLC dba Prairie Flying Svc. - Case Closed Letter 2-19-2024.docx

02/19/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3120
To: John W Lewellen
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 141374; P23-0293 - John W. Lewellen - Case Closed Letter 2-19-2024.docx

Chain of Custody

08/03/2023 **Sample 23-4-0818 1**

Original Event: Chain of Custody #8093 (23-4-0818 1)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0819 9**

Original Event: Chain of Custody #8094 (23-4-0819 9)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0820 1**

Original Event: Chain of Custody #8095 (23-4-0820 1)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0821 7**

Original Event: Chain of Custody #8096 (23-4-0821 7)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0822 9**
Original Event: Chain of Custody #8097 (23-4-0822 9)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0823 8**
Original Event: Chain of Custody #8098 (23-4-0823 8)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0824 0**
Original Event: Chain of Custody #8099 (23-4-0824 0)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/03/2023 **Sample 23-4-0825 5**
Original Event: Chain of Custody #8100 (23-4-0825 5)
08/02/2023 15:00: Sample Collected by Andrew R. Roth
08/03/2023 13:45: Sample Delivered to kylo
08/03/2023 14:12: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 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 PS23-0311

Department	Pesticide
Originated	08/19/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Anonymous	
Business	Keystone Cooperative Inc Wingate, IN 47994	
-	Keystone Cooperative Inc Indianapolis, IN 46214	Elizabeth A. South - V.P. & General Counsel

Overviews

02/01/2024 Investigation Summary

On August 18, 2023, an anonymous complainant reported to OISC that Ceres Solutions; Wingate, had been illegally disposing of excess pesticides and pesticide rinsate at its anhydrous storage facility south of Wingate.

On August 23, 2023, I arrived at 8789 N. Old Hwy. 55, Wingate, to conduct my on-site investigation. I observed and photographed signs of heavy runoff, soil erosion, and pesticide use at the west end of the site, which I believed was caused by repeated, large volume liquid releases. I then collected soil samples from the site for analysis by the OISC Residue Lab. Later that day, I collected samples at a different location. On August 29, 2023, I captured additional photographs and collected additional samples at their Wingate location.

The OISC Residue Lab detected the Wingate location had a high number of pesticides with very elevated levels in the soil at the west end of the site that was consistent with improper pesticide disposal and/or pesticide misuse.

I identified multiple label violations for Ceres Solutions' improper pesticide disposal and/or use of pesticide products on unapproved sites.

Submitted By: James M. Trimble
Role: Investigator

02/05/2024 Disposition Summary

Ceres Solutions Cooperative Inc was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Ceres Solutions Cooperative Inc cooperated during the investigation and this was their first violation of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/18/2023 Intake Referral Filed

Anonymous complainant stated Ceres Solutions Coop at Wingate has been illegally disposing of excess pesticides and pesticide rinsate at its anhydrous storage facility south of Wingate.

Original Event: Intake Referral (Pesticide) #3189
Complainant: Anonymous
Respondent: Ceres Solutions Cooperative Inc
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

08/19/2023 **Case Created**

Original Event: Case PS23-0311
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

08/23/2023 **Investigator Met with Business Photographs**

On August 23, 2023, I arrived at 8789 N. Old Hwy. 55, Wingate, to investigate the anonymous report that Ceres Solutions was improperly disposing of their excess pesticides and rinsate at the above location, which was primarily used as an anhydrous ammonia storage site. The site was approximately six acres composed of a gravel lot located on the southern 2/3 of the site and a grassy pasture on the northern 1/3 of the site. I observed a large number of anhydrous ammonia transport wagons, a stationary anhydrous ammonia tank, farm implements, cleaning tanks, empty poly tanks, and piles of construction waste, such as soil, gravel, concrete, bricks, and asphalt chips located within the gravel lot. I observed the pasture area of the site was clear of any equipment and was not currently used for storage. I observed signs of targeted herbicide use within the gravel lot by the sporadic dead vegetation on the lot.

I observed the site's west end was bordered by a line of trees and other vegetation that separated the site from a farm field. Along the site's west border, I observed signs of heavy runoff by the erosion patterns left in and around the gravel lot, as well as some standing water and moist soil, which was not found anywhere else on the site. I found the site's southwest corner had the deepest erosion paths that looked to be an area where large amounts of liquid originated, fed into a deeper & wider path along the tree line, traveled north into the pasture area, and then stopped at the northwest corner of the site. I did not find any of the runoff/erosion paths had left the Ceres' site and entered the other surrounding properties or waterways.

I observed the path along the west end of the Ceres' property to have unnatural irregularities that I believed may have been caused by improper pesticide use and/or disposal, which included abnormal coloring and crystallizing on the soil and gravel areas, the large width and long length of the path, the absence of vegetation within the path, the path's abrupt start and end points that didn't travel past their site, and herbicide exposure symptoms I observed to the broadleaf vegetation in the tree line that overhung the path. Although I believed some of the discoloring of the soil could be associated with algae growth, Indiana was in a very dry weather pattern and I found the amount of moisture in the soil to be odd.

A short time later, Jay Broughton and Chris Austin, who identified themselves as pesticide applicators for Ceres Solutions, met me at the above site. Mr. Broughton and Mr. Austin advised that their Branch Manager, Josh Hagenow, was unavailable for the day but they would attempt to answer any questions I had. Mr. Broughton stated they do dispose of the rainwater that accumulates in their outdoor fertilizer dike on the storage site but they do not dispose of their excess pesticides or rinsate there. Mr. Broughton stated they field-apply their rinsate and/or use pesticide disposal companies or programs to dispose of their excess pesticides. Mr. Broughton stated they do not use their rinsate to treat the noxious weeds within the gravel lot, but instead utilize a hand sprayer with a site-specific herbicide. I showed Mr. Broughton and Mr. Austin the areas of erosion/runoff I observed on site, which they believed was caused by rainwater. I also asked about an empty, large poly tank located near the path, which Mr. Austin believed it was a cracked, defunct tank. I advised Mr. Broughton and Mr. Austin that I would continue my on-site investigation and would visit their branch when I was finished.

After Mr. Broughton and Mr. Austin left the area, I collected multiple soil samples from the areas I identified as possible concerns for analysis by the OISC Residue Lab.

Runoff Path Near Southwest Corner (File 132762)



Runoff Path at West End (File 132769)



West End of Site (File 132774)



Path Continued to the Northwest Corner (File 132780)



Northwest Corner of Site (File 132784)



Attachments



File 132743



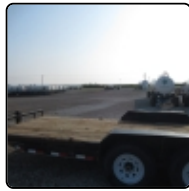
File 132745



File 132746



File 132747



File 132748



File 132749



File 132750



File 132751



File 132752



File 132753



File 132754



File 132756



File 132758



File 132759



File 132760



File 132761



File 132763



File 132775



File 132776



File 132778



File 132779



File 132782



File 132785



File 132786



File 132788



File 132789



File 132790



File 132791



File 132792



File 132795



File 132796



File 132797



File 132800



File 132801



File 132803



File 132805

Original Event: Investigation Activity (Pesticide) #6654
Subject: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble

08/23/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1767
Client: Ceres Solutions Cooperative Inc
Firm Representative: Jay Broughton/Chris Austin
Submitted By: James M. Trimble
Attachments: File 132870; Ceres-NOI.pdf

08/23/2023 **Residue Samples Collected**

Original Event: Residue Collection #276425 (23-4-0986 8)
Client: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble
Sample: 23-4-0986 8 | Soil; Comp; 2-4"; OFF-T, Grad1, 100yd N
Sample: 23-4-0987 5 | Soil; Comp; 2-4"; OFF-T, Grad2, 50yd N
Sample: 23-4-0988 1 | Soil; Comp; 2-4"; OFF-T, Grad3, 0yd N
Sample: 23-4-0989 9 | Soil; Comp; 2-4"; OFF-T, W
Sample: 23-4-0990 9 | Soil; Comp; 2-4"; Target
Sample: 23-4-0991 3 | Soil; Ctrl; 2-4"; Target

08/23/2023 **Investigator Met with Business**

Photographs

On August 23, 2023, I arrived at Ceres Solutions' registered Pesticide Business location at 115 Vine St., Wingate, where I conducted a facility inspection on their secondary containment areas and operation practices. While on-site, I observed and photographed their pesticide containment areas, mixing/loading pad, and other related areas.

Outside of their two pesticide containment buildings, I observed two full mini-bulk containers (approximately 265 gallons each) that were labeled "Pit Water" mixed with other mini-bulk containers labeled "diesel oil" and "used oil". Inside their bulk stationary pesticide tank storage area, I observed a bulk poly tank that did not have a label affixed to it. Using the tank's pre-marked measurements, I estimated the tank to have approximately 1700 gallons of liquid contained inside of it.

While on-site, I met with Mr. Broughton again, who identified the prementioned unlabeled stationary bulk tank as "pit water". Mr. Broughton stated all of the "pit water" I observed on site was a mix of pesticides and other liquids that accumulates in their load pad's dike. Mr. Broughton added that the "pit water" was not a concern as it was "mostly water".

Attachments



File 132834



File 132835



File 132836



File 132837



File 132838



File 132839



File 132840



File 132841



File 132842



File 132843



File 132844



File 132845



File 132846



File 132847



File 132848



File 132849



File 132850



File 132851



File 132852



File 132853



File 132854



File 132855



File 132856



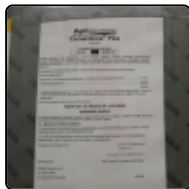
File 132857



File 132858



File 132859



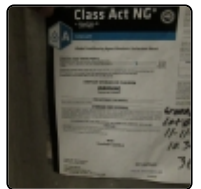
File 132860



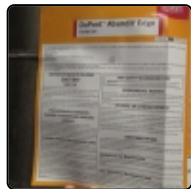
File 132861



File 132862



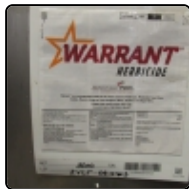
File 132863



File 132864



File 132865



File 132866



File 132867



File 132868



File 132869

Original Event: Investigation Activity (Pesticide) #6656
 Subject: Ceres Solutions Cooperative Inc
 Submitted By: James M. Trimble

08/23/2023 **Product Inspection Conducted**

Original Event: Pesticide Inspection (Product) #337
 Client: Ceres Solutions Cooperative Inc
 Firm Representative: Jay Broughton
 Submitted By: James M. Trimble

08/23/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1775
 Client: Ceres Solutions Cooperative Inc
 Firm Representative: Jay Broughton/Chris Austin
 Submitted By: James M. Trimble
 Attachments: File 133453; Ceres-NOI.pdf

08/23/2023 **Investigator Met with Business**

Photographs

On August 23, 2023, after I left the Ceres Solutions' Wingate locations, I arrived at 2452 E. Grain Bin; Veedersburg (Mellott) to continue my investigation of the anonymous report that Ceres Solutions had also improperly disposed of their excess pesticides and rinsate at the above location. I was advised that the Mellott location was no longer an active branch for Ceres Solutions but was still used as a storage site for farm implements, mini-bulk tanks, and other associated materials.

I observed and photographed the site, where I first observed signs of targeted herbicide use by the dead vegetation around the site's structures and other areas of the gravel lot. I found signs of runoff near the east end of the site that neighbored a corn field and tree line. The east end of the site showed erosion patterns in the gravel and soil that led into the low-lying areas near the southwest corner of the corn field and along the tree line. In addition to the large areas of runoff, I observed symptoms of herbicide activity along the paths by the irregular shaped areas of dead vegetation. I also observed the corn plants in the southwest corner of the corn field were severely pale and had stunted growth, but did not know the corn field's pesticide application schedule.

I also observed the site had a large drain installed near its north end that was intended to remove the excess rainwater away from the site. I observed the drain fed one tile that looked to be headed towards the east but I was unable to locate its discharge point. I observed the drain had normal patterns of runoff flowing towards it and did not find anything out of the ordinary.

Although I identified possible areas of concern on the site, specifically the northeast corner, the evidence of large volume pesticide discharges were not as conspicuous as the site located at 8789 N. Old Hwy. 55.

I then collected multiple soil samples from the above site for analysis by the OISC Residue Lab.

Northeast Corner into Corn Field (File 132823)



Northeast Corner into Tree Line (File 132827)



Runoff Near Tee Line (File 132829)



Attachments



Original Event: Investigation Activity (Pesticide) #6655
Subject: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble

08/23/2023 **Residue Samples Collected**

Original Event: Residue Collection #276434 (23-4-0992 1)
Client: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble
Sample: 23-4-0992 1 | Soil; Comp; 2-4"; OFF-T, Grad1, 30yd N
Sample: 23-4-0993 2 | Soil; Comp; 2-4"; OFF-T, Grad2, 0yd N
Sample: 23-4-0994 5 | Soil; Comp; 2-4"; OFF-T, SE, corn field
Sample: 23-4-0995 0 | Soil; Comp; 2-4"; Target, Drain
Sample: 23-4-0996 6 | Soil; Comp; 2-4"; Target
Sample: 23-4-0997 8 | Soil; Ctrl; 2-4"; Target

08/23/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #780
Submitted By: James M. Trimble
Target Analyte: Atrazine 4L
Target Analyte: Delaro
Target Analyte: 2,4-D LV6
Target Analyte: Cornerstone
Target Analyte: Fultime NXT
Target Analyte: Abundit Edge
Target Analyte: Liberty 280 SL
Target Analyte: Warrant
Target Analyte: Degree Xtra
Target Analyte: Enlist One
PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.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
[000264-01055-20221027.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01055-20221027.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01055-20221027.pdf

[000352-00922-20200501.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf

[000524-00454-20090921.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf

[000524-00511-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.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

[062719-00668-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf

[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf

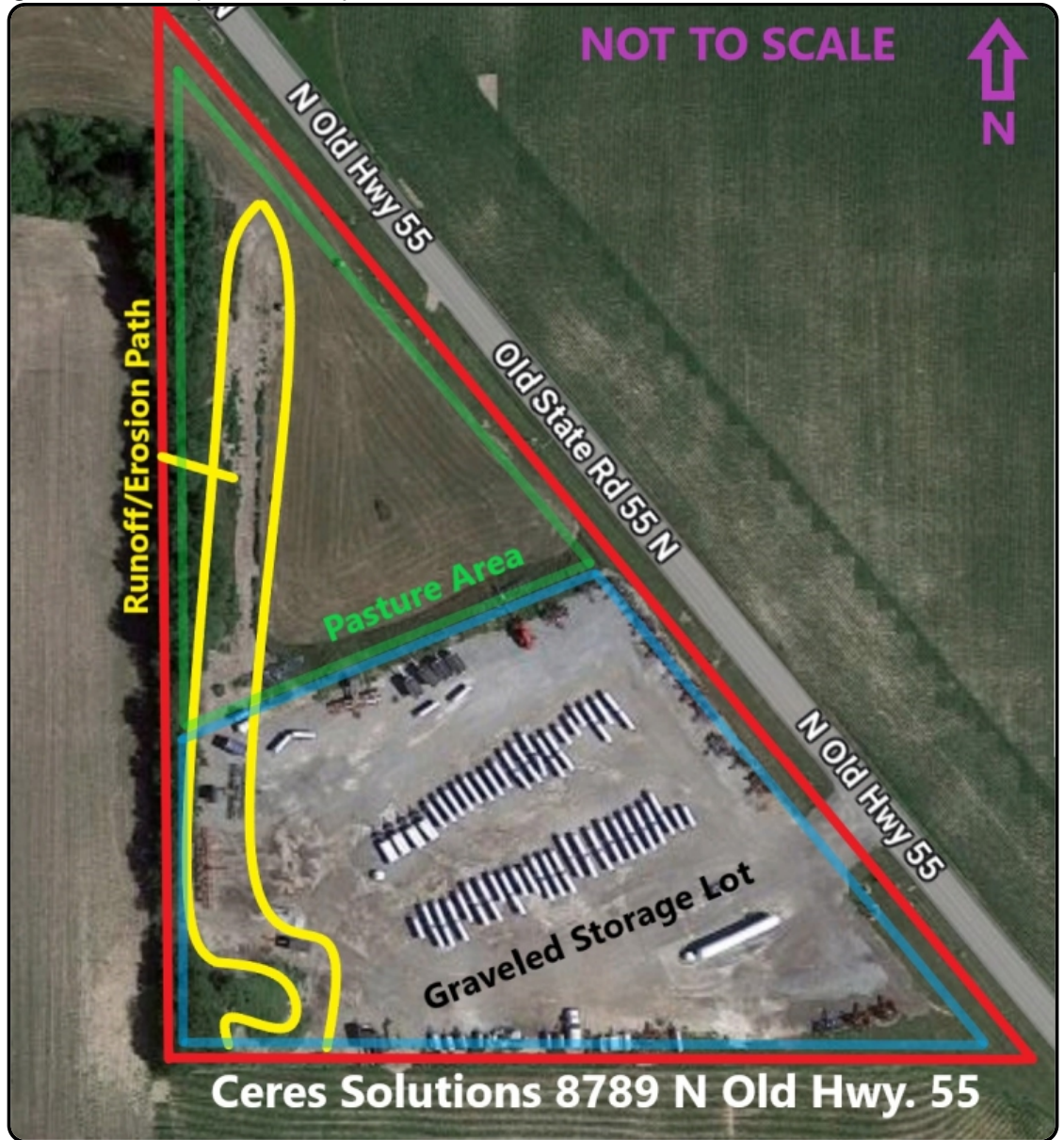
[007969-00448-20221209.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20221209.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20221209.pdf

08/23/2023 **Lab Advised of Target Analytes**

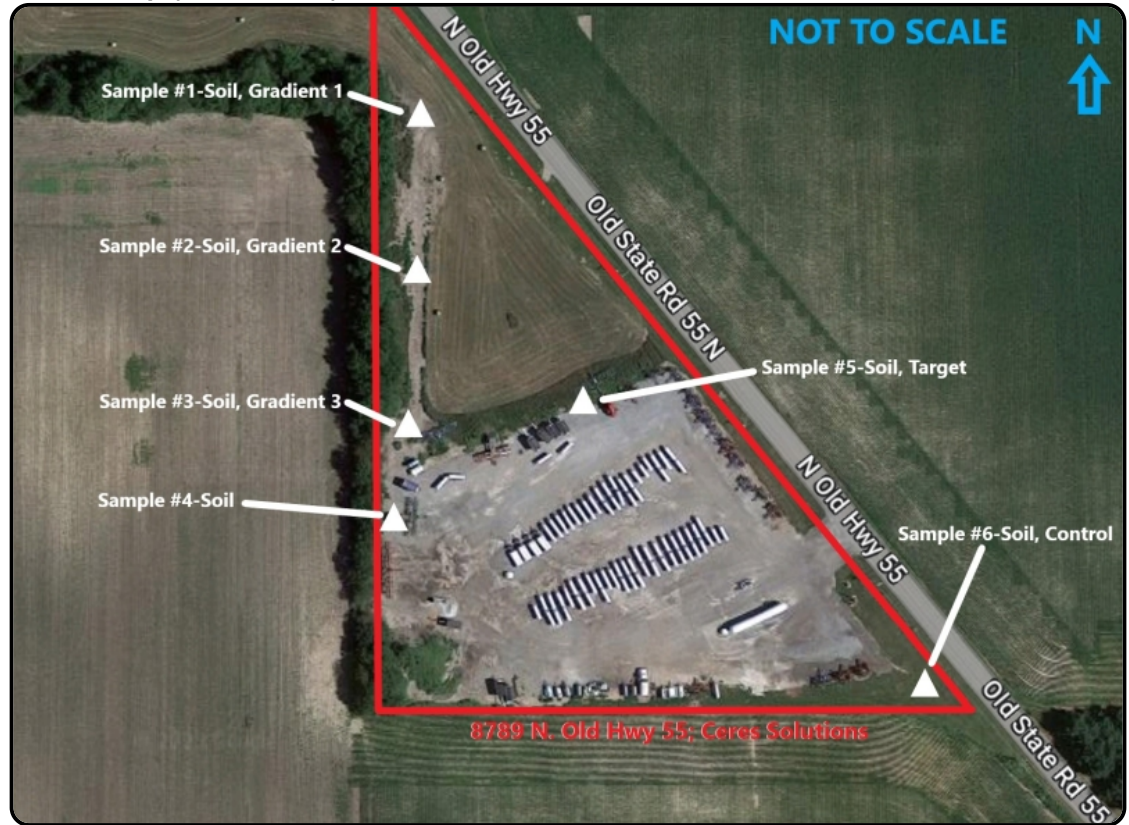
Original Event:	Residue Collections Follow Up #781
Submitted By:	James M. Trimble
Target Analyte:	Atrazine 4L
Target Analyte:	Delaro
Target Analyte:	2,4-D LV6
Target Analyte:	Cornerstone
Target Analyte:	Fultime NXT
Target Analyte:	Abundit Edge
Target Analyte:	Liberty 280 SL
Target Analyte:	Warrant
Target Analyte:	Degree Xtra
Target Analyte:	Enlist One
PPLS Labels:	001381-00158-20211110.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf
	001381-00250-20171213.pdf https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf
	000264-01055-20221027.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000264-01055-20221027.pdf
	000352-00922-20200501.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf
	000524-00454-20090921.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00454-20090921.pdf
	000524-00511-20211110.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf
	000524-00591-20200618.pdf https://www3.epa.gov/pesticides/chem_search/ppls/000524-00591-20200618.pdf
	062719-00668-20211110.pdf https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf
	062719-00695-20220329.pdf https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf
	007969-00448-20221209.pdf https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20221209.pdf

08/28/2023 **Online Investigation Activity**

On August 28, 2023, I created maps of my sample collection and observations at 8789 N. Old Hwy. 55.



Collection Map (File 132989)

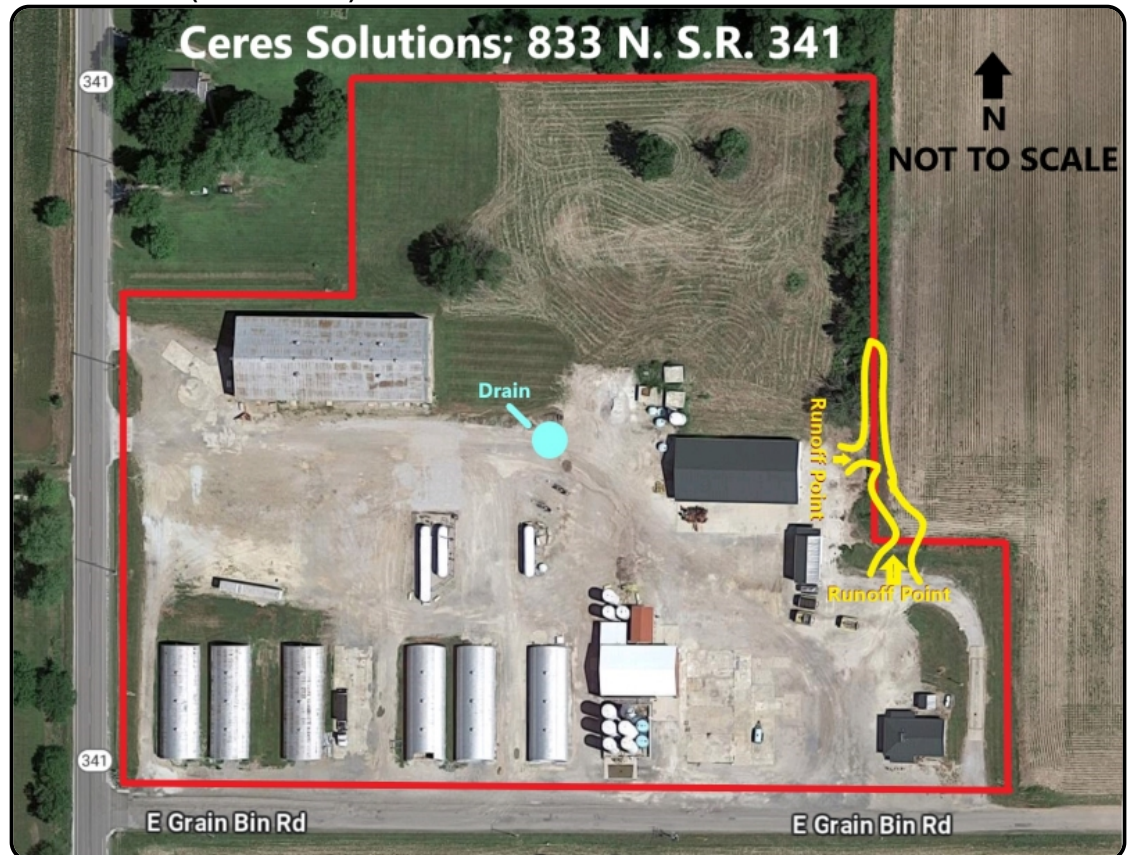


Original Event: Investigation Activity (Pesticide) #6658
Submitted By: James M. Trimble

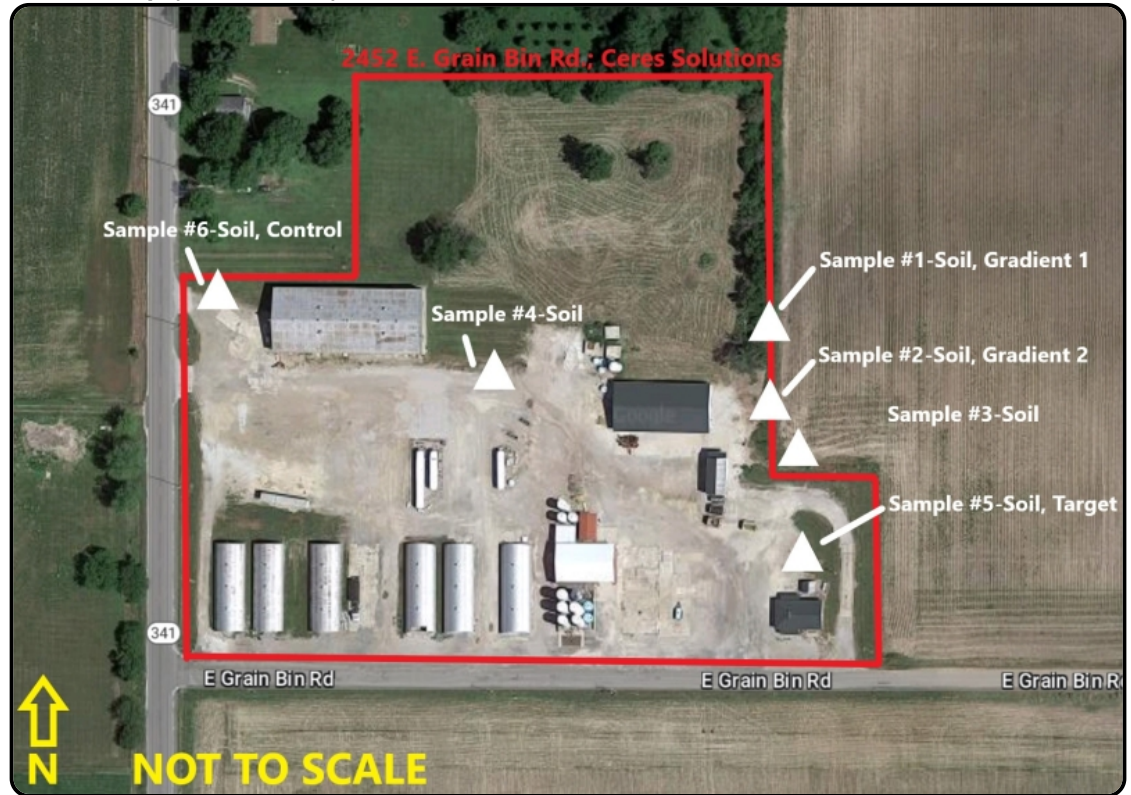
08/28/2023 **Online Investigation Activity**
Activity

On August 28, 2023, I created maps of my observations and sample collection at 2452 E. Grain Bin Rd.

Mellott Location (File 140199)



Collection Map (File 132993)



Original Event: Investigation Activity (Pesticide) #6659
Submitted By: James M. Trimble

08/29/2023 Investigator Met with Business Photographs

On August 29, 2023, I arrived at Ceres Solutions; 115 Vine St., Wingate, where I met the branch's General Manager, Josh Hagenow, and members of their risk management team. The Ceres team members and I discussed the investigation, the Wingate branch's excess pesticide disposal procedures, and later traveled to the locations of my on-site investigations, 8789 N. Old Hwy. 55, Wingate and 2452 E. Grain Bin Rd., Mellot.

Mr. Hagenow stated the "pit water" that is accumulated throughout the year in their dike is first pumped into the stationary bulk tank located in their secondary containment area, then transferred into portable mini-bulk containers, which are then transported to a containment area located at 2452 E. Grain Bin Rd. Mr. Hagenow stated they currently did not have a procedure in place to dispose of the pit water once the mini-bulks are stored in their containment building at their Mellott location. Mr. Hagenow stated their application equipment is cleaned at the target field and the rinsate created by cleaning the equipment is then used on site at the target field. Mr. Hagenow stated they have no accumulation of rinsate that needed to be disposed of.

Mr. Hagenow stated his branch's Operations Manager, Matt Morgan, was responsible for some of their day to day operations, which included the disposal of their excess pesticides. Mr. Hagenow stated Mr. Morgan understood their process of removing and storing their pit water and he never ordered Mr. Morgan to dispose of the pit water or any other excess pesticides in a way other than what was described above. Mr. Hagenow stated Mr. Morgan would have had to go "rogue" in order to dispose of the pesticides as reported by the complainant, which he added would be highly unlikely. Mr. Hagenow also advised they do not inventory their pit water and didn't know how much they accumulate throughout a year or how much they currently had in storage.

The Ceres team members and I then traveled to the two additional locations listed above, where I showed them the areas I believed were a concern of possible improper pesticide disposal. After showing them the areas of runoff, soil discoloration, and vegetation injury at the sites, the Ceres team members did not vocalize a concern of their observations, except for the signs of general runoff. While at 2452 E. Grain Bin Rd., Mr. Hagenow showed me a containment building where they stored their portable mini-bulk containers that were full of their accumulated pit water. I found the building contained approximately 30 mini-bulk containers of their accumulated pit water. I observed the building to have proper secondary containment.

While I was back on-site at 8789 N. Old Hwy. 55, I observed and captured additional photographs of the location. I observed the site to be drier than my previous visit on August 23. The site no longer had any standing water, but still had moist soil. I observed the areas of soil that I previously found to be white and crystallized were more apparent and larger in size. I also observed the empty poly tank that was located at the west end of the site was now gone and found some of the areas to have possibly been graded as parts of the terrain had less signs of erosion and were smoother. Lastly, I collected additional soil samples for analysis by the OISC Residue Lab.

White/Crystalized Soil #1 (File 133358)



White/Crystalized Soil #2 (File 133361)



Poly Tank on 8-23-23 (File 140238)



Absence of Poly Tank on 8-29-23 (File 133382)



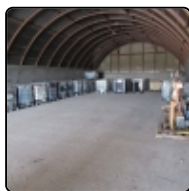
Attachments



File 133350



File 133351



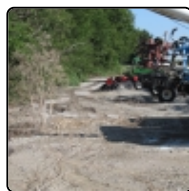
File 133352



File 133353



File 133354



File 133355



File 133356



File 133357



File 133359



File 133360



File 133362



File 133363



File 133364



File 133365



File 133366



File 133367



File 133368



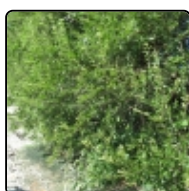
File 133369



File 133370



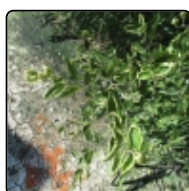
File 133371



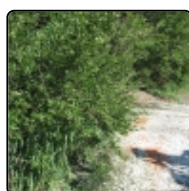
File 133372



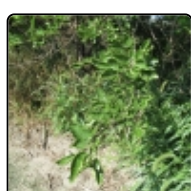
File 133373



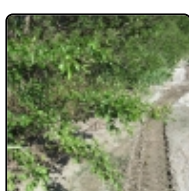
File 133374



File 133375



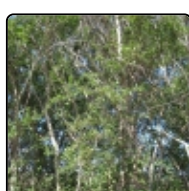
File 133376



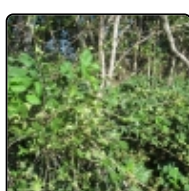
File 133377



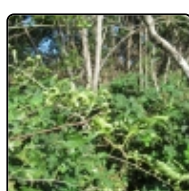
File 133378



File 133379



File 133380



File 133381

Original Event: Investigation Activity (Pesticide) #6674
Subject: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble

08/29/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1774
Client: Ceres Solutions Cooperative Inc
Firm Representative: Josh Hagenow
Submitted By: James M. Trimble
Attachments: File 133452; Ceres NOI 8-29.pdf

08/29/2023 **Product Inspection Conducted**

Original Event: Pesticide Inspection (Product) #339
Client: Keystone Cooperative Inc
Firm Representative: Josh Hagenow
Submitted By: James M. Trimble

08/29/2023 **Residue Samples Collected**

Original Event: Residue Collection #276936 (23-4-0998 4)
Client: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble
Sample: 23-4-0998 4 | Soil; Comp; 2-4"; Target, S
Sample: 23-4-0999 7 | Soil; Comp; 2-4"; Target, E
Sample: 23-4-1000 5 | Soil; Comp; 2-4"; Target, N
Sample: 23-4-1001 4 | Soil; Comp; 2-4"; Target, tree line
Sample: 23-4-1002 2 | Soil; Ctrl; 2-4"; Target

08/30/2023 **Investigator Called Business**

Communication

On August 30, 2023, I spoke with Mr. Hagenow and asked him additional questions regarding my visit on August 29. Mr. Hagenow advised they had most recently used Glyphosate (Cornerstone) & 2,4-D to spray the noxious weeds around their three locations, 115 Vine St., 8789 N. Old Hwy. 55, & 2452 E. Grain Bin Rd., on Monday, August 28, 2023. Mr. Hagenow stated they complete herbicide applications at all of the listed locations on an as needed basis but was not able to identify any dates for any of the other past applications.

Mr. Hagenow stated they did not have surveillance cameras at their anhydrous storage location at 8789 N. Old Hwy. 55.

Mr. Hagenow stated they did not have any excess rinsate accumulated from this year's applications, as all of it was re-applied on site at the target field.

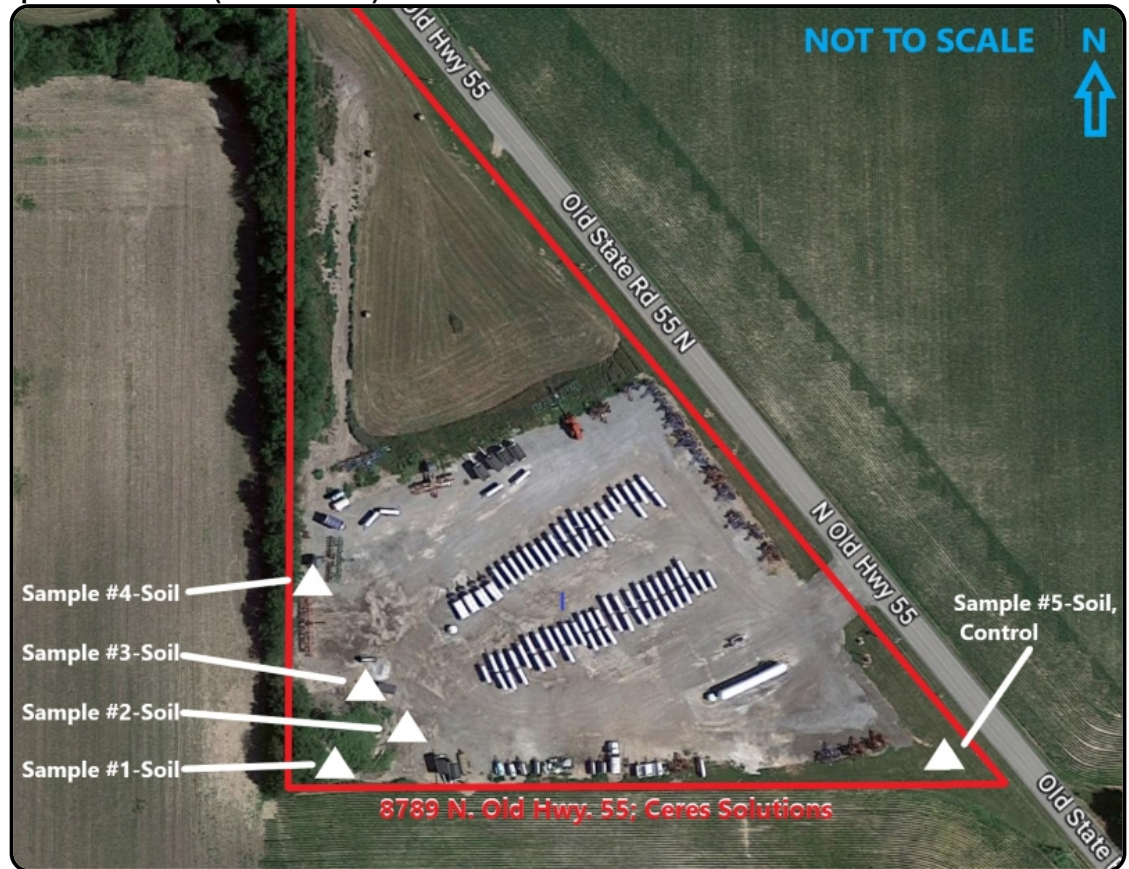
I then asked Mr. Hagenow for his general thoughts of his observations at the areas I had identified as a concern on the previous day. Mr. Hagenow stated nothing looked out of the ordinary or suspicious to him at any of the locations, but he may not have the experience to identify an area of concern regarding pesticide misuse. Mr. Hagenow added that anything observed in the area may have been caused by general runoff, slag in the gravel, and pesticide residues left in the gravel from previous targeted applications. Mr. Hagenow added he could only speak to what had occurred from the time when he had was promoted to the branch's general manager position in January of 2023, and was unsure of the practices under the previous manager.

Original Event: Investigation Activity (Pesticide) #6678
Subject: Ceres Solutions Cooperative Inc
Submitted By: James M. Trimble

08/30/2023 Online Investigation Activity Activity

On August 30, 2023, I created a map of my August 29, 2023, sample collection at 8789 N. Old Hwy. 55.

Sample Collection (File 133466)



Original Event: Investigation Activity (Pesticide) #6679
Submitted By: James M. Trimble

11/10/2023 Received Residue Lab Report Current

Investigatory Summary

On November 11, 2023, I received the lab report from the OISC Residue Lab for my August 23, 2023, sample collection from 8789 N. Old Hwy 55. The OISC Residue Lab analyzed the samples for the active ingredients listed in the ten pesticide products that I identified Ceres Solutions had in inventory during my on-site visit. The lab report stated it had detected 15-19 active ingredients and/or their metabolites in samples #23-4-0986 through #23-4-0989, which were collected outside of the target gravel lot. Although multiple analytes were detected in the samples listed above, the OISC Residue Lab did not quantify every one as it was not needed. Out of the analytes that were detected and quantified, AMPA, Glyphosate, Desthio Prothioconazole, Trifloxystrobin Acid, and Glufosinate were found in very elevated levels compared to the amounts commonly seen in label-approved target applications.

The results also showed a gradient of the target analytes with the lowest levels of the analytes found in the sample collected from the northwest corner of the site (Gradient #1, sample #23-4-0986) and the highest levels of the analytes detected in the sample collected near the southwest corner of the site (Gradient #4, sample #23-4-0989). The results of the four gradient samples was consistent with my on-site observations that large amounts of pesticides had originated near the southwest corner of the site and traveled northbound to the northwest corner of the site. When the elevated amounts found in the gradient samples (samples #23-4-0986 through #24-4-0989) were compared to the normal amounts detected in the target sample (sample #23-4-0990) and the control sample (sample #23-4-0991), it is evident that pesticide misuse had occurred at the west end of the site.

First Page of Lab Report

OCM Collection #	276425	Investigator	TRIMBLEJ		
Collection Date	08/23/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0986 8	Soil; Comp; 2-4"; OFF-T, Grad1, 100yd N	Soil	2,4-D	Detected	
			Acifluorfen	Detected	
			Bentazone	Detected	
			Dinoseb/Dinoterb	Detected	
			Sulfentrazone	Detected	
			AMPA	44900 ppb	80 ppb
			Glufosinate	11.9 ppb	4 ppb
			Glyphosate	8930 ppb	4 ppb
			MPP	34.6 ppb * Minimum detected amount reported.	4 ppb
			Acetochlor	220 ppb	1 ppb
			Atrazine	13.8 ppb	0.07 ppb
			Desthio Prothioconazole	3170 ppb	1 ppb
			Mesotrione	11.3 ppb	0.3 ppb
			Metolachlor	995 ppb	0.7 ppb
			Metribuzin	6.48 ppb	0.3 ppb
			Prothioconazole	20.5 ppb	1 ppb
			Trifloxystrobin	20.6 ppb	0.1 ppb

Original Event: Residue Lab Report #283584 (276425-R1853)
Submitted By: SYSTEM
Lab Report: Lab Report 276425-R1853.pdf

11/10/2023 **Received Residue Lab Report** Current

Investigatory Summary

On November 11, 2023, I received the lab report from the OISC Residue Lab for my August 23, 2023, sample collection from 2452 E. Grain Bin Rd. The OISC Residue Lab analyzed the samples for the active ingredients listed in the ten pesticide products that I identified Ceres Solutions had in inventory during my on-site visit. The lab report stated it had detected 13-15 active ingredients and/or their metabolites in samples #23-4-0992 through #23-4-0997. Although multiple analytes were detected in the samples listed above, the OISC Residue Lab did not quantify every one as it was not needed. Out of the analytes that were detected and quantified, Sample #23-4-0993 was found to have elevated levels of AMPA & Glyphosate and Sample #23-4-0995 was found to have elevated levels of AMPA, Glyphosate, & Acetochlor.

Sample #23-4-0995 was collected from next to the gravel lot's drain near the north end of the site. Although slightly elevated levels would be expected to collect near the drain, the detection of the other analytes not approved for a gravel site is concerning. Sample #23-4-0993 was collected at the runoff point near the east end of the site before entering the corn field or the tree line. It showed elevated levels when compared to the target sample (Sample #23-4-0996) and the control sample (Sample #23-4-0997), but at significantly lower levels than what was discovered from my collection at 8789 N. Old Hwy. 55 (Collection #276434). Overall, this collection's site and surrounding properties caused too many variables to confidently identify if improper pesticide disposal/use had taken place.

First Page of Lab Report

OCM Collection #	276936	Investigator	TRIMBLEJ		
Collection Date	08/29/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0998 4	Soil; Comp; 2-4"; Target, S	Soil	Dinoseb/Dinoterb	Detected	
			2,4-D	Detected	
			Bentazone	Detected	
			Sulfentrazone	Detected	
			AMPA	8490 ppb	40 ppb
			Glufosinate	BDL ppb	40 ppb
			Glyphosate	1280 ppb	40 ppb
			MPP	BQL ppb * Results reported as minimum detected.	8 ppb
			Acetochlor	71.9 ppb	1 ppb
			Atrazine	30.6 ppb	0.07 ppb
			Desthio Prothioconazole	353 ppb	1 ppb
			Mesotrione	0.588 ppb	0.3 ppb
			Metolachlor	7090 ppb	0.7 ppb
			Metribuzin	4.14 ppb	0.3 ppb
			Prothioconazole	BDL ppb	1 ppb
			Trifloxystrobin	30.8 ppb	0.1 ppb
			Trifloxystrobin acid	117 ppb	0.7 ppb

Original Event: Residue Lab Report #283585 (276936-R1853)
Submitted By: SYSTEM
Lab Report: Lab Report 276936-R1853.pdf

11/16/2023 **Received Residue Lab Report** Current

Investigatory Summary

On November 16, 2023, I received the lab report from the OISC Residue Lab for my August 29, 2023, sample collection from 8789 N. Old Hwy 55. The OISC Residue Lab analyzed the samples for the active ingredients listed in the ten pesticide products that I identified Ceres Solutions had in inventory during my on-site visit. The lab report stated it had detected 17-19 active ingredients and/or their metabolites in samples #23-4-0998 through #23-4-1001, which were all collected near the southwest corner of the site. Although multiple analytes were detected in the samples listed above, the OISC Residue Lab did not quantify every one as it was not needed. Out of the analytes that were detected and quantified, AMPA, Glyphosate, Acetochlor, Desthio Prothioconazole, Trifloxystrobin, & Trifloxystrobin Acid were found in very elevated levels compared to the amounts commonly seen in label-approved target applications.

The above samples were collected near the base of a large pile of dirt and construction debris in the far southwest corner of the site, where samples were not previously collected in Collection #276425. The lab results for this collection corresponded with the results of the previous collection, which all showed consistency of very elevated levels of the analytes and was further evidence that improper pesticide disposal and/or use had occurred on site.

First Page of Lab Report

OCM Collection #	276434	Investigator	TRIMBLEJ		
Collection Date	08/23/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0992 1	Soil; Comp; 2-4"; OFF-T, Grad1, 30yd N	Soil	Bentazon	Detected	
			AMPA	3860 ppb	80 ppb
			Glufosinate	BDL ppb	4 ppb
			Glyphosate	460 ppb	4 ppb
			MPP	BDL ppb	4 ppb
			Acetochlor	3690 ppb	1 ppb
			Atrazine	6.33 ppb	0.07 ppb
			Desthio Prothioconazole	484 ppb	1 ppb
			Mesotrione	0.743 ppb	0.3 ppb
			Metolachlor	841 ppb	0.7 ppb
			Metribuzin	0.666 ppb	0.3 ppb
			Prothioconazole	6.33 ppb	1 ppb
			Trifloxystrobin	79.5 ppb	0.1 ppb
			Trifloxystrobin acid	267 ppb	0.7 ppb

Original Event: Residue Lab Report #283583 (276434-R1902)
 Submitted By: SYSTEM
 Lab Report: Lab Report 276434-R1902.pdf

12/11/2023 **Investigator Met with Business**

Interview

On December 11, 2023, I met with Mr. Hagenow to discuss the lab reports I had received from the OISC Residue Lab for the samples I had collected in this investigation. After I reviewed and explained the lab results with Mr. Hagenow, I informed him there was a clear problem and evidence of improper pesticide use and/or disposal at the sites. Mr. Hagenow reaffirmed that he was unaware of any improper dumping or disposal of their excess pesticides or pit water since he had become branch manager in January 2023, but was not aware of the practices under the previous manager he had replaced.

Although Mr. Hagenow acknowledged the evidence of the extremely elevated levels of the target analytes I had identified in the lab reports that showed improper pesticide use and/or disposal had occurred, he stated he had not directly nor indirectly instructed anyone to improperly dispose of their excess pesticides.

Original Event: Investigation Activity (Pesticide) #7028
 Subject: Ceres Solutions Cooperative Inc
 Submitted By: James M. Trimble

01/24/2024 **Online Investigation Activity**

Label Use

On January 24, 2024, I reviewed the labels for the pesticide products I identified as being in Ceres Solutions' inventory at the time of my on-site investigation on August 23, 2023. Using the OISC Residue Lab results and my on-site observations at 8789 N. Old Hwy. 55, Wingate, IN, I cited the following label violations for the product's whose active ingredients were detected in amounts far beyond their normal application levels and/or had been detected but the product was not labeled for use at the above site. Although I was able to provide evidence that improper pesticide disposal and/or pesticide misuse had occurred at the above site, I was unable to document the pesticides had moved off site and onto any of the surrounding properties.

Atrazine 4L RUP (EPA Reg. #1381-158, active ingredient of Atrazine)

- "Open dumping is prohibited. Wastes resulting from the use of this product are acutely toxic. Improper disposal of unused pesticide, spray mixture, or rinsate is a violation of Federal Law. Pesticide, spray mixture, or rinsate that cannot be used according to label instructions must be disposed of according to federal, state or local procedures."
- "For season-long weed control in corn, sorghum, and certain other crops"

Cornerstone Plus (EPA Reg. #74530-43-1381, active ingredient of Glyphosate)

- "Open dumping is prohibited." "Wastes resulting from the use of this product that cannot be used or chemically reprocessed must be disposed of in a landfill approved for pesticide disposal or in accordance with applicable Federal, State or local procedures."

Degree Xtra RUP (EPA Reg. #524-511, active ingredients of Acetochlor & Atrazine)

- "Degree Xtra herbicide is an encapsulated herbicide for weed control in Field Corn, Production Seed Corn, Silage Corn, Sweet Corn, Popcorn, Grain Sorghum (milo), and Miscanthus or other non-food bioenergy crops."
- "If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program."

Delaro 325 SC (EPA Reg. #264-1055, active ingredients of Prothioconazole & Trifloxystrobin)

- "For: control of certain diseases and plant health in Barley, Chickpea, Corn, Cotton, Dry Peas, Lentils, Soybean, Sugar beets, Sweet corn and Wheat."
- "Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility."

Abundit Edge (EPA Reg. #352-922, active ingredient of Glyphosate)

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

Fultime RUP (EPA Reg. #62719-668, active ingredients of Acetochlor & Atrazine)

- "An encapsulated herbicide for control of annual grasses and broadleaf weeds in field corn, production seed corn, silage corn, sweet corn, popcorn, grain sorghum (milo), and Miscanthus or other non-food bioenergy crops."
- "Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, 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."

Warrant (EPA Reg. #524-591, active ingredient of Acetochlor)

- "Warrant herbicide is an encapsulated herbicide for weed control in Alfalfa, Field Corn, Popcorn, Production Seed Corn, Silage Corn, Cotton, Peanut, Forage or Grain Sorghum (milo), Soybean and Sugar Beet."
- "To avoid wastes, use all material in container, including rinsate, by application in accordance with label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program."

The listed label violations only pertains to 8789 N. Old Hwy. 55, Wingate, IN, as I could not confirm that improper pesticide disposal and/or misuse occurred at 2452 E. Grain Bin Rd., Mellot, IN.

Attachments

File 139878; 2,4-d.pdf
File 139879; Atrazine 4.pdf
File 133606; Cornerstone.PDF
File 133607; Degree Xtra HERBICIDE.pdf
File 133609; DELARO 325 SC FUNGICIDE.pdf
File 133610; DUPONT ABUNDIT EDGE HERBICIDE.pdf
File 133611; ENLIST ONE HERBICIDE.pdf
File 133612; FULTIME NXT HERBICIDE.pdf
File 133613; LIBERTY 280 SL HERBICIDE.pdf
File 133614; WARRANT HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #6681
Submitted By: James M. Trimble
PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.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
[000264-01055-20221027.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01055-20221027.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000264-01055-20221027.pdf

[000352-00922-20200501.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf

[000524-00511-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00511-20211110.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

[062719-00668-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf

[062719-00695-20220329.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf

[074530-00043-20140826.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/074530-00043-20140826.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/074530-00043-20140826.pdf

[007969-00448-20221209.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20221209.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00448-20221209.pdf

02/05/2024 **Judgement; Warning**
Warning

Ceres Solutions Cooperative Inc was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Ceres Solutions Cooperative Inc cooperated during the investigation and this was their first violation of similar nature.

Original Event: Judgement #1649
Primary: Ceres Solutions Cooperative Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)

02/05/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3078
To: Ceres Solutions Cooperative Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 6440
Enclosed: Notice of Enforcement
Attachments: File 140562; PS23-0311EL WRN ~ Ceres Solutions Cooperative Inc..docx

02/09/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2417
Subject: Ceres Solutions Cooperative Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 6440
Received: 02/09/2024
Attachments: File 141259; CM 7021 2720 0003 1614 6440 - Ceres Solutions Cooperative, Inc. - PS23-0311 - Received 2-9-2024.pdf
File 141260; CM 7021 2720 0003 1614 6440 - Ceres Solutions Cooperative, Inc. - PS23-0311 - USPS Tracking Proof of Delivery 2-9-2024.pdf

04/02/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3239
To: Keystone Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143815; PS23-0311 - Keystone Cooperative Inc-WGT2 - Case Closed Letter 4-2-2024.docx

04/02/2024 **Requested Documents Mailed to Subject**

All complaints, regulatory or licensing enforcement actions for Keystone Cooperative, Inc., or one of its employees are to be cc'd and sent to Elizabeth A. South as Registered Agent, at Keystone's Legal Service Address, as follows:

Keystone Cooperative, Inc.
Attn: Elizabeth A. South, V.P. & General Counsel
770 North High School Road
Indianapolis, Indiana 46214

Original Event: Outgoing Mail #3240
To: Keystone Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Requested Documents
Attachments: File 143841; PS23-0311 - Keystone-Ceres Solutions Case Closed Letter sent to Elizabeth South 4-2-2024.pdf

Chain of Custody

08/23/2023 **Sample 23-4-0986 8**
Original Event: Chain of Custody #8396 (23-4-0986 8)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0987 5**
Original Event: Chain of Custody #8397 (23-4-0987 5)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0988 1**
Original Event: Chain of Custody #8398 (23-4-0988 1)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0989 9**
Original Event: Chain of Custody #8399 (23-4-0989 9)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0990 9**
Original Event: Chain of Custody #8400 (23-4-0990 9)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0991 3**
Original Event: Chain of Custody #8401 (23-4-0991 3)
08/23/2023 10:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 13:53: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0992 1**
Original Event: Chain of Custody #8402 (23-4-0992 1)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0993 2**
Original Event: Chain of Custody #8403 (23-4-0993 2)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0994 5**
Original Event: Chain of Custody #8404 (23-4-0994 5)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0995 0**
Original Event: Chain of Custody #8405 (23-4-0995 0)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0996 6**
Original Event: Chain of Custody #8406 (23-4-0996 6)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/23/2023 **Sample 23-4-0997 8**

Original Event: Chain of Custody #8407 (23-4-0997 8)
08/23/2023 11:00: Sample Collected by James M. Trimble
08/23/2023 13:31: Sample Delivered to Kylo
08/23/2023 14:12: Delivery Affirmed by Vicki L. Vauters

08/29/2023 **Sample 23-4-0998 4**
Original Event: Chain of Custody #8517 (23-4-0998 4)
08/29/2023 11:00: Sample Collected by James M. Trimble
08/29/2023 12:18: Sample Delivered to Kylo
08/30/2023 09:17: Delivery Affirmed by Vicki L. Vauters

08/29/2023 **Sample 23-4-0999 7**
Original Event: Chain of Custody #8518 (23-4-0999 7)
08/29/2023 11:00: Sample Collected by James M. Trimble
08/29/2023 12:18: Sample Delivered to Kylo
08/30/2023 09:17: Delivery Affirmed by Vicki L. Vauters

08/29/2023 **Sample 23-4-1000 5**
Original Event: Chain of Custody #8519 (23-4-1000 5)
08/29/2023 11:00: Sample Collected by James M. Trimble
08/29/2023 12:18: Sample Delivered to Kylo
08/30/2023 09:17: Delivery Affirmed by Vicki L. Vauters

08/29/2023 **Sample 23-4-1001 4**
Original Event: Chain of Custody #8520 (23-4-1001 4)
08/29/2023 11:00: Sample Collected by James M. Trimble
08/29/2023 12:18: Sample Delivered to Kylo
08/30/2023 09:17: Delivery Affirmed by Vicki L. Vauters

08/29/2023 **Sample 23-4-1002 2**
Original Event: Chain of Custody #8521 (23-4-1002 2)
08/29/2023 11:00: Sample Collected by James M. Trimble
08/29/2023 12:18: Sample Delivered to Kylo
08/30/2023 09:17: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 09:53 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 PS23-0318

Department	Pesticide
Originated	08/26/2023
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Daniel Patten Fort Wayne, IN 46825
Respondent Issued To	Northern Star Landscaping LLC Spencerville, IN 46788
Respondent	Logan Gerbers Harlan, IN 46743

Overviews

02/29/2024 **Investigation Summary**

I responded to a complaint of possible herbicide damage to trees at the property of Daniel Patten. Northern Star Landscaping reportedly cleared unwanted vegetation at the property in 2022 and Mr. Patten believed the herbicides applied as part of the job affected his trees.

Mature trees near the cleared area were void of leaves or only partially leafed-out. Those with leaves exhibited growth regulator herbicide symptoms. I collected plant samples for assessment by the PPDL and tree foliage and soil for analysis by the OISC Residue Lab.

I contacted Logan Gerbers of Northern Star Landscaping. Neither he nor the business were licensed by the OISC. He reportedly applied a pre-emergent and Roundup at the site. When that did not work, a different herbicide was applied but he did not remember what was applied and he had no record of the application. He also indicated he attended a training at Purdue while working for another company, but he had not looked into obtaining licenses.

The PPDL indicated the stunting and distortion on the samples were likely due to root uptake after a herbicide application.

The OISC Residue Lab detected 2,4-D after performing a general screen. I requested additional analyses after compiling a list of active ingredients in herbicides sold by Mr. Gerbers' supplier. The lab then detected imazapyr in the soil from the site.

Because the specific herbicide product applied at the site was not identified in this case, no label was available for examination. However, Mr. Gerbers admitted to making herbicide applications at four locations without a license.

Submitted By: Andrew R. Roth
Role: Investigator

03/05/2024 **Disposition Summary**

Northern Star Landscaping LLC was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Logan Gerbers was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of \$2,000.00 (4 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,200.00. Consideration was given to the fact Mr. Gerbers cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

08/25/2023 **Intake Referral Filed**

Complainant stated multiple herbicide applications made to his property in the summer and fall of 2022 killed and injured mature trees of all sizes on his property.

Original Event: Intake Referral (Pesticide) #3196
Complainant: Daniel Patten
Respondent: Northern Star Landscaping LLC
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/26/2023 **Case Created**

Original Event: Case PS23-0318
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

08/29/2023 **Investigator Met with Complainant Interaction**

On August 29, I spoke with Daniel Patten who reported he hired Northern Star Landscaping, a company owned by brothers Logan and Joe Gerbers, to clear overgrown vegetation and English ivy from his property in 2022. He indicated Snapshot, a pre-emergent herbicide, and Roundup were reportedly applied as part of the landscape project, which took several months to complete. Mr. Patten stated several mature trees in the area where herbicides were applied either died or only partially leafed-out in 2023. He recalled receiving a text message at the end of August 2022 from the Gerbers indicating a herbicide being applied at the end of the project was "toxic" and required a signature to purchase. Mr. Patten indicated he was working but stated his wife would be home for the on-site investigation.

I then went to the Patten residence which was located on a corner lot in the North Pointe Woods subdivision in Ft. Wayne. Mr. Patten had consulted an arborist and several trees near the street at the front of the property had been marked with ribbon for removal. There was a low area between the house and the impacted trees near the street. Mature oaks and maples were either void of leaves or were only partially foliated. Much of the area around the mature trees was bare dirt although there was some weed growth down in the low area. Cut oak stumps had shoots with cupped and distorted leaves. Mature redbuds exhibited cupped and strapped leaves, similar to the oaks. These symptoms are consistent with exposure to growth regulator herbicides. Redbuds in the low area had also been cut to ground-level, but new growth did not exhibit herbicide symptoms. One mature oak which exhibited symptoms on green leaves had a branch which extended over the street. I was able to collect plant material from the tree using a ladder and pole pruner. I photographed the site and collected plant samples from several tree species for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected oak foliage and soil from two areas near the affected trees. Those samples were submitted to the OISC Residue Lab for analysis.

Photographs

Photos of the site and an aerial photo.

Attachments



File 141946



File 133394



File 133395



File 133396



File 133397



File 133398



File 133399



File 133400



File 133401



File 133402



File 133403



File 133404



File 133405



File 133406



File 133407



File 133411



File 133412



File 133413



File 133414



File 133408



File 133409



File 133410

Original Event: Investigation Activity (Pesticide) #6676
Subject: Daniel Patten
Submitted By: Andrew R. Roth

08/29/2023 **Notice of Inspection Issued**

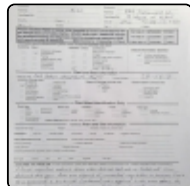
Original Event: Notice of Inspection #1773
Client: Daniel Patten
Firm Representative: Daniel Patten
Submitted By: Andrew R. Roth
Photos:



File 133416

08/29/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #277013 (X23-76BE6E)
Client: Daniel Patten
Submitted By: Andrew R. Roth
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-76BE6E | Plant samples were collected for assessment by the PPDL.
Photos:



File 133418

08/29/2023 **Residue Samples Collected**

Original Event: Residue Collection #277015 (23-4-0835 7)
Client: Daniel Patten
Submitted By: Andrew R. Roth
Sample: 23-4-0835 7 | Veg; Ctrl; OFF-T
Sample: 23-4-0836 1 | Veg; Comp; Front Yard, oak
Sample: 23-4-0837 4 | Soil; Ctrl; 0-2"; OFF-T
Sample: 23-4-0838 8 | Soil; Comp; 0-2"; Target, north
Sample: 23-4-0839 0 | Soil; Comp; 0-2"; Target, south

08/29/2023 **Investigator Met with Business Interaction**

On August 29, I spoke with Logan Gerbers, of Northern Star Landscaping, and informed him of the complaint. He confirmed he and his brother cleared brush and vines at the Patten property in 2022. As part of the project, Snapshot and Roundup herbicides were reportedly applied. I informed Mr. Gerbers that, according to the OISC database, neither he nor the business had been issued a license by the OISC. Mr. Gerbers stated he attended a training session at Purdue when he was employed by Paragon Landscaping but the company did not send him to take any exams. He indicated he knew there were licensing requirements but he had not had time to look into obtaining a license. He further explained that he was unaware a license was needed to apply Roundup. I explained that any for-hire pesticide application made to the property of another requires licensing.

I then met Mr. Gerbers at his residence where I issued an Action Order to cease making pesticide applications until he and the business become properly licensed. He admitted to applying herbicides at a few other properties as part of his services and agreed to provide information for those applications. Mr. Gerbers then showed me the herbicides he had purchased at Menard's in 2023; they included granular Preen Garden Weed Preventer and Roundup Concentrate Plus. When asked what he and his brother applied at the Patten property which would require a signature for purchase, as reported by Mr. Patten. Mr. Gerbers indicated he did not recall having correspondence with Mr. Patten regarding the herbicide but an application was made with a different product after the Roundup was not effective. He stated he did not remember what product was applied, but it had to be mixed with water and it was purchased at Ag Plus Turf Center. Mr. Gerbers reported he did not have the container as the application was made a year ago and the operation had moved to its current location at his house. He also admitted he kept no records for applications at the Patten property.

Communication

I corresponded with Mr. Gerbers via email during September in an attempt to identify the herbicide applied and to obtain a list of other locations where he applied herbicides without a license. He reported again the company was just starting up in 2022 and he had no records for applications at the Patten property. In addition to the application at the Patten property, Mr. Gerbers took responsibility for making the following unlicensed herbicide applications as part of the company's for-hire services:

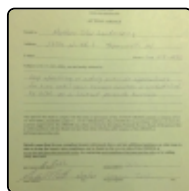
- 1st complex on right on Mutual Way Drive August 18, 2023 Roundup
- 12691 Berkhill Cove Fort Wayne IN 46818 March 12, 2023 Roundup
- 4819 Innsbruck Dr August 29 2023 Roundup

Original Event: Investigation Activity (Pesticide) #7018
Subject: Northern Star Landscaping LLC
Submitted By: Andrew R. Roth

08/29/2023 **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 #360
Issued To: Northern Star Landscaping LLC
Firm Representative: Logan Gerbers
Submitted By: Andrew R. Roth
Photos:



File 140628

08/30/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #784
Submitted By: Andrew R. Roth
Target Analyte: General screen

09/01/2023 **Received External Lab Report**

The only disease problem noted on the samples was powdery mildew on both the oaks and maple.

The oaks had distorted leaves and one had severe interveinal necrosis. Severe stunting and leaf distortion was noted on the maple. All these symptoms are likely due to root uptake of a herbicide from a previous application.

The crop of redbud seedlings seem to be unaffected, suggesting the application may have been to cut stumps and migrated to the other trees, rather than a broadcast soil application. Something like Tordon is a possibility.

The trees in this situation would also likely have been stressed by loss of root structure when the houses were built and by drought stress in recent years in this type of site.

Tom Creswell

Original Event: External Lab Report #277315 (X23-76BE6E)
Submitted By: Andrew R. Roth
Sample: X23-76BE6E
Attachments: File 133733; 23-0318PPDLFinalReport.pdf

09/15/2023 **Investigation Activity**
Activity

On September 7, I spoke with Ag Plus New Haven Turf Center manager Matt Bischoff about the investigation. He indicated the location does not utilize waivers or otherwise require a customer signature for purchases. He further indicated there was no record of purchases made by Northern Star Landscaping because the company does not have an account on file.

On September 15, I went to Ag Plus to check product inventory. Mr. Bischoff indicated the location generally carries the same herbicide products from year to year and that few, if any, have residual activity. I compiled a list of herbicide active ingredients in the products offered for sale at the location for possible analysis by the OISC Residue Lab.

Original Event: Investigation Activity (Pesticide) #7019
Submitted By: Andrew R. Roth

11/17/2023 **Received Residue Lab Report** Superseded (v1 of 2)
Original Event: Residue Lab Report #284157 (277015-R1924)
Submitted By: SYSTEM
Lab Report: Lab Report 277015-R1924.pdf

02/02/2024 **Received Residue Lab Report** Current (v2 of 2)
Investigatory Summary

The OISC Residue Lab first ran a growth regulator (Acidherb) screen on the samples collected from the Patten property. A low level of 2,4-D, was detected in the oak foliage and in the control vegetation. After compiling a list of other potential herbicide active ingredients which may have been applied at the site, the soil samples were analyzed for bromacil, diuron, imazapyr, pramitol and tebuthiuron. Imazapyr, which is an active ingredient in one of the herbicide products offered for sale at Ag Plus, was detected in the two soil samples collected from near the base of the affected trees on the Patten property. The lab was not asked to schedule further analysis for the oak foliage sample.

First Page of Lab Report

OCM Collection #	277015	Investigator	ROTHA			
Collection Date	08/29/2023					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
23-4-0835 7	Veg; Ctrl; OFF-T	Veg	2,4-D	77.7 ppb * Minimum detected amount reported.	0.7 ppb	
			MCPP	BDL ppb	3 ppb	
23-4-0836 1	Veg; Comp; Front Yard, oak	Veg	2,4-D	24.0 ppb * Minimum detected amount reported.	0.7 ppb	
			MCPP	BDL ppb	3 ppb	
23-4-0837 4	Soil; Ctrl; 0-2"; OFF-T	Soil	2,4-D	BDL ppb	0.4 ppb	
			MCPP	BDL ppb	2 ppb	
			Acidherb Screen	ND		
			Bromacil	BDL ppb	3 ppb	
			Diuron	BDL ppb	0.3 ppb	
			Imazapyr	BDL ppb	0.3 ppb	
			Prometon	BDL ppb	1 ppb	
Tebuthiuron	BDL ppb	0.7 ppb				

Original Event: Residue Lab Report #288205 (277015-R2094)
 Submitted By: SYSTEM
 Lab Report: Lab Report 277015-R2094.pdf

02/21/2024 **Investigation Activity**
Activity

After reviewing the evidence collected in this case and consulting with OISC and Purdue specialists, it was concluded that the symptoms at the site were consistent with exposure to imazapyr, which persists in soil and was detected in samples from the site. Based on the levels detected in soil collected near the impacted trees one year after the application, it is suspected the over-application of a herbicide containing imazapyr likely caused the decline of the trees through root uptake. Because there were no records for the purchase or the application of the herbicide, the specific herbicide product was not identified in this case. As such, there is no label to to examine for possible violations. However, Mr. Gerbers admitted to making for-hire herbicide applications without a license at four locations.

Original Event: Investigation Activity (Pesticide) #7104
 Submitted By: Andrew R. Roth

03/05/2024 **Judgement; Civil Penalty Assessed**
Citation

Northern Star Landscaping LLC was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license.

Civil Penalty

Logan Gerbers was cited for four (4) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a pesticide business license. A civil penalty in the amount of \$2,000.00 (4 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,200.00. Consideration was given to the fact Mr. Gerbers cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1664
 Primary: Northern Star Landscaping LLC
 Secondary: Logan Gerbers
 Submitted By: George Saxton
 Legal Citation: IC 15-16-5-65(9)
 Penalty Amount: 1200

03/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3188
 To: Northern Star Landscaping LLC
 Submitted By: Jacob A. Hatfield
 USPS: 7020 3160 0001 0012 5899
 Enclosed: Notice of Enforcement
 Attachments: File 142718; PS23-0318EL CIT ~ Northern Star Landscaping LLC.docx

03/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3189
To: Logan Gerbers
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 0012 5905
Enclosed: Notice of Enforcement
Attachments: File 142717; PS23-0318EL CIT - CP Mitigated ~ Logan Gerbers - Northern Star Landscaping.docx

03/18/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2467
Subject: Logan Gerbers
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 0012 5905
Received: 03/18/2024
Attachments: File 143593; CM 7020 3160 0001 0012 5905 - Logan Gerbers - PS23-0318 - Received 3-28-2024.pdf

04/15/2024 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2494
Subject: Logan Gerbers
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,200.00
Payment Received: \$1,200.00
Attachments: File 144604; PS23-0318 - Logan Gerbers - CP Received 4-15-2024.pdf

04/16/2024 **Mail Service Returned for Target**

On April 16, 2024, certified mail was returned to OISC. Regular mail has not been returned at this time.

Original Event: Compliance Receipt #2496
Subject: Northern Star Landscaping LLC
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 0012 5899
Returned: 04/16/2024
Attachments: File 144735; CM 7020 3160 0001 0012 5899 - Northern Star Landscaping LLC - PS23-0318 - CM Returned 4-16-2024.pdf

04/17/2024 **Mail Confirmation Assumed for Target**

As of April 17, 2024, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2497
Subject: Northern Star Landscaping LLC
Submitted By: Jacob A. Hatfield

04/18/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3275
To: Daniel Patten
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144851; PS23-0318 - Daniel Patten - Case Closed Letter 4-18-2024.docx

04/18/2024 **Notice of Case Closure Mailed to Business**

Original Event: Outgoing Mail #3277
To: Northern Star Landscaping LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144853; PS23-0318 - Northern Star Landscaping LLC - Case Closed Letter 4-18-2024.docx

04/18/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3278
To: Logan Gerbers
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 144854; PS23-0318 - Logan Gerbers - Case Closed Letter 4-18-2024.docx

Chain of Custody

08/30/2023 **Sample 23-4-0835 7**

Original Event: Chain of Custody #8542 (23-4-0835 7)
08/29/2023 14:00: Sample Collected by Andrew R. Roth
08/30/2023 14:00: Sample Delivered to Vicki L. Vauters
08/30/2023 14:00: Delivery Affirmed by Vicki L. Vauters

08/30/2023 **Sample 23-4-0836 1**

Original Event: Chain of Custody #8543 (23-4-0836 1)
08/29/2023 14:00: Sample Collected by Andrew R. Roth
08/30/2023 14:00: Sample Delivered to Vicki L. Vauters
08/30/2023 14:00: Delivery Affirmed by Vicki L. Vauters

08/30/2023 **Sample 23-4-0837 4**

Original Event: Chain of Custody #8544 (23-4-0837 4)
08/29/2023 14:00: Sample Collected by Andrew R. Roth
08/30/2023 14:00: Sample Delivered to Vicki L. Vauters
08/30/2023 14:00: Delivery Affirmed by Vicki L. Vauters

08/30/2023 **Sample 23-4-0838 8**

Original Event: Chain of Custody #8545 (23-4-0838 8)
08/29/2023 14:00: Sample Collected by Andrew R. Roth
08/30/2023 14:00: Sample Delivered to Vicki L. Vauters
08/30/2023 14:00: Delivery Affirmed by Vicki L. Vauters

08/30/2023 **Sample 23-4-0839 0**

Original Event: Chain of Custody #8546 (23-4-0839 0)
08/29/2023 14:00: Sample Collected by Andrew R. Roth
08/30/2023 14:00: Sample Delivered to Vicki L. Vauters
08/30/2023 14:00: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 09:53 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 **April 19, 2024, 09:55 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 PS23-0338

Department	Pesticide
Originated	09/28/2023
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Heidi King Goshen, IN 46526
Agency	Elkhart County Surveyor Goshen, IN 46526
Business	Right of Way Management Co St Joe, IN 46706
Applicator	Chadd A Baker St Joe, IN 46785

Overviews

02/06/2024 Investigation Summary

On September 29, I responded to a complaint of possible herbicide drift from a ditch application to vegetation on the property of Heidi King. Leaf-spotting, curling and distortion was visible across a wide variety of plant species on the King property.

I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected plant and soil samples for analysis by the OISC Residue Lab.

I obtained application records from Right of Way Management which was contracted to control woody vegetation in the adjacent county ditch. Milestone and Platoon were applied August 24.

The PPDL indicated growth regulator herbicide exposure symptoms were visible. Insect and disease issues were also identified. The OISC Residue Lab detected low levels of herbicide active ingredients in vegetation from the King property.

Based on the evidence collected in this case, direct particle drift was not confirmed. However, upon examination of the herbicide labels, it was determined the application was made in violation of the Platoon label restrictions regarding wind direction.

Submitted By: Andrew R. Roth
Role: Investigator

02/07/2024 Disposition Summary

Chadd Baker was warned 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 sensitive area. Consideration was given to the fact this was Mr. Baker's first violation of similar nature; Mr. Baker cooperated during the investigation and no restricted use pesticides were involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/27/2023 Intake Referral Filed

Complainant stated a herbicide application made to a county ditch on August 24, 2023, drifted onto her garden injuring raspberries, asparagus and other plants.

Original Event: Intake Referral (Pesticide) #3217
Complainant: Heidi King
Respondent: Elkhart County Surveyor
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

09/28/2023 **Investigator Called Complainant Communication**

On September 28, I spoke with Heidi King who reported garden plants and ornamentals on her property began to decline a day after a herbicide application was made to a ditch behind her property on August 24. She indicated she contacted the Elkhart County Surveyors Office and "Carl" came out the day after the application. He reportedly concluded there was no drift.

Original Event: Investigation Activity (Pesticide) #6785
Subject: Heidi King
Submitted By: Andrew R. Roth

09/28/2023 **Investigator Called Organizer Communication**

On September 28, I contacted Elkhart County Drainage Supervisor Carl Gilbert about the complaint. He indicated he had spoken with the complainant and visited the site. Mr. Gilbert indicated Right of Way Management was utilized for vegetation control applications for several ditches in the county.

Original Event: Investigation Activity (Pesticide) #6786
Subject: Elkhart County Surveyor
Submitted By: Andrew R. Roth

09/28/2023 **New Respondent Identified Respondent Identified**

It was determined Right of Way Management was contracted for the application.

Original Event: Investigation Change #408
Respondent: Right of Way Management Co
Submitted By: Andrew R. Roth

09/28/2023 **Investigator Called Business Interaction**

On September 28, I contacted Chadd Baker, of Right of Way Management, and informed him of the complaint. He confirmed his applicators sprayed the ditch behind the King property for the Surveyors Office. Mr. Baker was not at the office at the time, but indicated he believed the tank mix contained Garlon 3A, Milestone and 2,4-D Amine. He stated he would confirm the tank mix partners and provide application information.

Original Event: Investigation Activity (Pesticide) #6787
Subject: Right of Way Management Co
Submitted By: Andrew R. Roth

09/28/2023 **Case Created**

Original Event: Case PS23-0338
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

09/29/2023 **Residue Samples Collected**

Original Event: Residue Collection #279703 (23-4-0841 4)
Client: Heidi King
Submitted By: Andrew R. Roth
Sample: 23-4-0841 4 | Soil; Comp; 0-2"; OFF-T, Garden
Sample: 23-4-0842 2 | Soil; Comp; 0-2"; OFF-T, Fig bed
Sample: 23-4-0843 3 | Soil; Comp; 0-2"; Target, Ditch
Sample: 23-4-0844 6 | Veg; Comp; OFF-T, Garden
Sample: 23-4-0845 1 | Veg; Comp; OFF-T, Fig
Sample: 23-4-0846 7 | Veg; Comp; Target

09/29/2023 **Investigator Met with Complainant**

Interaction

On September 29, I met Ms. King at her residence for the on-site investigation. She reported she was outside on August 24 and smelled an odor which she then realized was coming from the application being made to the ditch behind her property. The wind was reportedly blowing from a southerly direction, toward her property, at the time. Ms. King reportedly monitored her plants after the application and observed leaf-spotting as well as leaves "drawing in" and curling. She indicated she gardens organically and does not use pesticides on her property. Ms. King reported that she contacted a local organic company which was utilized to rinse her property with water and microbes.

The target area was a vegetative ditch which ran down the center of a 130-foot wide, east-west county easement between the King property and County Road 36. The property was open to the ditch (south) except for a couple of mature mulberry trees along the property line near the garden. We looked at a variety of plants in and near the garden, in beds along the back of the property and next to the house and in a raspberry patch near the property line. A variety of symptoms were observed on plants across the property. Many plants had chlorotic spotting on leaves while others, including tomato, pepper, beans, kale and lambsquarters in the garden, exhibited cupped leaves and distorted stems. Similar symptoms were observed on the mulberry, ragweed and thistle at the back of the property. The cupping and distortion are symptoms consistent with exposure to growth-regulator type herbicides. A few asparagus plants in a strip exposed to the ditch near the property line had scorched and wilted foliage. There was no pattern of symptom severity across the property. Leaves on woody vegetation along the banks of the ditch (target area) were curled and dead. We discussed the possible routes of exposure, particle drift vs volatilization after application, for the off-target movement of certain herbicides. I photographed the site and collected a variety of plant samples from the King property for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue.

We discussed potential plants to sample for residue analysis and ultimately decided to target garden foliage and fig leaves from a planting at the southeast corner of the property. I collected those two vegetation samples as well as soil from the base of the plants. I also collected foliage from a cluster of browned trees and soil from the base of those trees in the target area along the ditch bank. That sample area was approximately 40 feet from the garden. The samples were submitted to the OISC Residue Lab for analysis.

Photographs

Photos from the site and an aerial photo.

Attachments



File 135490



File 135451



File 135452



File 135453



File 135454



File 135455



File 135456



File 135457



File 135458



File 135459



File 135460



File 135461



File 135462



File 135463



File 135464



File 135465



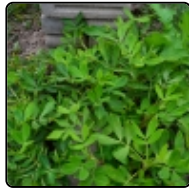
File 135466



File 135467



File 135468



File 135469



File 135470



File 135471



File 135472



File 135473



File 135474



File 135475



File 135476



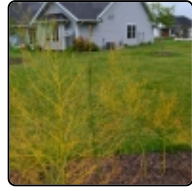
File 135477



File 135478



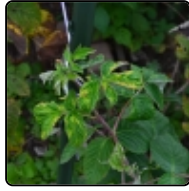
File 135479



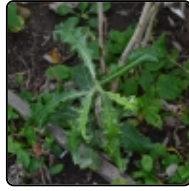
File 135480



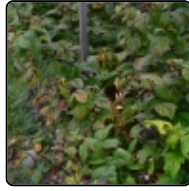
File 135481



File 135482



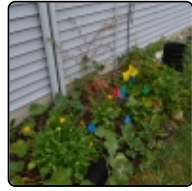
File 135483



File 135484



File 135485



File 135486



File 135487



File 135488



File 135489

Original Event: Investigation Activity (Pesticide) #6793
Subject: Heidi King
Submitted By: Andrew R. Roth

09/29/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1819
Client: Heidi King
Firm Representative: Heid King
Submitted By: Andrew R. Roth
Photos:



File 135491

09/29/2023 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #279746 (X23-2DFCF8)
Client: Heidi King
Submitted By: Andrew R. Roth
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X23-2DFCF8 | Various plant samples were collected from the site for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue.
Photos:



File 135493

09/29/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #792
Submitted By: Andrew R. Roth
Target Analyte: Milestone
Target Analyte: Platoon
PPLS Labels: [000228-00145-20150730.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000228-00145-20150730.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00145-20150730.pdf
[062719-00519-20210204.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf

10/02/2023 **Investigator Received Fax/Email from Business**

Records

On October 2, I received application information from Mr. Baker which indicated Registered Technicians Marc Smith and Chris Heffley sprayed the small brush within the ditch, starting at 120pm on August 24. He clarified that the tank mix contained Milestone (EPA Reg#62719-519), active ingredient aminopyralid, and Platoon (EPA Reg#228-145), active ingredient 2,4-D. Winds were reported as blowing from the southwest at 10mph during the application; the temperature was listed as 88 degrees. Winds from a southwesterly direction would have been blowing toward the King property.

A check of recorded wind data at the closest official weather station (Elkhart Municipal Airport), which is 12 miles northwest of the site, confirmed winds were from the southwest, ranging from 8-15mph, during the reported time of the application.

The information provided by Right of Way Management did not list a certified supervisor for the application. In a subsequent correspondence, Mr. Baker indicated he was the certified supervisor.

Attachments

File 139306; 23-0338ApplInfo.pdf

Original Event: Investigation Activity (Pesticide) #7023
Subject: Right of Way Management Co
Submitted By: Andrew R. Roth

10/05/2023 **Received External Lab Report**

I did see symptoms of growth regulator exposure in a few of them.
 Asparagus and giant ragweed plants show stem twisting.
 The green beans show some leaf distortions and some of the pods are curling excessively.
 This is consistent with exposure to synthetic auxin herbicides, but the rate of exposure appears to be low overall.
 Marcelo Zimmer
 Weed Science Program Specialist

The sample and photos showed a number of plants that had minor to moderate distortion that is suggestive of growth regulator exposure.

Raspberry plant: has Cladosporium growth on the fruit which is likely growing on damaged tissue (due to insect damage or some kind of mechanical injury, not due to growth regulator exposure). Leaves show damage due to insect damage including thrips and some kind of chewing insect. The chlorotic leaf symptoms could be associated with something else, but on the sample provided mites were present in all areas where there were chlorotic leaf spots.

Orange flower near house: significant mite and thrips feeding damage

Bean: deformation, but there are dark brown to black lesions on the crown tissue. Thielaviopsis, causal agent of black root rot, was observed growing from the crown tissue. <https://purdueplantdoctor.com/factsheet/tree-82>
 John Bonkowski

Original Event: External Lab Report #280046 (X23-2DFCF8)
 Submitted By: Andrew R. Roth
 Sample: X23-2DFCF8
 Attachments: File 135665; 23-0338PPDLFinalReport.pdf

12/19/2023 **Received Residue Lab Report** Current

Investigatory Summary

The OISC Residue Lab analyzed the samples for the herbicide active ingredients reported to have been applied to the ditch (triclopyr was originally thought to have been in the tank mix).

- Aminopyralid and 2,4-D were detected in the samples from the target area.
- 2,4-D was detected in the foliage from the garden.
- Aminopyralid and 2,4-D were detected in the foliage from the fig near the garden.
- No herbicide active ingredients were detected in the soil collected from the garden or from the base of the fig.

The low levels (reported in parts per billion) of active ingredients detected in the off-target vegetation samples, the detection of only one active ingredient in the garden foliage and the lack of any detection in the corresponding soil samples do not support an incident of direct particle drift in this case. Rather, they suggest the active ingredients moved off-target as a result of volatilization (vapor movement).

First Page of Lab Report

OCM Collection #	279703	Investigator	ROTHA		
Collection Date	09/29/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0841 4	Soil; Comp; 0-2"; OFF-T, Garden	Soil	2,4-D	BDL ppb	0.4 ppb
			Aminopyralid	BDL ppb	20 ppb
			Triclopyr	BDL ppb	2 ppb
23-4-0842 2	Soil; Comp; 0-2"; OFF-T, Fig bed	Soil	2,4-D	BDL ppb	0.4 ppb
			Aminopyralid	BDL ppb	20 ppb
			Triclopyr	BDL ppb	2 ppb
23-4-0843 3	Soil; Comp; 0-2"; Target, Ditch	Soil	2,4-D	114 ppb	0.4 ppb
			Aminopyralid	73.1 ppb	20 ppb
			Triclopyr	BDL ppb	2 ppb
23-4-0844 6	Veg; Comp; OFF-T, Garden	Veg	2,4-D	22.5 ppb * Results reported as minimum detected.	0.7 ppb
			Aminopyralid	BDL ppb	6 ppb
			Triclopyr	BDL ppb	3 ppb

Original Event: Residue Lab Report #285858 (279703-R2084)
Submitted By: SYSTEM
Lab Report: Lab Report 279703-R2084.pdf

02/05/2024 **Online Investigation Activity**
Platoon

While herbicide active ingredients were detected in plants on the King property, the ultra-low levels detected, the detection of only one active ingredient in the garden foliage and the weather conditions during the application suggest the herbicides moved off-target as a result of volatilization (vapor drift) after the application.

I examined the labels for the herbicides in the tank mix applied to the ditch. While direct particle drift from the application site to the King property was not confirmed in this case, the Platoon label reads, in part, "Only apply PLATOON if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind."

Attachments

File 140496; UAP-Platoon.pdf

Original Event: Investigation Activity (Pesticide) #7044
Submitted By: Andrew R. Roth
PPLS Labels: [000228-00145-20150730.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00145-20150730.pdf

02/07/2024 **Judgement; Warning**
Warning

Chadd Baker was warned 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 sensitive area. Consideration was given to the fact this was Mr. Baker's first violation of similar nature; Mr. Baker cooperated during the investigation and no restricted use pesticides were involved.

Original Event: Judgement #1650
Primary: Chadd A Baker
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)

02/08/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3088
To: Chadd A Baker
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7294
Enclosed: Notice of Enforcement
Attachments: File 140666; PS23-0338EL WRN ~ Chadd A. Baker.docx

02/12/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2426
Subject: Chadd A Baker
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7294
Received: 02/12/2024
Attachments: File 141321; CM 7021 2720 0003 1614 7294 - Chadd A. Baker - PS23-0338 - Received 2-12-2024.pdf
File 141322; CM 7021 2720 0003 1614 7294 - Chadd A. Baker - PS23-0338 ~ USPS Tracking Info - Received 2-12-2024 .pdf

03/22/2024 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #3220
To: Heidi King
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143284; PS23-0338 - Heidi King - Case Closed Letter 3-22-2024.docx

03/22/2024 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #3221
To: Elkhart County Surveyor
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143290; PS23-0338 - Elkhart County Surveyor - Case Closed Letter 3-22-2024.docx

03/22/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3222
To: Chadd A Baker
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143291; PS23-0338 - Chadd A. Baker - Case Closed Letter 3-22-2024.docx

Chain of Custody

09/29/2023 **Sample 23-4-0841 4**
Original Event: Chain of Custody #8973 (23-4-0841 4)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

09/29/2023 **Sample 23-4-0842 2**
Original Event: Chain of Custody #8974 (23-4-0842 2)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

09/29/2023 **Sample 23-4-0843 3**
Original Event: Chain of Custody #8975 (23-4-0843 3)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

09/29/2023 **Sample 23-4-0844 6**
Original Event: Chain of Custody #8976 (23-4-0844 6)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

09/29/2023 **Sample 23-4-0845 1**
Original Event: Chain of Custody #8977 (23-4-0845 1)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

09/29/2023 **Sample 23-4-0846 7**
Original Event: Chain of Custody #8978 (23-4-0846 7)
09/29/2023 12:00: Sample Collected by Andrew R. Roth
09/29/2023 16:25: Sample Delivered to kylo
10/02/2023 09:46: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 09:55 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 **April 19, 2024, 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 PS24-0019

Department	Pesticide
Originated	11/09/2023
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Decatur Ace Hardware Decatur, IN 46733
Registrant Respondent	Makkiki Electronics Hauula, HI 96717

Overviews

11/29/2023 **Product Registration Summary**

Warn Ace about selling unregistered pesticides, provide directions as to where to look for state registration information and who to contact with any questions.

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

12/07/2023 **Investigation Summary**

On November 8, 2023 I conducted a routine marketplace inspection at Decatur Ace Hardware. I met with store manager Matthew Rush and explained the process of the marketplace inspection. Upon completion of the inspection I informed Mr. Rush that i had located an unregistered pesticide product. The product was Term-Out aerosol spray. I found that the product was unregistered but i also found that the active ingredient in the product, Resmethrin, became a restricted use pesticide in 2015. The Term-Out product did not bear RUP labeling information. I collected the two remaining containers of the product for an evidentiary sample. I issued a Stop Sale to Ace with instructions to stop selling the product until released in writing by OISC.

The Label review found that the label was NOT Acceptable; Product was federally cancelled in 2006. Ace had 2 remaining packages, both were collected as samples. Full label review was not completed.

Submitted By: Garret A. Creason
Role: Investigator

12/07/2023 **Disposition Summary**

Decatur Ace Hardware was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered for sale in Indiana.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/08/2023 **Intake Referral Filed**

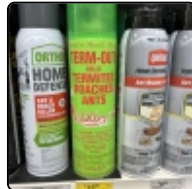
Unregistered pesticide product located for sale at Decatur Ace Hardware.

Original Event: Intake Referral (Pesticide) #3294
Complainant: Office of Indiana State Chemist
Respondent: Decatur Ace Hardware
Entered By: Garret A. Creason
Submitted By: Joseph D. Becovitz

11/08/2023 **Formulation Samples Collected**

Original Event: Formulation Collection #283070 (24-3-0005 1)
Registrant: Makkiki Electronics
Client: Decatur Ace Hardware
Firm Representative: Matthew Rush
Submitted By: Garret A. Creason
Sample: 24-3-0005 1 | Term-Out
PPLS Labels: [035054-00002-20030502.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035054-00002-20030502.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/035054-00002-20030502.pdf

Photos:



File 137620



File 137621



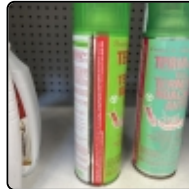
File 137622



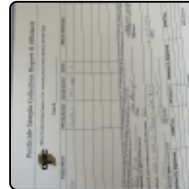
File 137623



File 137624



File 137625



File 137626

11/08/2023 **Stop Sale Order Issued** (Pending)

Original Event: Action Order #355
Issued To: Decatur Ace Hardware
Registrant: Makkiki Electronics
Firm Representative: Matthew Rush
Submitted By: Garret A. Creason
Photos:



File 137628

11/08/2023 **Investigator Met with Distributor Communication**

On November 8, 2023 I conducted a routine marketplace inspection at Decatur Ace Hardware. I met with store manager Matthew Rush and explained the process of the marketplace inspection. Upon completion of the inspection I informed Mr. Rush that i had located an unregistered pesticide product. The product was Term-Out aerosol spray. I found that the product was unregistered but i also found that the active ingredient in the product, Resmethrin, became a restricted use pesticide in 2015. The Term-Out product did not bear RUP labeling information. I collected the two remaining containers of the product for an evidentiary sample. I issued a Stop Sale to Ace with instructions to stop selling the product until released in writing by OISC.

Original Event: Investigation Activity (Pesticide) #6925
Subject: Decatur Ace Hardware
Submitted By: Garret A. Creason

11/08/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1877
Client: Decatur Ace Hardware
Firm Representative: Matthew Rush
Submitted By: Garret A. Creason
Photos:



File 137633

11/08/2023 **Marketplace Inspection Conducted**
Marketplace

Stop Sale order issued to Ace to stop the sales of Term-Out, EPAReg# 35054-2.

Original Event: Pesticide Inspection (Product) #348
Client: Decatur Ace Hardware
Firm Representative: Matthew Rush
Submitted By: Garret A. Creason

11/09/2023 **Case Created**

Original Event: Case PS24-0019
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason

11/13/2023 **Label Review Conducted; Not Acceptable**
Term-Out

NOT Acceptable; Product was federally cancelled in 2006. Ace had 2 remaining packages, both were collected as samples. Full label review was not completed.


Original Event: Label Review (Pesticide) #246 (Makkiki Electroni...)
Registrant: Makkiki Electronics
Submitted By: Sarah K. Caffery
PPLS Labels: [035054-00002-20030502.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035054-00002-20030502.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/035054-00002-20030502.pdf

11/13/2023 **Notice of Stop Sale Sent**

Product was federally cancelled in 2006. Ace had 2 remaining packages, both were collected as samples. SSURO notification was not sent to the registrant.

Original Event: Pesticide Products Activity #79
Primary: Makkiki Electronics
Submitted By: Sarah K. Caffery

11/18/2023 **Received Formulation Lab Report** Current
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				
PESTICIDE FORMULATION ANALYSIS REPORT				
PRODUCT NAME Term-Out	INVESTIGATOR CREASONG	DATE SAMPLED 11/08/2023	REPORT DATE 11/18/2023	
OCM COLLECTION 283070-01	SAMPLE NO. 24-3-0005 1	EPA REG NO. 35054-2		
ACTIVE INGREDIENT		%GUARANTEE	%FOUND	
No Analysis Performed			None Detected	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				

Original Event: Formulation Lab Report #283795 (283070-01-R1925)
Submitted By: SYSTEM
Lab Report: Lab Report 283070-01-R1925.pdf

12/07/2023 **Judgement; Warning**
Warning

Decatur Ace Hardware was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered for sale in Indiana.

Original Event: Judgement #1624
Primary: Decatur Ace Hardware
Submitted By: George Saxton
Legal Citation: IC 15-16-4-57(1)

02/09/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3096
To: Decatur Ace Hardware
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7348
Enclosed: Notice of Enforcement
Attachments: File 140774; PS24-0019EL WRN ~ Decatur Ace Hardware.docx

02/14/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2438
Subject: Decatur Ace Hardware
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7348
Received: 02/14/2024
Attachments: File 142178; CM 7021 2720 0003 1614 7348 - Decatur Ace Hardware - PS24-0019 - Received 2-14-2024.pdf

03/20/2024 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #3216
To: Decatur Ace Hardware
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143099; PS24-0019 - Decatur Ace Hardware - Case Closed Letter 3-20-2024.docx

03/20/2024 **Notice of Case Closure Mailed to Registrant**

Original Event: Outgoing Mail #3217
To: Makkiki Electronics
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143100; PS24-0019 - Makkiki Electronics - Case Closed Letter 3-20-2024.docx

04/05/2024 **Mail Service Returned for Registrant**

On April 5, 2024, case closed letter was returned to OISC.

Original Event: Compliance Receipt #2489
Subject: Makkiki Electronics
Submitted By: Jacob A. Hatfield
Returned: 04/05/2024
Attachments: File 144208; PS24-0019 - Makkiki Electronics - Case CLosed Letter Returned 4-5-2024.pdf

Chain of Custody

11/10/2023 **Sample 24-3-0005 1**

Original Event: Chain of Custody #9634 (24-3-0005 1)
11/08/2023 11:00: Sample Collected by Garret A. Creason
11/10/2023 09:00: Sample Delivered to lily
11/10/2023 16:25: Delivery Affirmed by Natalie C. Wilson

This record was generated on **April 19, 2024, 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.



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 **April 19, 2024, 09:57 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 PS24-0023

Department	Pesticide
Originated	11/22/2023
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Facility Respondent	Gro-Tec Inc Modoc, IN 47358

Overviews

02/29/2024 **Investigation Summary**

On November 21, 2023 I met with Rick Martin, Vice President, at Gro-Tec Inc in Modoc, Indiana. I informed Mr. Martin that I would be conducting a Producer Establishment Inspection after being requested to by EPA Region Five. I informed Mr. Martin that the suspected violation was the sale or distribution of an unregistered pesticide product, and indicated that on the issued Notice of Inspection. Mr. Martin explained that Gro-Tec produces livestock feeds including feeds that include feed-through larvicides. Mr. Martin stated that he believed that many of the Gro-Tec feed-through products were exempt from registration as pesticides because they were custom blends going direct to farm and not going to a retail setting. At the time of the inspection, not all of the information needed for the products was available so we agreed to meet again at a later time. I informed Mr. Martin that the records needed were inbound receiving records for the active ingredients, production records for all pesticide products, and distribution records.

On November 29, 2023 I emailed Gro-Tec to advise that I had confirmed with EPA that form 8570-5 was never submitted to EPA for supplemental registration number 91586-4-96246.

On December 18, 2023 I met with Waukesha Baker at Gro-Tec. Mrs. Baker had collected additional documentation including; 1. Item list for Justify products produced at Gro-Tec. 2. Copies of 7 product labels for Justify products. 3. Copies of 8 updated product labels for Justify products. 4. Copies of 15 distribution records for Justify products. 5. Copies of 14 distribution records for Justify Fly-A-Salt. 6. Copy of comprehensive production record for Justify products. Mrs. Baker explained that after the initial inspection on November 21, Gro-Tec worked with Champion(primary registrant) to update the Justify product labels. Mrs. Baker stated that the outdated labels, identified as Document #2, is what Gro-Tec was using as the pesticide product labels. Moving forward, Gro-Tec intended to use the updated labels, identified as Document #3. Mrs. Baker also asked if these products qualified as a custom blend. I briefly explained to Mrs. Baker that a custom blend as defined by FIFRA would differ from a custom blend defined by FDA. I explained that any of the products produced with their own pesticide labeling and epa registration number would not qualify as a custom blend under FIFRA. I advised Mrs. Baker that I would review the documentation and let her know if any additional information was needed.

Upon reviewing the documentation, it was found that six of the seven product labels in Document 2 indicate they were "Medicated". However, no medication is listed on the product label.

On January 19, 2024 after reviewing the documentation, I emailed Gro-Tec asking for clarification on a few items. 1. Why was the supplemental registration document not submitted to EPA? 2. Where did the invalid supplemental registration number for Justifly (91586-4-96246) come from? 3. Please provide information explaining when the previous label versions were used and for how long? When did the new labels get made?

On February 19, 2024, after not receiving a response to the January 19 email, I went to Gro-Tec to attempt to gather the information. I met again with Mrs. Baker who said they had been working on it but got busy with getting new orders and hadn't got the information together. I asked Mrs. Baker to gather the documentation and provide this information in a letter by Friday February 23, 2024.

On February 23, 2024 Mrs. Baker provided a letter via email. The letter did address the clarifications needed. Mrs. Baker also provided additional documentation to support Gro-Tec's explanations.

Submitted By: Garret A. Creason
Role: Investigator

02/29/2024 **Disposition Summary**

No violation of the Indiana Pesticide Use and Application Law was pursued at this time. The case was forwarded to the United States Environmental Protection Agency (USEPA).

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/21/2023 **Producer Establishment Inspection Conducted**

Company Background

Produce and Distribute Animal Nutrition products. Produces in private label products and custom blend products.

Distribution

Gro-Tec delivers all products unless otherwise stated on the distribution record.

Closing Conference

Gro-Tec has produced Stocker7/Justify products under EPA Reg. #91586-4-96246 without having a supplemental distributor form, EPA form 8570-5, submitted to EPA. Gro-Tec stated they also produce Justify A-Salt for champion as a contract packager. On 11-21-2023, Gro-Tec provided Stocker7/Justify labels that had been distributed. The initial labels provided did not contain many of the required elements for pesticide product labels including, but not limited too, the EPA Registration Number and EPA Establishment Number. On 12-18-2023 I met with Gro-Tec once more to gather more documentation. Gro-Tec provided revised labels for the Stocker7 products.

Visit Summary

This case was referred by EPA and will be sent back to EPAR5 for review.

Attachments

File 139049; Do5 12-18 Distribution records for JustifyAsalt.pdf
File 139047; Doc 4Inbound Record for Justify.pdf
File 139051; Doc1 11-21 Stocker7Justify Label.pdf
File 139052; Doc2 12-18 Initial Jutify Product labels.pdf
File 139053; Doc3 12-18 Updated Justify Labels.pdf
File 139050; Doc4 12-18 Distribution records Stocker7Justify.pdf
File 139048; Doc6 12-18 Production record.pdf
File 139054; JustiFly Fly-A-Salt Label.pdf
File 139055; Receipt for samples.pdf
File 139056; RFD 11-21.pdf
File 139058; RFD 11-21.pdf
File 139057; RFD 12-18.pdf
File 139059; RFD 12-18.pdf

Original Event: Producer Establishment Inspection #78
Facility: Gro-Tec Inc
Firm Representative: Rick Martin
Submitted By: Garret A. Creason
PPLS Labels: [091586-00004-20180626.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/091586-00004-20180626.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/091586-00004-20180626.pdf
[091586-00007-20210923.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/091586-00007-20210923.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/091586-00007-20210923.pdf

11/21/2023 **Intake Referral Filed**

Producer Establishment Inspection Conducted at the request of EPA region 5.

Original Event: Intake Referral (Pesticide) #3298
Complainant: Office of Indiana State Chemist
Respondent: Gro-Tec Inc
Entered By: Garret A. Creason
Submitted By: Joseph D. Becovitz

11/21/2023 **Investigator Met with Registrant Communication**

On November 21, 2023 I met with Rick Martin, Vice President, at Gro-Tec Inc in Modoc, Indiana. I informed Mr. Martin that I would be conducting a Producer Establishment Inspection after being requested to by EPA Region Five. I informed Mr. Martin that the suspected violation was the sale or distribution of an unregistered pesticide product, and indicated that on the issued Notice of Inspection. Mr. Martin explained that Gro-Tec produces livestock feeds including feeds that include feed-through larvicides. Mr. Martin stated that he believed that many of the Gro-Tec feed-through products were exempt from registration as a pesticide because they were custom blends going direct to farm and not going to a retail setting. At the time of the inspection, not all of the information need for the products so we agreed to meet again at a later time.

Original Event: Investigation Activity (Pesticide) #6951
Subject: Gro-Tec Inc
Submitted By: Garret A. Creason

11/21/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1917
Client: Gro-Tec Inc
Firm Representative: Rick Martin
Submitted By: Garret A. Creason
Attachments: File 139060; NOI.pdf

11/21/2023 **Investigator Met with Registrant Records**

On November 21, 2023 Mr. Martin provided two pamphlets which provide additional information for the Justify products produced at Gro-Tec.

Attachments



File 142033

File 142034

Original Event: Investigation Activity (Pesticide) #7106
Subject: Gro-Tec Inc
Submitted By: Garret A. Creason

11/22/2023 **Case Created**

Original Event: Case PS24-0023
Submitted By: Joseph D. Becovitz
Assigned To: Garret A. Creason

01/02/2024 **Investigator Received Fax/Email from Registrant Records**

On January 2, 2024 Mrs. Baker provided the Justify Fly-A-Salt label via email.

Attachments

File 142009; JustiFly Fly-A-Salt Label.pdf

Original Event: Investigation Activity (Pesticide) #7105
Subject: Gro-Tec Inc
Submitted By: Garret A. Creason

02/20/2024 **Investigator Met with Registrant Communication**

On January 19, 2024 I had requested additional documentation from Gro-Tec. I asked for Gro-Tec to provide 1. Why was the supplemental registration document not submitted to EPA?; 2. Where did the invalid supplemental registration number for Justifly (91586-4-96246) come from?; and 3. Please provide information explaining when the previous label versions were used and for how long? When did the new labels get made?. Gro-Tec had not provided the information, therefore on February 20, 2024 I went to the Gro-Tec facility in Modoc, IN. I met with Mrs. Baker and asked for the status of the requested documentation. She advised that it was not available at that time. I informed Mrs. Baker that the information would need submitted by February 23, 2024. Mrs. Baker stated that she should be able to get it completed by that time.

Original Event: Investigation Activity (Pesticide) #7080
Subject: Gro-Tec Inc
Submitted By: Garret A. Creason

02/23/2024 **Investigator Received Fax/Email from Responsible Party Affidavit**

On February 23, 2024 Mrs. Baker provided a letter of explanation from Gro-Tec, via email. In the letter it explains why the supplemental registration was not submitted to EPA, where the invalid supplemental registration number came from, and when the previous labels version were being used. Accompanying the letter is also a packet of documents that Gro-Tec submitted to provide additional information for the responses provided.

Attachments

File 141827; Gro-Tec letter.pdf

Original Event: Investigation Activity (Pesticide) #7099
Subject: Gro-Tec Inc
Submitted By: Garret A. Creason

02/29/2024 **Case Closed; Referred to Epa**

No violation of the Indiana Pesticide Use and Application Law was pursued at this time. The case was forwarded to the United States Environmental Protection Agency (USEPA).

Original Event: Compliance Activity #2047
Primary: Gro-Tec Inc
Submitted By: George Saxton

03/01/2024 **Notice of Case Closure Mailed to Facility**

Original Event: Outgoing Mail #3153
To: Gro-Tec Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142109; PS24-0023 - Gro-Tec, Inc. - Case Closed Letter 3-1-2024.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 April 19, 2024, 09:57 AM EDT. 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 **April 19, 2024, 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 PS24-0029

Department	Pesticide
Originated	12/08/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant Respondent	Charles D Bowen Elkhart, IN 46514
Respondent	Martins Green Green Lawn SVC Elkhart, IN 46516
Respondent	Joshua Lynn Miller Elkhart, IN 46515

Overviews

02/13/2024	Investigation Summary A former employee alleged Martin's Green Green Lawn Service routinely dumped leftover use dilution down a storm drain. I inspected the business and collected several swabs. The residue results indicated that pesticides had been dumped/rinsed down the drain. Submitted By: Elizabeth C. Carter Role: Investigator
02/13/2024	Disposition Summary Joshua Lynn Miller was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Mr. Miller cooperated during the investigation and no restricted use pesticides were involved. Submitted By: George Saxton Role: Compliance Officer

Chronology of Events

12/07/2023	Intake Referral Filed Complainant stated Martin's routinely dumps leftover use dilution down a storm drain located on the west side of the building. Original Event: Intake Referral (Pesticide) #3304 Complainant: Charles D Bowen Respondent: Martins Green Green Lawn SVC Submitted By: Joseph D. Becovitz Assigned To: Elizabeth C. Carter
12/08/2023	Case Created Original Event: Case PS24-0029 Submitted By: Joseph D. Becovitz Assigned To: Elizabeth C. Carter
12/12/2023	Investigator Called Complainant

Communication

On December 12, 2023, I spoke with Mr. Bowen on the phone regarding his complaint. Mr. Bowen reiterated that employees have dumped pesticides down the storm water drain at Martins Green Green Lawn Service. I told Mr. Bowen I would need a written statement. He said he would mail me something by the end of the week (12/15).

Original Event: Investigation Activity (Pesticide) #6983
Subject: Charles D Bowen
Submitted By: Elizabeth C. Carter

12/20/2023 Investigator Met with Applicator Interaction

On December 20, 2023, I went to Martin's Green Green Lawn Service. I spoke with the owner, Josh Miller, along with Gary Miler and Jeremy Hren. I informed Mr. Miller of the complaint alleging that Martin's Green Green Lawn Service routinely dumped pesticides down the storm water drain behind the building. Mr. Miller refuted the allegation. He stated that if they had leftover use dilution, they would apply it to a yard. He went on to say that in the event of a plugged nozzle, they would clean equipment near the gravel to keep pesticides out of the drain.

Since the business was in a commercial district, I asked Mr. Miller about pesticide use by neighboring businesses. Mr. Miller stated that glyphosate was routinely applied to the gravel by the facility owner. I also asked, what pesticide had been used most recently by their company. Mr. Miller reported T-Zone (EPA Reg: 2217-976 , AI: 2,4-D, dicamba, sulfenrazone and triclopyr).

I then swabbed the drain just west of the building. In addition, I collected a trip blank, control swab (guard rail), 2 swabs of the west drain, and swabbed another drain away (south) from the facility. All swabs were submitted to the OISC Residue Lab.

Attachments



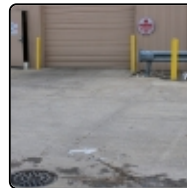
File 139018



File 139019



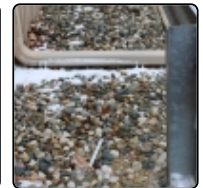
File 139020



File 139021



File 139022



File 139023



File 139024

Original Event: Investigation Activity (Pesticide) #7003
Subject: Martins Green Green Lawn SVC
Submitted By: Elizabeth C. Carter

12/20/2023 Residue Samples Collected

Original Event: Residue Collection #285467 (24-4-0729 4)
Client: Martins Green Green Lawn SVC
Submitted By: Elizabeth C. Carter
Sample: 24-4-0729 4 | Swab (Acetone); Trip Blank
Sample: 24-4-0730 4 | Swab (Acetone); Ctrl; Road
Sample: 24-4-0731 5 | Swab (Acetone); Grab; Drain west
Sample: 24-4-0732 7 | Swab (Acetone); Grab; Drain west
Sample: 24-4-0733 6 | Swab (Acetone); Grab; drain south

12/20/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1920
Client: Martins Green Green Lawn SVC
Firm Representative: Josh Miller
Submitted By: Elizabeth C. Carter
Photos:



File 139085

12/20/2023 Investigator Received Mail from Complainant

Statement

This is the written statement from Bowen. It references a specific incident of pesticide dumping 2.5 years ago and also a general policy/ culture of dumping/ cleaning out equipment in the storm water drain west of the business.

Attachments

File 139086; Bowen written statemetn.pdf

Original Event: Investigation Activity (Pesticide) #7011
Subject: Charles D Bowen
Submitted By: Elizabeth C. Carter

12/20/2023 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #801
Submitted By: Elizabeth C. Carter
Target Analyte: T zone
PPLS Labels: [002217-00976-20130806.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002217-00976-20130806.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002217-00976-20130806.pdf

Photos:



File 139158

02/02/2024 Received Residue Lab Report Current

Investigatory Summary

These are the lab results. The control swab was taken from a guard rail near the business. I collected two swabs of the west drain, which was the alleged 'dumping drain.' The southern drain was farther away from the business. The swabs of the west drain were substantially higher than those from the southern drain.

First Page of Lab Report

OCM Collection #	285467	Investigator	CARTERE		
Collection Date	12/20/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
24-4-0729 4	Swab (Acetone); Trip Blank	Swab (Acetone)	2,4-D	72.6 ng/swab	20 ng/swab
			Dicamba	BDL ng/swab	40 ng/swab
			Triclopyr	BDL ng/swab	2 ng/swab
24-4-0730 4	Swab (Acetone); Ctrl; Road	Swab (Acetone)	2,4-D	402 ng/swab	20 ng/swab
			Dicamba	155 ng/swab	40 ng/swab
			Triclopyr	134 ng/swab	2 ng/swab
24-4-0731 5	Swab (Acetone); Grab; Drain west	Swab (Acetone)	2,4-D	107000 ng/swab	20 ng/swab
			Dicamba	1100 ng/swab	40 ng/swab
			Triclopyr	89000 ng/swab	2 ng/swab
24-4-0732 7	Swab (Acetone); Grab; Drain west	Swab (Acetone)	2,4-D	65400 ng/swab	20 ng/swab
			Dicamba	663 ng/swab	40 ng/swab
			Triclopyr	41900 ng/swab	2 ng/swab
24-4-0733 6	Swab (Acetone); Grab; drain south	Swab (Acetone)	2,4-D	374 ng/swab	20 ng/swab
			Dicamba	BDL ng/swab	40 ng/swab
			Triclopyr	203 ng/swab	2 ng/swab

Original Event: Residue Lab Report #288203 (285467-R2094)
Submitted By: SYSTEM
Lab Report: Lab Report 285467-R2094.pdf

02/13/2024 Investigation Activity

T-Zone

According to the T-Zone Label (page 4), "Do not contaminate water when disposing of equipment wash waters or rinsate."

On page 9 it stated, "Do not apply this product to bare ground or paved surfaces."

Finally, on page 14, "Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. **Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal.**"

Original Event: Investigation Activity (Pesticide) #7062
Submitted By: Elizabeth C. Carter
PPLS Labels: [002217-00976-20130806.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002217-00976-20130806.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002217-00976-20130806.pdf

02/13/2024 Investigator Called Applicator Communication

On February 13, 2024, I spoke with Mr. Josh Miller on the phone. I shared the lab results with him. He indicated that the business had cleaned all their work trailers near that drain the week before I arrived and perhaps that contributed to the results. He also stated that next year they planned on collecting the rinse water and applying it to a gravel drive near a soccer field.

Original Event: Investigation Activity (Pesticide) #7063
Subject: Joshua Lynn Miller
Submitted By: Elizabeth C. Carter

02/13/2024 Judgement; Warning Warning

Joshua Lynn Miller was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding disposal. Consideration was given to the fact Mr. Miller cooperated during the investigation and no restricted use pesticides were involved.

Original Event: Judgement #1655
Primary: Joshua Lynn Miller
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)

02/14/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #3104
To: Joshua Lynn Miller
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7379
Enclosed: Notice of Enforcement
Attachments: File 141197; PS24-0029EL WRN ~ Joshua L. Miller - Martins Green Green Lawn Svc..docx

02/22/2024 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2441
Subject: Joshua Lynn Miller
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1614 7379
Received: 02/22/2024
Attachments: File 142181; CM 7021 2720 0003 1614 7379 - Joshua L. Miller - PS24-0029 - Received 2-22-2024.pdf

03/25/2024 Notice of Case Closure Mailed to Complainant

Original Event: Outgoing Mail #3224
To: Charles D Bowen
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Enclosed: Case Summary
Attachments: File 143359; PS24-0029 - Charles D. Bowen - Case Closed Letter 3-25-2024.docx

03/25/2024 Notice of Case Closure Mailed to Target

Original Event: Outgoing Mail #3225
To: Joshua Lynn Miller
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 143358; PS24-0029 - Joshua L. Miller - Case Closed Letter 3-25-2024.docx

04/02/2024 Compliance Activity

I spoke to Mr. Bowen on the phone and he stated he was not happy with just a warning against Martins Green Green Lawn. I explained to him that this was their first violation of similar nature and no RUPs were involved. He said this dumping has been going on for thirty-five (35) years. I told him we were aware of his complaint and would investigate again if the dumping continued.

Original Event:
Primary:
Submitted By:

Compliance Activity #2078
Charles D Bowen
George Saxton

Chain of Custody

12/20/2023 **Sample 24-4-0729 4**

Original Event:	Chain of Custody #9925 (24-4-0729 4)
12/20/2023 10:30:	Sample Collected by Elizabeth C. Carter
12/21/2023 08:52:	Sample Delivered to Kylo
01/08/2024 09:43:	Delivery Affirmed by Vicki L. Vauters

12/20/2023 **Sample 24-4-0730 4**

Original Event:	Chain of Custody #9926 (24-4-0730 4)
12/20/2023 10:30:	Sample Collected by Elizabeth C. Carter
12/21/2023 08:52:	Sample Delivered to Kylo
01/08/2024 09:43:	Delivery Affirmed by Vicki L. Vauters

12/20/2023 **Sample 24-4-0731 5**

Original Event:	Chain of Custody #9927 (24-4-0731 5)
12/20/2023 10:30:	Sample Collected by Elizabeth C. Carter
12/21/2023 08:52:	Sample Delivered to Kylo
01/08/2024 09:43:	Delivery Affirmed by Vicki L. Vauters

12/20/2023 **Sample 24-4-0732 7**

Original Event:	Chain of Custody #9928 (24-4-0732 7)
12/20/2023 10:30:	Sample Collected by Elizabeth C. Carter
12/21/2023 08:52:	Sample Delivered to Kylo
01/08/2024 09:43:	Delivery Affirmed by Vicki L. Vauters

12/20/2023 **Sample 24-4-0733 6**

Original Event:	Chain of Custody #9929 (24-4-0733 6)
12/20/2023 10:30:	Sample Collected by Elizabeth C. Carter
12/21/2023 08:52:	Sample Delivered to Kylo
01/08/2024 09:43:	Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 19, 2024, 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 **April 19, 2024, 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 PS24-0030

Department	Pesticide
Originated	12/13/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Dealer	Moss Fertilizer SVC Inc Twelve Mile, IN 46988

Overviews

12/15/2023 **Investigation Summary**

During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Moss Fertilizer sold RUP, Xpedient Plus (EPA registration # 5481-609, active ingredient: Bifenthrin) to unlicensed, Ron Planck on May 8 and June 6, 2023.

Submitted By: Elizabeth C. Carter
Role: Investigator

12/18/2023 **Disposition Summary**

Moss Fertilizer SVC Inc, was warned for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for unknowingly failure to follow label directions, "for retail sale to and use only by Certified Applicators, or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification." Consideration was given to the fact this was Moss Fertilizer's first violation of similar nature and they cooperated during the investigation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/05/2023 **Rup Dealer Inspection Conducted**
RUP Dealer Inspection

Moss Fertilizer sold RUP, Xpedient Plus (EPA registration # 5481-609, active ingredient: Bifenthrin) to unlicensed Ron Planck on May 8 and June 6, 2023.

Attachments



File 138823

Original Event: Pesticide Inspection (General) #2370
Client: Moss Fertilizer SVC Inc
Firm Representative: Nick Musser
Submitted By: Elizabeth C. Carter

12/05/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1903
Client: Moss Fertilizer SVC Inc
Firm Representative: Nick Musser
Submitted By: Elizabeth C. Carter
Photos:



File 138824

12/05/2023 Intake Referral Filed

During the course of a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered a RUP sale to an unlicensed applicator.

Original Event: Intake Referral (Pesticide) #3305
Complainant: Office of Indiana State Chemist
Respondent: Moss Fertilizer SVC Inc
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

12/13/2023 Investigator Called Business Communication

On December 13, 2023, I spoke with branch manager, Nick Musser, regarding the RUP sale of Xpedient Plus to Mr. Ron Planck. Mr. Musser said there had been some confusion regarding licensing in this situation. The RUP records listed PA 6141, which belonged to Allen Paschen. Mr. Musser acknowledged that Planck and Paschen did not farm together and that Mr. Planck did not have a current license to apply a RUP.

Original Event: Investigation Activity (Pesticide) #6985
Subject: Moss Fertilizer SVC Inc
Submitted By: Elizabeth C. Carter

12/13/2023 Investigator Called Applicator Communication

On December 13, 2023, I spoke with Mr. Ron Planck on the phone. I explained to him that I conducted a routine RUP dealer inspection at Moss Fertilizer in Twelve Mile. During that record check, I saw that Moss Fertilizer sold him RUP, Xpedient Plus V (EPA registration # 5481-609, active ingredient: Bifenthrin) on May 8 and June 6, 2023. I asked if he was the applicator and if he had a license. Mr. Planck stated he thought he had a license. I then explained to him that he had an expired fertilizer license. I then reviewed the licensing process with him.

Original Event: Investigation Activity (Pesticide) #6986
Subject: Ronald E Planck
Submitted By: Elizabeth C. Carter

12/13/2023 Case Created

Original Event: Case PS24-0030
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/15/2023 Case Created

Original Event: Case PS24-0033
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/18/2023 Judgement; Warning Warning

Moss Fertilizer SVC Inc, was warned for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for unknowingly failure to follow label directions, *"for retail sale to and use only by Certified Applicators, or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification."* Consideration was given to the fact this was Moss Fertilizer's first violation of similar nature and they cooperated during the investigation.

Original Event: Judgement #1632
Primary: Moss Fertilizer SVC Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)

01/24/2024 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #3051
To: Moss Fertilizer SVC Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2250
Enclosed: Notice of Enforcement
Attachments: File 139946; PS24-0030EL WRN ~ Moss Fertilizer Svc Inc.docx

02/01/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2415
Subject: Moss Fertilizer SVC Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2250
Received: 02/01/2024
Attachments: File 140936; CM 7021 2720 0003 1615 2250 - Moss Fertilizer Svc., Inc. - PS24-0030 - Received 2-1-2024.pdf

03/08/2024 **Notice of Case Closure Mailed to Dealer**

Original Event: Outgoing Mail #3180
To: Moss Fertilizer SVC Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142555; PS24-0030 - Moss Fertilizer Svc., Inc. - Case Closed Letter 3-8-2024.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 **April 19, 2024, 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.



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 **April 19, 2024, 10:01 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 PS24-0031

Department	Pesticide
Originated	12/13/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Dealer	Helena Agri-Enterprises LLC Walton, IN 46994

Overviews

12/18/2023 Investigation Summary

During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Helena AgriEnterprises LLC in Walton sold RUP, Lexar EZ (EPA registration # 100-1414, active ingredient: metolachlor, atrazine, and mesotrione) to unlicensed, Jonathan Hartman, on May 16 and 22, 2023.

Submitted By: Elizabeth C. Carter
Role: Investigator

12/19/2023 Disposition Summary

Helena Agri-Enterprises LLC was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for two (2) counts of unknowingly violating the pesticide label by distributing a restricted use pesticide to a non-certified applicator. Consideration was given to the fact this was their first violation of similar nature and Helena Agri-Enterprises cooperated during the investigation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/05/2023 Rup Dealer Inspection Conducted RUP Dealer Inspection

Helena Agri-Enterprises LLC sold RUP, Lexar Ez (EPA registration # 100-1414, active ingredient: metolachlor, atrazine, and mesotrione) to unlicensed Jonathan Hartman on May 16 and 22, 2023.

Original Event: Pesticide Inspection (General) #2371
Client: Helena Agri-Enterprises LLC
Firm Representative: David Pullman
Submitted By: Elizabeth C. Carter

12/05/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1904
Client: Helena Agri-Enterprises LLC
Firm Representative: David Pullman
Submitted By: Elizabeth C. Carter
Photos:



File 138825

12/05/2023 **Intake Referral Filed**

During the course of a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered a RUP sale to an unlicensed applicator.

Original Event: Intake Referral (Pesticide) #3306
Complainant: Office of Indiana State Chemist
Respondent: Helena Agri-Enterprises LLC
Respondent 2: Jonathan David Hartman
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

12/07/2023 **Investigator Received Fax/Email from Dealer**

Records

These were the RUP dealer records that were emailed to me. See pages 5/6 and 12/13 for sales to Jonathan Hartman.

Attachments

File 138931; Helena Walton RUP dealer records.pdf

Original Event: Investigation Activity (Pesticide) #6989
Subject: Helena Agri-Enterprises LLC
Submitted By: Elizabeth C. Carter

12/12/2023 **Investigator Called Dealer**

Communication

On December 12, 2023, I spoke with Mrs. Traci Jones, the Office Coordinator at Helena, on the phone. I asked her about Mr. Jonathan Hartman's license. The dealer records submitted listed PMP 240877 for the license. (The sales in question, were on page 5/6 and 12/13.) Mrs. Jones told me she would email me a copy of the license. Upon reviewing the email from Mrs. Jones, it was determined that Mr. Hartman only had a fertilizer license and not a private applicator license. I called Mrs. Jones and explained the issue. I verified with Mrs. Jones that Mr. Hartman had no other licenses, that he did not farm with anyone else and that the RUP had not been custom applied. I then reviewed some licensing information with Mrs. Jones.

Original Event: Investigation Activity (Pesticide) #6990
Subject: Helena Agri-Enterprises LLC
Submitted By: Elizabeth C. Carter

12/13/2023 **Case Created**

Original Event: Case PS24-0031
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/15/2023 **Case Created**

Original Event: Case PS24-0034
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/19/2023 **Judgement; Warning**

Warning

Helena Agri-Enterprises LLC was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for two (2) counts of unknowingly violating the pesticide label by distributing a restricted use pesticide to a non-certified applicator. Consideration was given to the fact this was their first violation of similar nature and Helena Agri-Enterprises cooperated during the investigation.

Original Event: Judgement #1633
Primary: Helena Agri-Enterprises LLC
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)

01/24/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3048
To: Helena Agri-Enterprises LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2205
Enclosed: Notice of Enforcement
Attachments: File 139943; PS24-0031EL WRN ~ Helena Agri-Enterprises LLC.docx

02/05/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2412
Subject: Helena Agri-Enterprises LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2205
Received: 02/05/2024
Attachments: File 140928; CM 7021 2720 0003 1615 2205 - Helena Agri-Enterprises LLC - PS24-0031 - Received 2-5-2024.pdf

03/08/2024 **Notice of Case Closure Mailed to Dealer**

Original Event: Outgoing Mail #3181
To: Helena Agri-Enterprises LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142568; PS24-0031 - Helena Agri-Enterprises LLC - Case Closed Letter 3-8-2024.docx

03/08/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3182
To: Jonathan David Hartman
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142569; PS24-0031 - Jonathan D. Hartman - Case Closed Letter 3-8-2024.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 **April 19, 2024, 10:01 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 **April 19, 2024, 10:01 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 PS24-0033

Department	Pesticide
Originated	12/15/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Ronald E Planck Lucerne, IN 46950

Overviews

12/15/2023 Investigation Summary

During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Mr. Ron Planck purchased RUP, Xpedient Plus V (EPA registration # 5481-609, active ingredient: Bifenthrin) on May 8 and June 6, 2023 from Moss Fertilizer without a pesticide applicator license.

Submitted By: Elizabeth C. Carter
Role: Investigator

12/20/2023 Disposition Summary

Ronald E Planck was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Planck cooperated during the investigation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/05/2023 Intake Referral Filed

Moss Fertilizer sold RUP, Xpedient Plus (EPA registration # 5481-609, active ingredient: Bifenthrin) to unlicensed Ron Planck on May 8 and June 6, 2023.

Original Event: Intake Referral (Pesticide) #3308
Complainant: Office of Indiana State Chemist
Respondent: Ronald E Planck
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

12/05/2023 Investigator Met with Business Records

This is part of Moss Fertilizer's RUP sales records where they sold to Mr. Ron Planck.

Attachments



File 138912

Original Event: Investigation Activity (Pesticide) #6987
Subject: Moss Fertilizer SVC Inc
Submitted By: Elizabeth C. Carter

12/13/2023 **Investigator Called Applicator Communication**

On December 13, 2023, I spoke with Mr. Ron Planck on the phone. I explained to him that I conducted a routine RUP dealer inspection at Moss Fertilizer in Twelve Mile. During that record check, I saw that Moss Fertilizer sold him RUP, Xpedient Plus V (EPA registration # 5481-609, active ingredient: Bifenthrin) on May 8 and June 6, 2023. I asked if he was the applicator and if he had a license. Mr. Planck stated he thought he had a license. I then explained to him that he had an expired fertilizer license. I then reviewed the licensing process with him.

Original Event: Investigation Activity (Pesticide) #6986
Subject: Ronald E Planck
Submitted By: Elizabeth C. Carter

12/13/2023 **Investigator Sent Fax/Email to Farmer Communication**

This was the email sent to Mr. Planck regarding licensing.

Attachments

File 138913; Planck email 12-13.png

Original Event: Investigation Activity (Pesticide) #6988
Subject: Ronald E Planck
Submitted By: Elizabeth C. Carter

12/13/2023 **Case Created**

Original Event: Case PS24-0030
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/15/2023 **Case Created**

Original Event: Case PS24-0033
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/20/2023 **Judgement; Warning Warning**

Ronald E Planck was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Planck cooperated during the investigation.

Original Event: Judgement #1634
Primary: Ronald E Planck
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(10)

01/24/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3050
To: Ronald E Planck
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2236
Enclosed: Notice of Enforcement
Attachments: File 139945; PS24-0033EL WRN ~ Ronald E. Planck.docx

02/01/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2414
Subject: Ronald E Planck
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2236
Received: 02/01/2024
Attachments: File 140934; CM 7021 2720 0003 1615 2236 - Ronald E. Planck - PS24-0033 - Received 2-1-2024.pdf

03/08/2024 **Notice of Case Closure Mailed to Applicator**
Original Event: Outgoing Mail #3178
To: Ronald E Planck
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142550; PS24-0033 - Ronald E. Planck - Case Closed Letter 3-8-2024.docx

03/08/2024 **Notice of Case Closure Mailed to Dealer**
Original Event: Outgoing Mail #3179
To: Moss Fertilizer SVC Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142554; PS24-0033 - Moss Fertilizer Svc., Inc. - Case Closed Letter 3-8-2024.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 April 19, 2024, 10:01 AM EDT. 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 **April 19, 2024, 10:02 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 PS24-0034

Department	Pesticide
Originated	12/15/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Applicator	Jonathan David Hartman Kokomo, IN 46901

Overviews

12/18/2023 **Investigation Summary**

During a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered Mr. Jonathan Hartman purchased (applied) RUP, Lexar EZ (EPA registration # 100-1414, active ingredient: metolachlor, atrazine, and mesotrione) on May 16 and 22, 2023, from Helena AgriEnterprises LLC without a pesticide applicator license.

Submitted By: Elizabeth C. Carter
Role: Investigator

12/20/2023 **Disposition Summary**

Jonathan David Hartman was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Hartman cooperated during the investigation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/05/2023 **Intake Referral Filed**

During the course of a routine Restricted Use Pesticide (RUP) dealer inspection, I discovered a RUP sale to an unlicensed applicator, Jonathan Hartman.

Original Event: Intake Referral (Pesticide) #3309
Complainant: Office of Indiana State Chemist
Respondent: Jonathan David Hartman
Entered By: Elizabeth C. Carter
Submitted By: George Saxton

12/07/2023 **Investigator Received Fax/Email from Dealer Records**

These are Helena's RUP Dealer records. See page 5/6 and 12/13 for sales to Hartman.

Attachments
File 138954; Helena Walton RUP dealer records.pdf

Original Event: Investigation Activity (Pesticide) #6993
Subject: Helena Agri-Enterprises LLC
Submitted By: Elizabeth C. Carter

12/13/2023 **Investigator Called Applicator Communication**

On December 13, 2023, I spoke with Mr. Jonathan Hartman on the phone. I explained to him that I conducted a routine RUP dealer inspection at Helena in Walton. During that record check, I saw that Helena sold him RUP, Lexar EZ (EPA registration # 100-1414, active ingredient: metolachlor, atrazine, and mesotrione) on May 16 and 22, 2023. I asked if he was the applicator and if he had a current pesticide license. Mr. Hartman stated he normally applied the GUP's, but let Helena custom apply the RUP's. He asked if maybe there had been a mix up in the records. I verified with Helena that they did not custom apply the Lexar EZ. I then reviewed the private applicator licensing process with him.

Original Event: Investigation Activity (Pesticide) #6991
Subject: Jonathan David Hartman
Submitted By: Elizabeth C. Carter

12/13/2023 **Investigator Sent Fax/Email to Farmer Communication**

This is the email I sent to Mr. Hartman regarding the licensing process.

Attachments

File 138953; harmtan email.png

Original Event: Investigation Activity (Pesticide) #6992
Subject: Jonathan David Hartman
Submitted By: Elizabeth C. Carter

12/13/2023 **Case Created**

Original Event: Case PS24-0031
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/15/2023 **Case Created**

Original Event: Case PS24-0034
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

12/20/2023 **Judgement; Warning Warning**

Jonathan David Hartman was warned for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a license or permit. Consideration was given to the fact this was his first violation of similar nature and Mr. Hartman cooperated during the investigation.

Original Event: Judgement #1635
Primary: Jonathan David Hartman
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(10)

01/24/2024 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #3049
To: Jonathan David Hartman
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2212
Enclosed: Notice of Enforcement
Attachments: File 139944; PS24-0034EL WRN ~ Jonathan David Hartman.docx

02/08/2024 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2420
Subject: Jonathan David Hartman
Submitted By: Jacob A. Hatfield
USPS: 7021 2720 0003 1615 2212
Received: 02/08/2024
Attachments: File 141264; CM 7021 2720 0003 1615 2212 - Jonathan D. Hartman - PS24-0034 - Received 2-8-2024.pdf

03/08/2024 **Notice of Case Closure Mailed to Applicator**

Original Event: Outgoing Mail #3183
To: Jonathan David Hartman
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142570; PS24-0034 - Jonathan D. Hartman - Case Closed Letter 3-8-2024.docx

03/08/2024 **Notice of Case Closure Mailed to Dealer**

Original Event: Outgoing Mail #3184
To: Helena Agri-Enterprises LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 142571; PS24-0034 - Helena Agri-Enterprises LLC - Case Closed Letter 3-8-2024.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 **April 19, 2024, 10:02 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.