

A Summary of Cases

For October 16, 2024

As discussed at the last IPRB meeting, only the Dispositions will be listed. Should you desire to read the entire summary, you can use the following link: <https://ocm.oisc.purdue.edu/p/>

PS22-0115 **Disposition Summary**

Indy Ash LLC and Joshua Lee Taflinger were warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-4-1.5, for failure to keep restricted use pesticide application records.

Indy Ash LLC was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a person who is certified, licensed or permitted conducting the use.

Joshua Lee Taflinger was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for knowingly using a restricted use pesticide without having a person who is certified, licensed or permitted conducting the use. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS22-0187 **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.

PS22-0242 **Disposition Summary**

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

Christopher Davis was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides or other regulated product, for hire without an Indiana pesticide business license. A civil penalty in the

amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Davis cooperated and corrective action was taken.

PS22-0405

Disposition Summary

Trugreen Lp-Evv was cited for violation of section 65(14) for making false or misleading statements regarding a pest infestation. Consideration was given to the fact this was their first violation of similar nature and they cooperated during the investigation.

Dennis Farley was cited for violation of section 65(14) for making false or misleading statements regarding a pest infestation. 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 he cooperated during the investigation.

PS23-0022

Disposition Summary

Yellowstone Landscape Plainfield was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Jeffrey L Marrs was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Mr. Marrs cooperated during the investigation and corrective action was taken.

PS23-0025

Disposition Summary

Diamon-Fusion International Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation.

Diamon-Fusion International Inc was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that was adulterated and/or misbranded.

Diamon-Fusion International Inc was warned for violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

PS23-0044

Disposition Summary

Gordon Food SVC Inc was warned for six (6) counts [reduced to five (5) counts] of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticide products that were not registered for sale in the state of Indiana.

Gordon Food SVC Inc was warned for six (6) counts [reduced to five (5) counts] of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing pesticide products that violated the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

PS23-0045 **Disposition Summary**

Gordon Food Service was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing an unregistered pesticide product.

U S Chemical Corporation was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing an unregistered pesticide product. Consideration was given to the fact they cooperated during the investigation and corrective action was immediately taken.

U S Chemical Corporation was warned for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

PS23-0083 **Disposition Summary**

Amazon was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in the state of Indiana.

Purecrop1 was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation.

PS23-0169 **Disposition Summary**

Meijer was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in the state of Indiana.

Ecoclear Products Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation.

PS23-0173 **Disposition Summary**

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

PS23-0197 **Disposition Summary**

Caleb Christian Wedemeyer 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 pesticide in a manner that allows 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. However, on July 10th, 2024, the Indiana Pesticide Review Board agreed to mitigate the civil penalty to \$400.00. Consideration was given to the fact Mr. Wedemeyer cooperated during the investigation; corrective action was taken and compensation for the complainant occurred. Consideration was also given to the fact a restricted use pesticide was involved that caused an adverse effect.

PS23-0198

Disposition Summary

Dick's Lawn Care and Landscaping was cited for 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.

Brent Dick was cited for 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 \$400.00. Consideration was given to the fact Mr. Dick cooperated during the investigation.

PS23-0272

Disposition Summary

Sterile Co LLC was cited for one count of violation of section 65(12) of the Indiana Pesticide Use and Application Law for knowingly making a termite control treatment without having a category 7b.

Brian Shafer was cited for one count of violation of section 65(12) of the Indiana Pesticide Use and Application Law for knowingly making a termite control treatment without having a category 7b. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS23-0295

Disposition Summary

On February 27, 2024, this case was forwarded to EPA Region 5 for their review.

PS23-0302

Disposition Summary

Richard A. Hernandez was cited for violation of section 65(2) of the 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 no restricted use pesticides were involved; Mr. Hernandez 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.

PS23-0324

Disposition Summary

Austin L Eltzroth 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 Mr. Eltzroth cooperated during the investigation. Consideration was also given to the fact a restricted use pesticide was involved.

PS23-0326 **Disposition Summary**

Sherry McCune was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding application in a desirable rootzone. Consideration was given to the fact Ms. McCune cooperated during the investigation; this was her first offense of similar nature and no restricted use pesticides were involved.

PS23-0331 **Disposition Summary**

Naturescape Inc-Lft was cited for seven (7) counts (reduced to five (5) counts) of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having a valid pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Naturescape Inc-Lft cooperated during the investigation and Naturescape Inc-Lft took corrective action.

PS23-0336 **Disposition Summary**

Chad J Galloway 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. Consideration was given to the fact this was his first violation of similar nature; no restricted pesticides were involved and Mr. Galloway cooperated during the investigation.

During an informal conference, Mr. Galloway stated he did not violate the ESA section of the Enlist One label because the ESA language was not on the label for the product he used to make his application. Mr. Galloway provided photos of the label to show where the ESA section should be, but is not. As a result, there is no violation for this case.

PS24-0003 **Disposition Summary**

Menards and Protectone Ltd were warned for four (4) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. Consideration was given to the fact Menards and Protectone LTD cooperated during the investigation and corrective action was taken in that the registrant worked to recall products distributed into Indiana and restrict further sales. It should be noted this enforcement is consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

Menards and Protectone Ltd were warned for four (4) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was adulterated or misbranded. Consideration was given to the fact Menards and Protectone LTD cooperated during the investigation and corrective action was taken

in that the registrant worked to recall products distributed into Indiana and restrict further sales. It should be noted this enforcement is consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

PS24-0013 **Disposition Summary**
Duggan Sisters was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in Indiana.

PS24-0015 **Disposition Summary**
On February 27, 2024, this case was forwarded to EPA Region 5 for their review.

PS24-0024 **Disposition Summary**
Duggan Sisters was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in Indiana.

PS24-0041 **Disposition Summary**
Walmart was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in the state of Indiana.

AB7 America Inc., was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in the state of Indiana. Consideration was given to the fact they immediately registered the pesticide product and paid late fees.

AB7 America Inc., was cited for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that was adulterated and/or misbranded. 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 they cooperated with this investigation and corrective action was taken.

AB7 America Inc., was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that violated the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). It should be noted that after July 1, 2024, this citation will be I.C. 15-16-4-57(8).

PS24-0042 **Disposition Summary**
Nutrien Ag Solutions Inc was cited for eleven (11) counts [reduced to five (5) counts as prescribed by House Enrollment Act 1623 and Senate Enrollment Act 216, both under IC 15-16-5-66(g)] of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide (RUP) to a non-certified user. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed. It should be noted this violation would be under I.C.15-16-5-66(14) if committed after July 1, 2023, and under I.C. 15-16-5-66(13) if committed after July 1,

2024. All current and future violations of this nature carry the same civil penalty of \$1,000.00 per count with a maximum of five (5) counts.

PS24-0043

Disposition Summary

Joshua J. Freed was cited for eleven (11) counts (reduced to five (5) counts) of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly purchasing a restricted use pesticide without being certified, licensed or permitted. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,250.00. Consideration was given to the fact this was his first violation of similar nature; corrective action was taken and Mr. Freed cooperated during the investigation. It should be noted this charge and civil penalty are consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

Joshua J. Freed was warned for violation of section 65(7) of the Indiana Pesticide Use and Application Law for neglecting to keep restricted use pesticide records. Consideration was given to the fact this was his first violation of similar nature. It should be noted this charge is consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

PS24-0047

Disposition Summary

Runnings and Applied Biochemists were warned for violation of section 57(1) of the Indiana Pesticide Use and Application Law for distributing a pesticide product that was not registered for distribution in the state of Indiana. Consideration was given to the fact they cooperated during the investigation, this was their first violation of similar nature and corrective action was taken.

PS24-0050

Disposition Summary

Kelly E Vaught and Kevin L Cole were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding bait placement. Consideration was given to the fact this was their first violation of similar nature; both cooperated during the investigation and there was victim compensation.

PS24-0055

Disposition Summary

Veterinary & Poultry Supply Inc was cited for three (3) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide (RUP) to a non-certified user. A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed. It should be noted this violation would be under I.C.15-16-5-66(14) if committed after July 1, 2023 and under I.C. 15-16-5-66(13) if committed after July 1, 2024. All current and future violations of this nature carry the same civil penalty of \$1,000.00 per count.

During an informal review, it was discovered that the original violation was for 3 counts of selling RUPs to non-certified purchaser due to a duplicate invoice and sales ticket. New violation count should be two (2) counts instead of three (3).

Veterinary & Poultry Supply Inc was cited for two (2) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide (RUP) to a non-certified user. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed. It should be noted this violation would be under I.C.15-16-5-66(14) if committed after July 1, 2023, and under I.C. 15-16-5-66(13) if committed after July 1, 2024. All current and future violations of this nature carry the same civil penalty of \$1,000.00 per count.

PS24-0056

Disposition Summary

Michael Hopf was cited for one (1) count of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly purchasing a restricted use pesticide without being certified, licensed or permitted. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$250.00. Consideration was given to the fact this was his first violation of similar nature; corrective action was taken and Mr. Hopf cooperated during the investigation. It should be noted this charge and civil penalty are consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

After discussing the situation with Mr. Hopf, it was determined that he would receive a warning instead of a civil penalty.

Michael Hopf was warned for one (1) count of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly purchasing a restricted use pesticide without being certified, licensed or permitted. Consideration was given to the fact this was his first violation of similar nature; corrective action was taken and Mr. Hopf cooperated during the investigation. It should be noted this charge is consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

PS24-0057

Disposition Summary

Jeremy Oeding was cited for two (2) count of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly purchasing a restricted use pesticide without being certified, licensed or permitted. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$500.00. Consideration was given to the fact this was his first violation of similar nature; corrective action was taken and Mr. Oeding cooperated during the investigation. It should be noted this charge and civil penalty are consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

During an informal review, it was discovered that VPSI supplied investigator Nathan Davis with duplicate invoices for this purchase of an RUP. Respondent in this case had two violations for purchasing, should now only be one violation for purchasing.

Jeremy Oeding was cited for one (1) count of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly purchasing a restricted use pesticide without being certified, licensed or permitted. A civil penalty in the amount of \$500.00 (1 count x \$500.00 per count) was assessed for this violation. However, the civil penalty

was reduced to \$250.00. Consideration was given to the fact this was his first violation of similar nature; corrective action was taken and Mr. Oeding cooperated during the investigation. It should be noted this charge and civil penalty are consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

PS24-0065 **Disposition Summary**

Fortner Pest Control was warned for five (5) counts of violation of section 65(12) of the Indiana Pesticide Use and Application Law (under House Enrollment Act 1623) for neglecting to comply with any limitations or restrictions on or in a duly issued license, permit, registration, or certification as described in section 65(12) of this chapter. Consideration was given to the fact Fortner Pest Control cooperated during the investigation and corrective action was immediately taken.

PS24-0068 **Disposition Summary**

Anthony Lynn Staley was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding pesticide application reentry. Consideration was given to the fact this was his first violation of similar nature; no restricted use pesticides were involved and there was no adverse effect. This enforcement is consistent with Senate Enrollment Act #216.

PS24-0071 **Disposition Summary**

Lucas William Randolph was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law (under House Enrollment Act 1623) 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. Randolph cooperated during the investigation and corrective action was taken.

PS24-0076 **Disposition Summary**

Helena Agri Enterprises LLC was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the agricultural use requirements. Consideration was given to the fact this was their first violation of similar nature and there was no documented adverse effect. It should be noted this charge is consistent with House Enrollment Act 1623 and Senate Enrollment Act 216.

PS24-0095 **Disposition Summary**

Aaron Rader was warned for 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. Consideration was given to the fact Aaron Rader cooperated during the investigation and this is his first violation of similar nature.

PS24-0134 **Disposition Summary**

Andersons Inc. was warned for violation of section 15-16-4-52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-3-1, for operating in a containment with

improper design, construction, capacity, or drainage. This violation is consistent with 40 CFR 165-87(E) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

PS24-0153

Disposition Summary

On August 12, 2024, EPA requested a referral to them for federal review.