

## A Summary of Cases

May 16, 2023, IPRB Meeting

PS21-0105 On May 5, 2022, I observed Lawrence Howard making a for-hire lawn application at the Life Connection Church located at 1616 E 126th St, Fishers, Indiana (46037). Mr. Howard did not have a current OISC license. Mr. Howard was in a vehicle labeled "Precision Cut Lawn Service" and applying fertilizer and pesticides from a ride-on sprayer. Mr. Howard stated he was borrowing the truck and equipment from "Precision" because his truck was in the shop. Mr. Howard stated he was sub-contracted by "Precision" and his business was Pro Lawn LLC. A check of OISC's database showed Pro Lawn LLC failed to renew for 2022. Mr. Howard stated he mailed a bank check to OISC last week; however, OISC did not have any record of his check. I issued Mr. Howard and Pro Lawn LLC an Action Order to cease making for-hire applications until licensed by OISC.

### **Disposition Summary**

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

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

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

PS21-0253 Complainant stated a herbicide application made to the highway right of way has injured his soybeans, corn and alfalfa.

### **Disposition Summary**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.

PS21-0280 Complainant stated an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

**Disposition Summary**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

PS21-0367 Complainant wrote Auntie Em's appears to be offering an insecticide for sale on their website that is not registered for sale or use in Indiana. A check of Office of Indiana State chemist records showed no products currently registered for Auntie Em's.

**Disposition Summary**

Auntie Em's was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for 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.

Auntie Em's was warned for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product that had an incomplete or illegible label or in a container other than the manufacturer's immediate, unbroken, and approved or authorized container.

Auntie Em's was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

Auntie Em's was cited 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, Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed for this violation.

The \$1,500.00 penalty assessed will be held in abeyance and not enforced provided Auntie Em's removes pesticidal claims from labels & labeling (includes websites & reviews); revises labeling to comply with FIFRA and registers the pesticide product in the state of Indiana by December 30, 2022.

PS22-0024 GardenTech Fire Ant Killer, unregistered pesticide product in the State of Indiana, found for sale at R.P. Home and Harvest.

**Disposition Summary**

R.P. Home & Harvest was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product.

Techpac LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

PS22-0032 Unregistered Pesticide product located for sale at Menards

**Disposition Summary**

Menards was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in Indiana.

Tzumi Innovations was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was not registered for distribution in Indiana. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

Tzumi Innovations was cited for two (2) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

Tzumi Innovations was cited for two (2) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

PS22-0072 Upon review of the sales records, I found that on March 9, 2021, 10 10 pound containers of Golden Malrin (EPA Reg. #2724-274) were sold to Wabash Country Feeds which is an unlicensed business. A case was generated due to violations found during this inspection.

**Disposition Summary**

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

PS22-0079 Upon review of SiteOne's RUP sales records, I discovered that they sold an RUP to an unlicensed applicator, Joshua Taflinger of Indy Ash on June 1, 2020. Mr. Taflinger's applicator license and Indy Ash's business license expired on December 31, 2019. A case was generated due to the violations from this inspection.

**Disposition Summary**

Siteone Landscape Supply LLC #723 was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1- 3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS22-0126 Complainant stated the farm field behind his property was sprayed 10 to 12 days ago by the Shelby County Coop when a strong wind was blowing toward his property. The complainant stated he now has injury to trees and shrubs on his property.

**Disposition Summary**

Premier Ag Co Op 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. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

Kelly Gordon Zufall 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

PS22-0132 Complainant stated an application made to a neighboring farm field on May 13, 2022 at approximately 5:20 pm drifted onto his property.

**Disposition Summary**

Lloyd Thomas Arthur 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. Arthur cooperated during the investigation and there were no restricted use pesticides involved.

PS22-0139 Complainant stated an application to a neighboring farm field made on May 13th, 2022, injured trees in his hardwood plantation.

**Disposition Summary**

Falmouth Farm Supply Inc 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. Consideration was given to the fact no restricted use pesticides were involved.

Ashley T. Schelle 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 \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS20-0363. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact no restricted use pesticides were involved and Mr. Schelle cooperated during the investigation.

Daniel Stoten 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. Consideration was given to the fact no restricted use pesticides were involved.

PS22-0143 Complainant stated an application to a neighboring farm field injured the larger trees on his property.

**Disposition Summary**

Doerstler Farms 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 allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact no restricted use pesticides were involved.

Darren K. Doerstler 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 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 \$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. Doerstler cooperated during the investigation.

PS22-0150 Complainant stated an application to a neighboring farm field injured trees on his property.

**Disposition Summary**

Albert E Durchholz 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 \$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. Consideration was also given to the fact this was Mr. Durchholz's second violation of similar nature. See case number PS21-0069.

PS22-0170 On March 3, 2022, after reviewing RUP dealer records at Cisco Companies I discovered that Ervin Schwartz of Wabash Country Feeds purchased an RUP without a license.

**Disposition Summary**

Wabash Country Feeds was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using (which includes handling) a restricted use pesticide without having a person who is 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 \$300.00. Consideration was given to the fact Wabash Country Feeds cooperated during the investigation and corrective action was taken.

Wabash Country Feeds was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for unknowingly distributing a restricted use pesticide to a non-certified user. 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 Wabash Country Feeds cooperated during the investigation and corrective action was taken.

PS22-0171 On May 26, 2022, I called and spoke with Mrs. Scott, who reported that she owns in whole or in part approximately 550 acres of mixed agricultural fields and woodlots. Mrs. Scott stated that they had contracted with Co-Alliance; Bainbridge, to complete the pesticide applications to their fields. Mrs. Scott stated that soon after Co-Alliance's applications, she observed widespread herbicide exposure symptoms to multiple varieties of trees on her property, which included cupped leaves and some defoliation.

**Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact there was an adverse effect, and this was their third violation of similar nature. See case numbers PS20-1030 and PS21-0093.

Co Alliance Cooperative Inc 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. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093.

James L. Sherrill was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. 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. Sherrill cooperated during the investigation. Consideration was also given to the fact there was an adverse effect and this was his second violation of similar nature. See case number PS21-0093.

James L. Sherrill 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. Consideration was given to the fact this was his second violation of similar nature. See case number PS21-0093.

PS22-0181 Complainant stated a herbicide application made to a neighboring farm field injured trees on his property.

### **Disposition Summary**

Co Alliance Cooperative Inc and Tanner Austin Everling were 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. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

Thomas Davison Barfield 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. Consideration was given to the fact a restricted use pesticide was involved, there was an adverse effect and this was Mr. Barfield's second violation of similar nature. See case number PS19-0278.

PS22-0185 Complainant stated a herbicide application made to a neighboring farm field by Co Alliance on May 12, 2022, injured vegetation on her property.

**Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect.

Robert Roy Rayle III was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation.

PS22-0186 Complainant stated Co Alliance sprayed his soybean field by mistake with Corvis and atrazine causing severe injury to the soybeans.

**Disposition Summary**

Michael Wade Mcguire was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for applying a restricted use pesticide to the wrong field. 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.

PS22-0188 Complainant wrote: June 1, 10 AM, main issue is drift. Attached, two photos of Mosquito Squad applicator fogging our neighbors' yard. 1) Applicator spraying up into the tree in violation of the regulation to keep the fogger at waist height. 2) Applicator wears no personal protection: no glasses, mask, or gloves. He sprayed high-touch surfaces of play equipment twice.

**Disposition Summary**

North Indy Mosquito Squad and Tommy McClure were warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to continuously provide direct and proper supervision to a non-certified employee.

North Indy Mosquito Squad was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. Consideration was given to the fact there was potential for human harm.

Tommy McClure was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. A civil



penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

PS22-0197 Complainant stated an application of dicamba by Superior Ag to a neighboring field injured his Enlist soybeans.

**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 to non-target vegetation. Consideration was given to the fact this was their second violation of similar nature. See case number 2018/0574.

Jack Graham 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 vegetation. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0574. A restricted use pesticide was also involved with adverse effect.

PS22-0198 Lynn Langenberg, the daughter of the complainant, stated her elderly parents were defrauded by Jimmie Seabolt of Oak Strong Tree Service. Oak Strong allegedly made numerous pesticide applications to burr oak trees on the complainant's property over the course of six months resulting in charges of \$11,000. Neither Jimmie Seabolt nor Oak Strong Tree Service appear to have the required pesticide licenses.

**Disposition Summary**

Jimmie Seabolt was cited for three (3) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

Amber Seabolt was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

PS22-0218 Complainant stated drift from a right-of-way application made on June 1, 2022, when the wind was from the southwest at 10 mph, injured his corn.

**Disposition Summary**

HD Machines 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 to non-target vegetation. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved.

Michael James 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 vegetation. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. James cooperated during the investigation. Consideration was also given to the fact this was his first violation of similar nature and no restricted use pesticides were involved.

PS22-0228 Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

**Disposition Summary**

Abe B Hodgen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding annual training. 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. Hodgen cooperated during the investigation. It should be noted a restricted use pesticide was involved.

PS22-0230 On February 24, 2022, I conducting a routine Restricted Use Pesticide(RUP)sales inspection I observed many pesticide mini bulk shuttles stacked in FBN's warehouse. Upon further inspection and questioning of Mark Pauli, General Manager, the warehouse did not appear to have secondary containment for liquid pesticides over 55 gallons. After email correspondence with Eric Carnell, Chief Legal Officer for FBN, did it appear that the FBN warehouse did not have secondary containment. On March 15, 2022, I spoke with Eric Carnel from FBN. I requested that he send me records with dates of individual inbound and corresponding dates for outbound shuttles. In addition, I informed Mr. Carnel that two (2) products (Mepit, EPA Reg. #82070-2-83772 and Setup 6L, EPA Reg. #66222-136) were not registered in Indiana.

**Disposition Summary**

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

However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Agsaver LLC does not commit further violations of the Indiana Pesticide Registration Law for a period of two (2) years from the date of this notice.

PS22-0238 Complainant stated a herbicide application made to an adjacent farm field injured oaks and other trees on her property.

**Disposition Summary**

Jason Alan Worster 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 \$500.00 was assessed for this violation.

The Private Applicator permit issued to Jason Alan Worster was suspended for a period of six (6) months beginning April 1, 2023 and ending September 30, 2023. Consideration was given to the fact this was his fifth (5th) violation of similar nature. See case numbers PS19-0427, PS19-0446, PS21-0217 and PS21-0218.

PS22-0266 Complainant stated an application of dicamba made to a neighboring corn field on June 28, 2022, injured his Enlist soybeans.

**Disposition Summary**

Chad Louis Seifert 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 vegetation. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact Mr. Seifert cooperated during the investigation, this was his first violation of similar nature, and corrective action was taken. It should be noted Mr. Seifert plead "no contest" to the charge.

PS22-0289 Complainant stated an application of dicamba to a neighboring farm field injured his Enlist soybeans.

**Disposition Summary**

Cory Eugene Sickafoose 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 \$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.

PS22-0296 Complainant stated an application of dicamba to a neighboring farm field injured his soybeans.

**Disposition Summary**

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and failed to leave a 240' downwind buffer. A civil penalty in the amount of \$1,000.00 was assessed for these violations of

the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

PS22-0297 Complainant stated an application of dicamba to a neighboring farm field injured his Enlist soybeans.

**Disposition Summary**

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and applying when winds were blowing towards a sensitive area. A civil penalty in the amount of \$1,000.00 was assessed for these violations of the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

PS22-0322 Complainant stated a herbicide application to a neighboring farm field injured trees on her property.

**Disposition Summary**

Bunker Hill Supply Co 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. Consideration was given to the fact a general use pesticide was involved and there was adverse effect.

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

PS22-0323 Complainant stated he was drifted on by a helicopter making an application to an adjacent corn field.

**Disposition Summary**

Vertical Vegetation Management 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 to people. Consideration was given to the fact there was potential for human harm.

Jess Sadler was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

PS22-0344 Complainant stated an aerial application made July 19, 2022, to an adjacent farm field drifted onto him and his property.

**Disposition Summary**

Bi State Air 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. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

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 applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Fielder Perry Lowry 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 this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Fielder Perry Lowry 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 as to cause harm to a non-target site. A civil penalty in the amount of \$1000.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a

restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

PS22-0369 Complainant stated an aerial application to a neighboring farm field made on August 7, 2022, between 1:30 pm and 2:00 pm, drifted onto his property.

**Disposition Summary**

Hog Air Aviation Inc and Jerome Williams were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions, "Avoid drift". Consideration was given to the fact this was their first violation and no restricted use pesticides were involved.

Hog Air Aviation Inc 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. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

Jerome Williams 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 \$500.00 was assessed for this violation. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

PS22-0377 Complainant stated an application made by Paul Russell before noon on August 11, 2022, drifted onto his property. Complainant further stated the wind was blowing toward his property at the time.

**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 this was their first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Helena Agri Enterprises LLC 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 as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was

adverse effect and potential for human harm by drifting to the children's swing set.

Craig Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Craig Miller 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 as to cause harm to a non-target site. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

PS22-0381 Lawnscape of Fort Wayne was notified on February 24, 2022, that their pesticide business license could not be renewed because their only certified applicator's certification had expired. As of August 15, 2022, no certified applicator is associated with Lawnscape.

**Disposition Summary**

Lawnscape-Ftw was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$250.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Lawnscape-Ftw cooperated during the investigation and corrective action was taken.

PS22-0391 Complainant stated an application of dicamba made to a neighboring field injured his Enlist soybeans.

**Disposition Summary**

Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management by applying a pesticide when the wind is blowing towards an adjacent sensitive crop. 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.

Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for use in violation of Indiana state restrictions on the

use of dicamba after June 20th. 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.

Tony Holtkamp was cited for violation of section of 65(10) of the Indiana Pesticide Use and Application Law for knowingly using a restricted use pesticide without having a license. 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.

William Holtkamp was cited for violation of section of 65(13) of the Indiana Pesticide Use and Application Law for aiding and/or abetting a person to use a restricted use pesticide without having a certification. 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.

In addition, the Private Applicator permit issued to William Holtkamp was suspended for a period of six (6) months starting April 1, 2023 and ending September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

PS22-0412 Unregistered Pesticide product located for sale at West Marine in Indianapolis, IN.

**Disposition Summary**

West Marine was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product in Indiana.

Kop-Coat Inc Pettit Paint Brand was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing an unregistered pesticide product in Indiana. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS22-0420 A for-cause marketplace inspection was conducted at B&E Marine in Michigan City, IN. The inspection was to locate VC 17M, an Unregistered Pesticide Product, to evaluate registration and labeling concerns. The registrant indicated that this store could potentially sell the product.

**Disposition Summary**

International Paint LLC was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product with labeling claims or directions for use different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.



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

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

PS22-0421 On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nurtien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system. A case was generated for the violation found.

**Disposition Summary**

Nutrien Ag Solutions Inc. was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2. for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

PS22-0422 On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nurtien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system. A case was generated for the violation found.

**Disposition Summary**

Lawyer Farms was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

Glenn Lawyer was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. 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 \$2,000.00. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

PS22-0424 Pinnacle Ag Solutions failed to renew their 2022 Pesticide Business License.

**Disposition Summary**

Pinnacle Ag Solutions LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Jacob R Bohlander was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00

In addition, \$1,000.00 of the \$1,500.00 civil penalty will be held in abeyance and not assessed provided Jacob R Bohlander commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice.

PS23-0042 As of October 31, 2022, Moxie Pest Control failed to pay a \$6,500.00 civil penalty for case number PS22-0104. The civil penalty has been sent to collections. As of January 5, 2023, the civil penalty still had not been paid.

**Disposition Summary**

Moxie Pest Control Indianapolis LLC and Garrett Davis were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to comply with a lawful Order of the state chemist by not paying a civil penalty. See case number PS22-0104.

The pesticide business license issued to Moxie Pest Control Indianapolis LLC was revoked. The applicator certification issued to Garrett Davis was revoked.

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the business license was immediately reinstated.

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the pesticide applicator license issued to Garrett Davis was immediately reinstated.

PS23-0049 Pesticide mini-bulk containers located outside of secondary containment.

**Disposition Summary**

Superior Ag Resources Co Op was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing minibulk pesticides out of secondary containment. A civil penalty in the amount of \$2,500 (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 no restricted use pesticides were involved, corrective action was taken, and Superior ag Resources cooperated during the investigation.

PS23-0058 Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control. Additional case to #PS22-0173. Member of cases #PS22-0164, #PS22-0171, #PS22-0172,

#PS22-0228, #PS23-0040, #PS23-0041, #PS23-0046, #PS23-0147, #PS23-0048, #PS23-0053, #PS23-0054, & #PS23-0055.

**Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift.

Co Alliance Cooperative Inc 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.

Certified applicator Dylon Andrew Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. 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.

Certified applicator Dylon Andrew Miller 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.

Registered technician Martin E Handy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift.

Registered technician Martin E Handy 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.

PS23-0063 Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0253 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

**Disposition Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0253.

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0253.

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the \$1,000.00 civil penalty in case number PS21-0253 has been paid.

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0253 (\$1,000.00 civil penalty) and PS21-0280 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams, were rescinded.

PS23-0065 Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0280 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

### **Disposition Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0280.

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0280.

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the \$1,000.00 civil penalty in case number PS21-0280 has been paid.

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0280 (\$1,000.00 civil penalty) and PS21-0253 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams, were rescinded.



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 6, 2023, 01:44 PM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0105**

Department	Pesticide
Originated	05/05/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant Issued To Respondent	<b>Pro Lawns LLC</b> Indianapolis, IN 46256
--	--

Respondent	<b>Lawrence Jamin Howard</b> Indianapolis, IN 46250
------------	--

-	<b>Caleb E Harbert</b> Greenwood, IN 46142
---	---

**Overviews**

05/31/2022 **Investigation Summary**

On May 5, 2022, I performed a routine stop on Lawrence Howard.  
Mr. Howard was using a borrowed truck and equipment of Precision Cut Lawn SVC.  
Precision Cut Lawn SVC is a licensed business.  
Mr. Howard was subcontractor and was not licensed at the time of the use inspection.  
Mr. Howard was issued an action order.  
Records from Precision Cut Lawn, Mr. Howard performed 5 application on May 5, 2022, without a license.  
Mr. Howard and Pro Lawns LLC received OISC licensing on May 18, 2022.  
Submitted By: Paul Jay Kelley  
Role: Investigator

06/03/2022 **Disposition Summary**

Pro Lawns LLC was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.  
Lawrence Jamin Howard was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 was assessed for this violation.  
However, the \$1,000.00 will be held in abeyance and not assessed provided Lawrence Jamin Howard commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice. Consideration was given to the fact corrective action was immediately taken.  
Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/05/2022 **Intake Referral Filed**

On May 5, 2022, I observed Lawrence Howard making a for-hire lawn application at the Life Connection Church located at 1616 E 126th St, Fishers, Indiana (46037). Mr. Howard did not have a current OISC license. Mr. Howard was in a vehicle labeled "Precision Cut Lawn Service" and applying fertilizer and pesticides from a ride-on sprayer. Mr. Howard stated he was borrowing the truck and equipment from "Precision" because his truck was in the shop. Mr. Howard stated he was sub-contracted by "Precision" and his business was Pro Lawn LLC. A check of OISC's database showed Pro Lawn LLC failed to renew for 2022. Mr. Howard stated he mailed a bank check to OISC last week; however, OISC did not have any record of his check.

I issued Mr. Howard and Pro Lawn LLC an Action Order to cease making for-hire applications until licensed by OISC.

Original Event: Intake Referral (Pesticide) #2449  
Complainant: Pro Lawns LLC  
Respondent: Lawrence Jamin Howard  
Entered By: Paul Jay Kelley  
Submitted By: Joseph D. Becovitz  
Attachments: File 93484; ao.pdf  
File 93485; noi.pdf

Photos:



File 93477



File 93478



File 93479



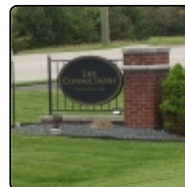
File 93480



File 93481



File 93482



File 93483

---

05/05/2022 **Investigator Met with Target Photographs**

On May 5, 2022, I observed Mr. Howard making a for-hire application in Fishers, Indiana.

Attachments



File 93486



File 93487

Original Event: Investigation Activity (Pesticide) #4565  
Subject: Lawrence Jamin Howard  
Submitted By: Paul Jay Kelley

---

05/05/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #864  
Client: Lawrence Jamin Howard  
Firm Representative: Lawrence Howard  
Submitted By: Paul Jay Kelley  
Attachments: File 93489; noi.pdf

---

05/05/2022 **Action Order Issued**

Cease making for-hire applications until licensed by OISC

Original Event: Action Order #254  
Issued To: Pro Lawns LLC  
Firm Representative: Lawrence Howard  
Submitted By: Paul Jay Kelley  
Attachments: File 93490; ao.pdf

---

05/05/2022 **Case Created**

Original Event: Case PS22-0105  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

05/09/2022 **Investigator Met with Subject**

## Communication

On May 9, 2022, I met with Caleb Harbert, owner of Precision Cut Lawn Svc LLC. Mr. Harbert stated he would provide a copy of the subcontractor's agreement between Precision Cut Lawn and Lawrence Howard. In addition, Mr. Harbert stated he would provide a list of all jobs assigned to Mr. Howard. Mr. Harbert stated Mr. Howard returned the Precision vehicle and equipment the day of my stop.

Original Event: Investigation Activity (Pesticide) #4579  
Subject: Caleb E Harbert  
Submitted By: Paul Jay Kelley

---

### 05/24/2022 Investigator Sent Fax/Email to Subject

#### Records

On May 24, 2022, I received an email from Caleb Harbert of Precision Outdoors regarding Lawrence Howard's subcontracting of applications.

#### Attachments

File 95478; 2022 Fertilizer Schedule - 5.5 Jamin App 2.pdf  
File 95479; Fertilization Contractor Service Agreement.pdf  
File 95480; Jamin POI add.pdf  
File 95481; Precision Cut Lawn Addition of driver 5-3-2022.pdf

#### Activity

From the documentation provided by Caleb Harbert, Lawrence Howard performed 5 applications on May 5, 2022. See spread sheet.

#### Attachments

File 96351; 2022 Fertilizer Schedule - 5.5 Jamin App 2.pdf

Original Event: Investigation Activity (Pesticide) #4706  
Subject: Caleb E Harbert  
Submitted By: Paul Jay Kelley

---

### 05/31/2022 Investigation Activity

#### Activity

A review of OISC's database indicates, as of May 18, 2022, Lawrence Howard and Pro Lawns LLC is a licensed business and applicator.

Original Event: Investigation Activity (Pesticide) #4755  
Subject: Lawrence Jamin Howard  
Submitted By: Paul Jay Kelley

---

### 06/03/2022 Judgement; Civil Penalty Assessed

#### Citation

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

#### Civil Penalty

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

#### Abeyance

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

Original Event: Judgement #1308  
Primary: Pro Lawns LLC  
Secondary: Lawrence Jamin Howard  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1000

---

### 06/22/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1123  
To: Lawrence Jamin Howard  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 9859  
Enclosed: Notice of Enforcement  
Attachments: File 99368; PS22-0105EL CP Abeyance ~ Lawrence J. Howard - Pro Lawns LLC.docx

---

### 08/10/2022 Mail Service Returned for Target

Certified mail was returned to OISC on August 10, 2022. Regular mail has not been returned.

Original Event: Compliance Receipt #1636  
Subject: Lawrence Jamin Howard  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9859  
Returned: 08/10/2022

08/11/2022 **Mail Confirmation Assumed for Target**

As of August 11, 2022 the regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1637  
Subject: Lawrence Jamin Howard  
Submitted By: Jacob A. Hatfield

**Chain of Custody**

---

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

This record was generated on **April 6, 2023, 01:44 PM 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 6, 2023, 01:42 PM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS21-0253**

Department	Pesticide
Originated	07/19/2021
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>Andrew William Bruns</b> Brookville, IN 47012
Respondent	<b>Unknown</b>
-	<b>Indiana Dept of Transportation</b> Indianapolis, IN 46204
Respondent	<b>Jeffrey Lynn Williams</b> Fremont, OH 43420
Respondent	<b>Deangelo Contracting SVCS LLC</b> Fremont, OH 43420
Agency	<b>Purdue Receivables &amp; Collections</b> West Lafayette, IN 47907

**Overviews**

12/14/2021 **Investigation Summary**

Andy Bruns reported DOT hired a company DBI to make pesticide applications to the ROW in Laurel, IN.  
Mr. Bruns stated his dicamba soybeans and corn appear to be impacted by "overspray" from a pesticide application.  
Soybean and corn plants are stunted. Corn plants are brown and dying. Soybeans have stunted, curled leaves.  
PPDL reported soybeans and corn appear (visual inspection) to be impacted by Milestone and Escort.  
Jeff Williams of DBI made an application with Milestone and Escort.  
OISC Residue lab found A. I. of Milestone in corn vegetation sample.  
OISC Residue Lab indicated levels are more in line with direct application or overspray.  
Submitted By: Paul Jay Kelley  
Role: Investigator

12/15/2021 **Disposition Summary**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.  
Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.  
Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 07/16/2021 Intake Referral Filed

Complainant stated a herbicide application made to the highway right of way has injured his soybeans, corn and alfalfa.

Original Event: Intake Referral (Pesticide) #2109  
Complainant: Andrew William Bruns  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 07/19/2021 Case Created

Original Event: Case PS21-0253  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 07/20/2021 Complainant Called Investigator Communication

On July 20, 2021, I spoke with Andy Bruns. Mr. Bruns stated Indiana Department of Transportation (INDOT) hire a company to spray the right of way (ROW) on state road 121 in Laurel, Indiana. Mr. Bruns stated the application appeared to be more of a direct application to soybeans, corn, and alfalfa than drift.

Original Event: Investigation Activity (Pesticide) #3531  
Subject: Andrew William Bruns  
Submitted By: Paul Jay Kelley

---

### 07/28/2021 Investigator Called Subject Communication

On July 28, 2021, I spoke with Matt Kraushar from the Indiana Department of Transportation (INDOT). Mr. Kraushar stated he was aware of the complete and had passed the information along to their Right of Way (ROW) contractor DeAngelo Brothers. Mr. Kraushar stated he would provided me with the contact information for DeAngelo Brothers.

Original Event: Investigation Activity (Pesticide) #3582  
Subject: Indiana Dept of Transportation  
Submitted By: Paul Jay Kelley

---

### 07/29/2021 Investigator Sent Fax/Email to Target Records

On July 29, 2021, I received an email from Terry McCance, Project Manager for DBI Services. The email contained works orders from DBI Services for applications made on June 23 and June 24, 2021, along State road 121 around Laurel, Indiana. The work orders indicted Jeffrey Williams, Certified Applicator made a ROW application using Milestone (EPA Reg. #62719-519, active ingredient Aminopyralid-tripromine) and Escort VM (EPA Reg. #432-1549, active ingredient metsulfuron). Wind direction was listed as out of the east at .89mph blowing toward Mr. Bruns fields.

#### Attachments

File 75472; 6-23-21 DAILY.pdf  
File 75473; 6-24-21 DAILY.pdf  
File 75475; RE Application info..msg.pdf  
File 75476; RE Application info..msg.pdf

Original Event: Investigation Activity (Pesticide) #3597  
Subject: Jeffrey Lynn Williams  
Submitted By: Paul Jay Kelley

---

### 07/29/2021 Investigation Activity Activity

On July 29, 2021, I added Deangelo Brothers LLC as the target business.

Original Event: Investigation Activity (Pesticide) #3598  
Subject: Deangelo Brothers LLC  
Submitted By: Paul Jay Kelley

---

### 07/29/2021 Investigator Met with Complainant Photographs

On July 29, 2021, I met with Andy Bruns. Mr. Bruns stated a right of way (ROW) applications has impacted his dicamba soybeans and corn along State Road 121 in Laurel, Indiana. Mr. Bruns stated the first 2-5 rows closes to SR121 are completely dead or have deformed, stunt leaves. Mr. Brun stated the first few rows of corn along the same stretch are dead in section or have speckled leaves.

I collected vegetation samples to be visually analyzed by Purdue's Plant and Pest Diagnostic Lab (PPDL). furthermore I collected investigative samples for OISC's Residue Lab

#### Screenshots

Site Diagram of impacted area.

## Attachments



File 75478



File 75479



File 75480



File 75481



File 75482



File 75483



File 75484



File 75485



File 75486



File 75487



File 75488



File 75489



File 75490



File 75491



File 75492

File 84841; Site Diagram.pdf

Original Event: Investigation Activity (Pesticide) #3599  
Subject: Andrew William Bruns  
Submitted By: Paul Jay Kelley

---

### 07/29/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #475  
Client: Andrew William Bruns  
Firm Representative: Andy Bruns  
Submitted By: Paul Jay Kelley  
Attachments: File 75494; noi.pdf

---

### 07/29/2021 External Lab Sample Collected

Original Event: External Lab Sample Collection #185773 (X21-EBBE53)  
Client: Andrew William Bruns  
Submitted By: Paul Jay Kelley  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-EBBE53 | Misc. vegetation  
Attachments: File 75496; PPDL Bruns ps21-0253.pdf

---

### 07/29/2021 Residue Samples Collected

Original Event: Residue Collection #185776 (21-4-0493 3)  
Client: Andrew William Bruns  
Submitted By: Paul Jay Kelley  
Sample: 21-4-0493 3 | Soil; Grab; 0-2"; Target  
Sample: 21-4-0494 6 | Veg; Comp; Target  
Sample: 21-4-0495 1 | Soil; Grab; 0-2"; OFF-T  
Sample: 21-4-0496 7 | Veg; Comp; OFF-T  
Sample: 21-4-0497 9 | Soil; Grab; 0-2"; OFF-T  
Sample: 21-4-0498 0 | Veg; Comp; OFF-T  
Sample: 21-4-0499 8 | Veg; Comp; OFF-T, 10yd  
Sample: 21-4-0500 0 | Veg; Comp; OFF-T

---

### 07/29/2021 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #505  
Submitted By: Paul Jay Kelley  
Target Analyte: Milestone  
Target Analyte: escort VM  
PPLS Labels: [000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf)

Attachments: File 75497; Escort.pdf

08/05/2021 **Received External Lab Report**

PPDL indicates the symptoms visually observed on the corn are characteristic of exposure to Milestone + Escort.

Original Event: External Lab Report #186423 (X21-EBBE53)  
Submitted By: Paul Jay Kelley  
Sample: X21-EBBE53  
Attachments: File 76085; ConsolidatedReport\_Jay Kelley (003).pdf  
File 76086; FinalReport\_Jay Kelley.pdf

12/13/2021 **Received Residue Lab Report**  
**Investigatory Summary**

On December 13, 2021, OISC's Residue Lab reported no detections of pesticide residues on soybean samples. However, after consultation with OISC's Residue Lab Director, sample # 21-4-0500 0 (vegetation sample of corn plants) detected 556 parts per billion of aminopyralid (Active ingredient in Milestone). Further discussion indicates the levels detected are likely direct application or "overspray" of the pesticide.

**First Page of Lab Report**

OCM Collection #	185776	Investigator	KELLEYJ		
Collection Date	07/29/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0493 3	Soil; Grab; 0-2"; Target	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0494 6	Veg; Comp; Target	Veg	Aminopyralid	220 ppb	33 ppb
			Triclopyr	31.3 ppb	3 ppb
21-4-0495 1	Soil; Grab; 0-2"; OFF-T	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0496 7	Veg; Comp; OFF-T	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb
21-4-0497 9	Soil; Grab; 0-2"; OFF-T	Soil	Aminopyralid	BDL ppb	33 ppb
21-4-0498 0	Veg; Comp; OFF-T	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb
21-4-0499 8	Veg; Comp; OFF-T, 10yd	Veg	Aminopyralid	BDL ppb	33 ppb
			Triclopyr	BDL ppb	3 ppb

Original Event: Residue Lab Report #196585 (185776-R507)  
Submitted By: SYSTEM  
Lab Report: Lab Report 185776-R507.pdf

12/15/2021 **Judgement; Civil Penalty Assessed**  
**Citation**

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control.

**Civil Penalty**

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Original Event: Judgement #861  
Primary: Deangelo Brothers LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(5)  
Penalty Amount: 1000

02/23/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #986  
To: Deangelo Brothers LLC  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0187  
Enclosed: Notice of Enforcement  
Attachments: File 87863; PS21-0253EL CP ~ Deangelo Brothers LLC - Jeffrey L. Williams.docx

02/28/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1409  
Subject: Deangelo Brothers LLC  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0187  
Received: 02/28/2022  
Attachments: File 92801; CM 7019 1640 0001 2427 0187.pdf

---

07/13/2022 **Penalty Payment Not Received for Target**

As of July 13, 2022, Deangelo Brothers LLC has not paid the \$1,000.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1532  
Subject: Deangelo Brothers LLC  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$0

---

07/13/2022 **Sent to Collections**

As of July 13, 2022, Deangelo Brothers LLC had not paid the \$1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1300  
Primary: Deangelo Brothers LLC  
Agency: Purdue Receivables & Collections  
Submitted By: Joni D. Herman

---

07/13/2022 **Collections Referral Mailed to Collections Agency**

A copy of the case summary, enforcement letter, and certified mail documentation was sent via email to the Business Office.

Original Event: Outgoing Mail #1139  
To: Purdue Receivables & Collections  
Submitted By: Joni D. Herman  
Enclosed: Collections Referral  
Attachments: File 101630; Email to Sherry Honn\_RE\_Collection ~ OISC Case #PS21-0253 \_ Deangelo Brothers LLC - Civil Penalty Non-Payment.pdf

---

10/18/2022 **Compliance Activity**

PDF of enforcement letters and certified mail cards sent via email to Christi Beuchler, Risk Manager for Deangelo Contracting Services. Per email request from Christi Beuchler to Purdue Accounts Receivable (Sherri Been - Operational Support) / Sam Pucka, Account Clerk - BCHM Business Office on October 11 & 14, 2022.

Original Event: Compliance Activity #1620  
Submitted By: Joni D. Herman  
Attachments: File 114759; PS21-0253 ~ PS21-0280 Email Christi Beuchler-DeAngelo ~ Case Info.pdf

---

11/03/2022 **Received Penalty Payment for Target**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0253 (\$1,000.00 civil penalty) and PS21-0280 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022.

Original Event: Compliance Receipt #1982  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 119412; 2.27.2023 Email from Christi Buechler-DeAngelo Contracting Svcs. - CP Payment Info - PS21-0280 and PS21-0253.pdf  
File 119414; 2.28.2023 Email Chain~Christi Buechler~Tammy Beaver~Sherry Honn~Joni Herman - PS21-0280 and PS21-0253.pdf  
File 119413; PS21-0280 and PS21-0253 DeAngelo Contracting Svc.~Proof of CP Payment-Letter and Tracking.pdf

---

03/06/2023 **Notice of Case Closure Mailed to Complainant**

Letter documenting updates on the case since it was originally closed.

Original Event: Outgoing Mail #2024  
To: Andrew William Bruns  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119418; PS21-0253 ~ Andrew W. Bruns ~ Updated Info - Case Closed Letter 3-6-2023.docx

---

03/06/2023 **Notice of Case Closure Mailed to Target**

Letter documenting updates on the case since it was originally closed.

Original Event: Outgoing Mail #2025  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119419; PS21-0253 ~ DeAngelo Contracting Svcs. LLC - Jeffrey L. Williams ~ Updated Info - Case Closed Letter 3-6-2023.docx

---

03/09/2023 **Compliance Activity**

PDF copy of updated case closed letter emailed to Christi Beuchler, Risk Manager for DeAngelo Contracting Services.

Original Event: Compliance Activity #1743  
Submitted By: Joni D. Herman  
Attachments: File 119869; Email Delivery Confirmation 3.9.2023.docx  
File 119868; Email to Christi Buechler ~ Closed Case Letters with Updates - Sent 3.9.2023.pdf

**Chain of Custody**

---

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

This record was generated on **April 6, 2023, 01:42 PM 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 6, 2023, 01:43 PM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0280

Department	Pesticide
Originated	07/28/2021
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant Respondent	<b>Patrick J Sparks</b> Shirley, IN 47384
Business	<b>Deangelo Contracting SVCS LLC</b> South Point, OH 45680
-	<b>Steve Rust</b> New Castle, IN 47362 Henry County Surveyor
Applicator	<b>Jeffrey Lynn Williams</b> Fremont, OH 43420
Agency	<b>Purdue Receivables &amp; Collections</b> West Lafayette, IN 47907

### Overviews

#### 01/03/2022 Investigation Summary

On July 28, 2021, Mr. Sparks reported an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

On August 3, 2021, I met with Mr. Sparks, where I observed and photographed injury to his corn and soybean fields along SR 234 that was in close proximity to the road's right-of-way. I collected several soil and vegetation samples for analysis by the OISC Residue Lab and PPD.

Later that day, I found that DBi Services (aka DeAngelo Brothers, aka DeAngelo Contracting), was contracted by INDOT to make herbicide applications along SR 234 and that Mr. Williams had made an application to the road adjacent to Mr. Spark's fields on June 27, 2021.

After I reviewed the OISC Residue Lab results and other evidence collected, I found Mr. Williams' right-of-way application along SR 234 had moved off-target, which contacted and injured Mr. Sparks' field corn.

Submitted By: James M. Trimble  
Role: Investigator

#### 01/03/2022 Disposition Summary

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 07/28/2021 Intake Referral Filed

Complainant stated an application to the right-of-way along SR 234 has injured his corn and soybeans on both sides of the road.

Original Event:	Intake Referral (Pesticide) #2137
Complainant:	Patrick J Sparks
Respondent:	Deangelo Brothers LLC
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

---

### 07/28/2021 Case Created

Original Event:	Case PS21-0280
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

---

### 08/03/2021 Investigator Met with Complainant Photographs

On August 3, 2021, I met with Mr. Sparks on SR 234 to conduct my on-site investigation. Mr. Sparks reported that a herbicide application to the right-of-way on both sides of the road had moved off-target and injured his corn and soybean plants. Mr. Sparks believed the right-of-way application had occurred between 6/15/21 and 6/25/21. Mr. Sparks stated that he observed his corn to stop growing and turned yellow approximately one week after the right-of-way application. Mr. Sparks stated that he had observed the injury to his soybeans plants at the same time, which included stunted growth and cupped leaves. Mr. Sparks stated he had applied a fungicide to his corn fields approximately eight days prior to my visit and had applied Round-Up and Liberty to his soybean fields in the middle of June. Mr. Sparks had made a report about the same type of incident in 2020 (see case #PS20-0332), where DeAngelo Brothers LLC. was contracted by the Indiana Department of Transportation (INDOT) to make their right-of-way applications. Mr. Sparks stated that he believed the right-of-way ended at the back of the utility poles that were set along the roadway.

While on-site, I observed and photographed symptoms of what I believed to be herbicide exposure injury to Mr. Sparks soybean plants and field corn. I observed approximately the first two rows of Mr. Sparks' corn field on the north side of S.R. 234 to show injury symptoms that included stunted growth, yellow & brown stalks and leaves, and to be dead and/or dying. I observed Mr. Sparks soybean field on the south side of S.R. 234 to show injury symptoms that included stunted growth, severely curled and/or twisted stems, leaves and bean pods, and strapped leaves. I observed a pattern of injury on the soybean field where the field's grade was much lower than the roads, which could have contributed to a direct overspray, drift, or pesticide run-off pooling. The corn field's injury was very consistent and showed a pattern of injury along the field's south border. I observed the corn field's first one to three rows of corn along the field's south edge to show the same type of injury, along with a slight gradient from south to north, which was consistent with a direct application or heavy drift event from the road.

I observed the wooden utility poles along the road to be set approximately 2-3' from the roadside, leaving a very small right-of-way and margin of error for a pesticide application. I observed Mr. Sparks' fields to be approximately 3'-5' from the rear of the utility poles.

I then collected soil and vegetation samples from Mr. Sparks' soybean & corn field, as well as from the north and south target areas of the right-of-way, which I submitted to the OISC Residue Lab for analysis. I also collected and submitted samples of the soybean and corn plants that exhibited symptoms of injury to the Purdue Plant and Pest Diagnostic Lab.



**Injury to corn (File 75977)**



**Corn injury along right-of-way (File 75980)**



Attachments



Original Event: Investigation Activity (Pesticide) #3619  
 Subject: Patrick J Sparks  
 Submitted By: James M. Trimble

08/03/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #480  
 Client: Patrick J Sparks  
 Firm Representative: Patrick Sparks  
 Submitted By: James M. Trimble  
 Attachments: File 76004; SparksNOI.pdf

08/03/2021 **Residue Samples Collected**

Original Event: Residue Collection #186199 (21-4-1211 1)  
 Client: Patrick J Sparks  
 Submitted By: James M. Trimble  
 Sample: 21-4-1211 1 | Soil; Grab; 4-6"; Target, N  
 Sample: 21-4-1212 4 | Soil; Grab; 2-4"; OFF-T, 10ft N  
 Sample: 21-4-1213 0 | Veg; Comp; OFF-T, 10ft N  
 Sample: 21-4-1214 8 | Soil; Ctrl; 2-4"; OFF-T, N  
 Sample: 21-4-1215 3 | Soil; Grab; 2-4"; Target, N  
 Sample: 21-4-1216 9 | Veg; Comp; OFF-T, Grad1, 25ft S  
 Sample: 21-4-1217 6 | Veg; Comp; OFF-T, Grad2, 10ft S  
 Sample: 21-4-1218 2 | Veg; Ctrl; OFF-T, S

08/03/2021 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #186412 (X21-59F25E)  
Client: Patrick J Sparks  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X21-59F25E | Corn and soybean plants exhibiting symptoms of herbicide injury.  
Attachments: File 76053; ResponseSummary (36).pdf

---

08/03/2021 **Investigator Called Business  
Communication**

On August 3, 2021, I called and left a message for Terry McCance with DeAngelo Brothers LLC. (DBi). Mr. McCance called me back shortly thereafter and advised me that he believed DBi had made right-of-way applications on SR 234 and would email me their application records for any applications they had made in the area.

Original Event: Investigation Activity (Pesticide) #3621  
Subject: Deangelo Brothers LLC  
Submitted By: James M. Trimble

---

08/03/2021 **Investigator Sent Fax/Email to Business  
Records**

Shortly after speaking with Mr. McCance, he emailed me DBi's application records for the right-of-way pesticide applications they had made along SR 234 on June 27, 2021 and July 11, 2021. The records I received provided the following information:

- **Application #1**

**Date/Time** - June 27, 2021, 5:30 PM-7:00 PM

**Location** - Henry County, SR 234, Mile Marker 69 to Mile Marker 80, eastbound and westbound

**Applicator** - Jeffrey L. Williams

**Pesticides** - Milestone (EPA Reg. #62719-519, active ingredient of Aminopyralid-tripromine) and Escort XP (EPA Reg. #432-1549, active ingredient of Metsulfuron)

**Wind Speed/Direction** - South @ 1.34 MPH

- **Application #2**

I determined their July 11, 2021 application did not occur in the area of the complainant's fields.

Attachments

File 76008; 6-27-21.pdf  
File 76009; 7-11-21.pdf  
File 76035; Escort.pdf  
File 76034; MILESTONE SPECIALTY HERBICIDE.pdf  
File 76033; Milestone.pdf

Original Event: Investigation Activity (Pesticide) #3624  
Subject: Deangelo Brothers LLC  
Submitted By: James M. Trimble

---

08/03/2021 **Investigator Called Subject  
Communication**

On August 3, 2021, I called and spoke with the Henry County Surveyor, Steve Rust, to inquire about the location of the county's right-of-ways. Mr. Rust advised me that most of the right-of-ways along the roads in the county end at the back of the utility poles but he could not say for sure and was unable to look it up due to S.R. 234 being owned and maintained by the State of Indiana.

Original Event: Investigation Activity (Pesticide) #4212  
Subject: Steve Rust  
Submitted By: James M. Trimble

---

08/03/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #512  
Submitted By: James M. Trimble  
Target Analyte: Milestone  
Target Analyte: Escort XP  
PPLS Labels: [000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf)

Attachments: File 82725; Trimble 186199.pdf

---

08/05/2021 **Investigator Sent Fax/Email to Business**

## Communication

On August 5, 2021, I corresponded with Mr. McCance, via email, regarding the right-of-way locations they treat and the maps that their applicators work from. Mr. McCance stated INDOT provides them with a paper map of each district and have instructions to spray the right-of-way out to 30' from the road and leave a buffer for any field, waterway, or non-target area. Mr. McCance provided me with the map they utilize and part of their contract that explains the target areas for their applications.

The contract stated, "*The broadcast treatment application area is defined as the area adjacent to the pavement extending to a distance of 30 ft from the edge of pavement or as the right-of-way allows, whichever is less. Broadcast applications shall be made on the full widths of medians that are 60 ft or less between pavement edges. The Contractor shall maintain buffers recommended by the product label between the application area and any non-target areas.*"

### Attachments

File 76039; IndianaStatewideMapwithDistrictsRP.pdf  
File 76040; INDOT.pdf  
File 76038; RE\_SR 234-2.pdf  
File 76037; RE\_SR 234.pdf

Original Event: Investigation Activity (Pesticide) #3625  
Subject: Deangelo Brothers LLC  
Submitted By: James M. Trimble

---

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

Original Event: Notice of Inspection #481  
Client: Deangelo Brothers LLC  
Firm Representative: Terry Mccance  
Submitted By: James M. Trimble  
Attachments: File 76042; DbiNOI.pdf

---

### 08/05/2021 New Respondent Identified Respondent Identified

The records provided by Mr. McCance on August 3, 2021 listed Mr. Williams as the applicator of the right-of-way on June 27, 2021.

Original Event: Investigation Change #93  
Respondent: Jeffrey Lynn Williams  
Submitted By: James M. Trimble

---

### 08/05/2021 Online Investigation Activity Activity

On August 5, 2021, I created a map of my sample collection on August 3, 2021.

### Attachments



File 76041

Original Event: Investigation Activity (Pesticide) #3626  
Submitted By: James M. Trimble

---

### 08/08/2021 Received External Lab Report

On August 8, 2021, I received the report from PPD, which stated "*Soybean plants show leaf cupping, strapping, and stem twisting. These symptoms are characteristic of exposure to synthetic auxin herbicides such as dicamba, aminopyralid (Milestone), and triclopyr (Garlon 3A). Corn plants are tolerant to synthetic auxin herbicides but show symptoms of exposure to Escort (metsulfuron - ALS herbicide). Symptoms include overall plant stunting, stacked nodes, and chlorosis/purpling of the new growth. The pattern of injury in the corn and soybean fields is consistent with herbicide drift and/or runoff.*" It further stated, "*Soybeans: foliage show significant leaf curling/cupping and some plants show deformed stems, which is suggestive of growth regulator exposure. Corn: plants appear to be stunted/shorter, but there is also veinal necrosis on one leaf along with some large gray/black lesions that are not associated with a known disease. I suspect that this is likely due to injury. One photo of corn shows large gray masses developing off of a plant - this is common corn smut and likely developed after the plant was injured in some way.*"

Original Event: External Lab Report #186647 (X21-59F25E)  
Submitted By: James M. Trimble  
Sample: X21-59F25E  
Attachments: File 76754; FinalReport\_Mitch Trimble.pdf

---

### 12/13/2021 Received Residue Lab Report

## Investigatory Summary

On December 13, 2021, I received the OISC Residue Lab results, which detected a high level of Aminopyralid in sample #21-4-1213 (Sample #3). All other samples collected and tested were negative or showed negligible amounts of the analytes. Sample #3 was the only sample that consisted of corn stalks while the other samples consisted of soil and/or soybean plants. Although field corn is resistant to low levels of Aminopyralid, the high amount of Aminopyralid found in Sample #3 suggested that the corn was injured due to a direct, full concentrated, application of the herbicide.

The lab results did not find the tested analytes to be a factor in the soybean plant's injury.

### First Page of Lab Report

OCM Collection #	186199	Investigator	TRIMBLEJ		
Collection Date	08/03/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-1211 1	Soil; Grab; 4-6"; Target, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb
21-4-1212 4	Soil; Grab; 2-4"; OFF-T, 10ft N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	0.202 ppb	0.07 ppb
21-4-1213 0	Veg; Comp; OFF-T, 10ft N	Veg	Aminopyralid	4680 ppb * Approximate result reported.	33 ppb
			Triclopyr	BQL ppb	3 ppb
			Metsulfuron-methyl	BQL ppb	0.3 ppb
21-4-1214 8	Soil; Ctr; 2-4"; OFF-T, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb
21-4-1215 3	Soil; Grab; 2-4"; Target, N	Soil	Aminopyralid	BDL ppb	33 ppb
			Metsulfuron-methyl	BDL ppb	0.07 ppb

Original Event: Residue Lab Report #196767 (186199-R507)  
Submitted By: SYSTEM  
Lab Report: Lab Report 186199-R507.pdf

## 12/20/2021 Online Investigation Activity Label Use

On December 20, 2021, I reviewed the labels for the pesticides used by Mr. Williams for his June 27, 2021 right-of-way application, which consisted of **Milestone** (EPA Reg. #62719-519, active ingredient of Aminopyralid) and **Escort** (EPA Reg. #432-1549, active ingredient of Metsulfuron-methyl)

The application records I received from Mr. McCance on August 3, 2021 stated their application consisted of a total of 3000 gallons of mix, which they applied at a rate of 25 gallons per acre, to a total of 120 acres. The records stated their mix contained a total of 780oz of Milestone in the 3000 gallons, at a rate of 6.5oz per acre, which I found to be within the label requirements. Although field corn is tolerant to Aminopyralid and listed in the Milestone label as an approved site, I found that the maximum rate of Milestone to be used on field corn was 0.57oz per acre for a single application or a total of 1.7oz per acre in a single crop year.

### For Postemergence Broadleaf Weed Control in Field Corn and Field Corn Grown For Ensilage

- *Maximum Application Rate: Do not exceed a total application rate of 1.7 fluid oz per acre of Milestone in a single crop year. Do not apply greater than 0.57 oz Milestone per acre (0.0089 lb ae per acre) in a single application, or corn injury and reduction of yield may result.*

The concentration level of Milestone in the tank mix used in Mr. Williams' application explained why the Aminopyralid-tolerant field corn showed the injury symptoms. The pattern and degree of injury I observed to the field corn, along with the OISC Residue Lab results showed that Mr. Williams' application had moved off-target, via direct application, and caused harm to Mr. Sparks' field corn.

Although injury to Mr. Spark's soybean field was also documented, OISC was not able to clearly identify the source of the off-target herbicide movement.

Original Event: Investigation Activity (Pesticide) #4201  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: James M. Trimble  
PLLS Labels: [000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01549-20210224.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01549-20210224.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00519-20210204.pdf)

## Citation

Jeffrey Lynn Williams was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying a pesticide off-target.

## Civil Penalty

Deangelo Brothers LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by over-spraying a pesticide to a property not under their control. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was their sixth violation of similar nature of allowing their pesticide to move off-target. See case numbers PS19-0389, PS19-0417, PS20-0293, PS20-0332 and PS21-0269.

Original Event: Judgement #867  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(5)  
Penalty Amount: 1000

---

### 02/23/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #985  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0194  
Enclosed: Notice of Enforcement  
Attachments: File 87862; PS21-0280EL CP ~ Deangelo Contracting Services - Jeffrey L. Williams.docx

---

### 02/28/2022 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1400  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0194  
Received: 02/28/2022  
Attachments: File 92782; CM 7019 1640 0001 2427 0194.pdf

---

### 07/13/2022 Penalty Payment Not Received for Target

As of July 13, 2022, Deangelo Contracting Services LLC has not paid the \$1,000.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1531  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$0

---

### 07/13/2022 Sent to Collections

As of July 13, 2022, Deangelo Contracting Services LLC had not paid the \$1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1299  
Primary: Deangelo Contracting SVCS LLC  
Agency: Purdue Receivables & Collections  
Submitted By: Joni D. Herman

---

### 07/13/2022 Collections Referral Mailed to Collections Agency

A copy of the case summary, enforcement letter, and certified mail documentation was sent via email to the Business Office.

Original Event: Outgoing Mail #1138  
To: Purdue Receivables & Collections  
Submitted By: Joni D. Herman  
Enclosed: Collections Referral  
Attachments: File 101629; Email to Sherry Honn\_RE\_Collection ~ OISC Case #PS21-0280 \_ Deangelo Contracting Services LLC - Civil Penalty Non-Payment.pdf

---

### 09/27/2022 Compliance Activity

Mr. Sparks contacted OISC requesting a copy of his report be mailed to him because he could not access the report online. The report was printed and mailed to Mr. Sparks.

Original Event: Compliance Activity #1504  
Primary: Patrick J Sparks  
Submitted By: Joni D. Herman  
Attachments: File 110220; PS21-0280 Case Report ~ Printed 9-27-2022.pdf

---

### 10/18/2022 Compliance Activity

PDF of enforcement letters and certified mail cards sent via email to Christi Beuchler, Risk Manager for Deangelo Contracting Services. Per email request from Christi Beuchler to Purdue Accounts Receivable (Sherri Been - Operational Support) / Sam Pucka, Account Clerk - BCHM Business Office on October 11 & 14, 2022.

Original Event: Compliance Activity #1621  
Submitted By: Joni D. Herman  
Attachments: File 114760; PS21-0253 ~ PS21-0280 Email Christi Beuchler-DeAngelo ~ Case Info.pdf

---

11/03/2022 **Received Penalty Payment for Target**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0280 (\$1,000.00 civil penalty) and PS21-0253 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022.

Original Event: Compliance Receipt #1983  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 119415; 2.27.2023 Email from Christi Buechler-DeAngelo Contracting Svcs. - CP Payment Info - PS21-0280 and PS21-0253.pdf  
File 119417; 2.28.2023 Email Chain~Christi Buechler~Tammy Beaver~Sherry Honn~Joni Herman - PS21-0280 and PS21-0253.pdf  
File 119416; PS21-0280 and PS21-0253 DeAngelo Contracting Svc.~Proof of CP Payment-Letter and Tracking.pdf

---

03/06/2023 **Notice of Case Closure Mailed to Complainant**

Letter documenting updates on the case since it was originally closed.

Original Event: Outgoing Mail #2026  
To: Patrick J Sparks  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119420; PS21-0280 ~ Patrick J. Sparks ~ Updated Info - Case Closed Letter 3-6-2023.docx

---

03/06/2023 **Notice of Case Closure Mailed to Target**

Letter documenting updates on the case since it was originally closed.

Original Event: Outgoing Mail #2027  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119421; PS21-0280 ~ DeAngelo Contracting Svcs. LLC - Jeffrey L. Williams ~ Updated Info - Case Closed Letter 3-6-2023.docx

---

03/09/2023 **Compliance Activity**

PDF copy of updated case closed letter emailed to Christi Beuchler, Risk Manager for DeAngelo Contracting Services.

Original Event: Compliance Activity #1744  
Submitted By: Joni D. Herman  
Attachments: File 119871; Email Delivery Confirmation 3.9.2023.docx  
File 119870; Email to Christi Buechler ~ Closed Case Letters with Updates - Sent 3.9.2023.pdf

---

**Chain of Custody**

---

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

This record was generated on **April 6, 2023, 01:43 PM 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 **February 15, 2023, 01:11 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS21-0367

Department	Pesticide
Originated	09/21/2021
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Central Garden &amp; Pet Company</b> Schaumburg, IL 60173
Respondent Registrant Issued To	<b>Auntie Em's</b> Woodside, CA 94062

### Overviews

#### 11/18/2021 **Product Registration Summary**

As is, the product is non-compliant as a 25(b) minimum risk pesticide and must be registered with EPA.

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

#### 12/13/2021 **Investigation Summary**

On September 9, 2021 a Complainant advised OISC that Auntie Em's appears to be offering an insecticide for sale on their website that is not registered for sale or use in Indiana. A check of Office of Indiana State chemist records showed no products currently registered for Auntie Em's.

On October 4, 2021 I was able to view the Auntieemproducts.com website. Screen shots taken of the Auntieemproducts.com website. These screenshots were specifically of Auntie Em's Anit-Insect Spray. The product was able to be ordered from the website.

The product arrived in Indiana on October 11, 2021. Photographs were taken of the outer packaging and of the product labeling. The sample was submitted to the OISC Formulation lab. It was confirmed that the product was an unregistered pesticide product in the State of Indiana.

On December 13, 2021 a Stop Sale Order was issued to Auntie Em's with instruction to stop the sale of distribution of the unregistered product into the State of Indiana. The Stop Sale order was attached to the case and sent to Auntie Em's.

Submitted By: Garret A. Creason  
Role: Investigator

#### 11/30/2022 **Disposition Summary**

Auntie Em's was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for 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.

Auntie Em's was warned for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product that had an incomplete or illegible label or in a container other than the manufacturer's immediate, unbroken, and approved or authorized container.

Auntie Em's was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

Auntie Em's was cited 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, Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed for this violation.



The \$1,500.00 penalty assessed will be held in abeyance and not enforced provided Auntie Em's removes pesticidal claims from labels & labeling (includes websites & reviews); revises labeling to comply with FIFRA and registers the pesticide product in the state of Indiana by December 30, 2022.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 09/09/2021 Intake Referral Filed

Complainant wrote Auntie Em's appears to be offering an insecticide for sale on their website that is not registered for sale or use in Indiana. A check of Office of Indiana State chemist records showed no products currently registered for Auntie Em's.

Original Event: Intake Referral (Pesticide) #2225  
Complainant: Central Garden & Pet Company  
Respondent: Auntie Em's  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason  
Attachments: File 80818; Auntie Ems complaint form.pdf

---

### 09/21/2021 Case Created

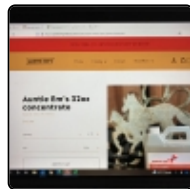
Original Event: Case PS21-0367  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

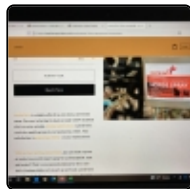
### 10/04/2021 Online Investigation Activity Screenshots

Screen shots taken of the Auntieemproducts.com website. These screenshots were specifically of Auntie Em's Anit-Insect Spray.

Attachments



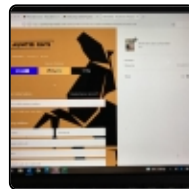
File 82416



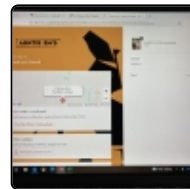
File 82417



File 82418



File 82419



File 82420

Original Event: Investigation Activity (Pesticide) #3973  
Subject: Auntie Em's  
Submitted By: Garret A. Creason

---

### 10/11/2021 Formulation Samples Collected

Original Event: Formulation Collection #191947 (22-3-0003 4)  
Registrant: Auntie Em's  
Submitted By: Garret A. Creason  
Sample: 22-3-0003 4 | Auntie Em's Anti-Insect Spray  
Photos:



File 82421



File 82422



File 82423



File 82424



File 82425



File 82426




File 82502

---

### 10/22/2021 Received Formulation Lab Report

First Page of Lab Report

		Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>Auntie Em's Anti-Insect Spray</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>10/11/2021</b>	REPORT DATE <b>10/22/2021</b>
OCM COLLECTION <b>191947-01</b>		SAMPLE NO. <b>22-3-0003 4</b>		EPA REG NO.	
ACTIVE INGREDIENT			%GUARANTEE		%FOUND
Documentary - No Analysis Performed					
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #192811 (191947-01-R467)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 191947-01-R467.pdf

11/18/2021 **Label Review Conducted; Not Acceptable**

Conclusion: As is, the product is non-compliant as a 25(b) minimum risk pesticide and must be registered with EPA. See attached review for full details.

Original Event: Label Review (Pesticide) #167  
 Registrant: Auntie Em's  
 Submitted By: Sarah K. Caffery  
 Product: Auntie Em's High Performance Anti-Insect Spray  
 Attachments: File 83808; 2021-11-18 Website PDF Ingredients list.pdf  
 File 83807; Formulation Sample Label Review 191947 Auntie Ems Products.docx

12/13/2021 **Stop Sale Order Issued**

Stop Sales and Distribution of the unregistered product into the State of Indiana.

Original Event: Action Order #234  
 Issued To: Auntie Em's  
 Firm Representative: Auntie Em's  
 Submitted By: Garret A. Creason  
 Photos:



File 84832

12/15/2021 **Judgement; Civil Penalty Assessed**

**Warning**

Auntie Em's was warned for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product that had an incomplete or illegible label or in a container other than the manufacturer's immediate, unbroken, and approved or authorized container.

**Warning**

Auntie Em's was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

**Civil Penalty**

Auntie Em's was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for 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. However, the civil penalty was held in abeyance and will not be assessed provided Auntie Em's registers the pesticide product by April 18, 2022.

**Civil Penalty**

Auntie Em's was cited 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, Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, the civil penalty was held in abeyance and will not be assessed provided Auntie Em's removes the pesticidal claims from labels and labeling (including websites and reviews, and revises labeling to comply with FIFRA by April 18, 2022.

## Abeyance

The \$1,500.00 penalty assessed will not be enforced provided Auntie Em's removes pesticidal claims from labels & labeling (includes websites & reviews); revises labeling to comply with FIFRA and registers the pesticide product in the state of Indiana by April 18, 2022.

Original Event: Judgement #862  
Primary: Auntie Em's  
Submitted By: George Saxton  
Legal Citations: IC 15-16-4-57(1); IC 15-16-4-57(4); IC 15-16-4-57(5); IC 15-16-4-57(9)  
Penalty Amount: 1500

---

### 02/14/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #971  
To: Auntie Em's  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0071  
Enclosed: Notice of Enforcement  
Enclosed: Notice of Action Order  
Attachments: File 87225; PS21-0367 AO ~ Auntie Em's.pdf  
File 87224; PS21-0367EL CP Abeyance ~ Aunties Em's.docx

---

### 02/24/2022 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1380  
Subject: Auntie Em's  
Submitted By: Joni Herman  
USPS: 7019 1640 0001 2427 0071  
Received: 02/24/2022  
Attachments: File 88551; CM 7019 1640 0001 2427 0071 ~ PS21-0367.pdf

---

### 02/28/2022 Compliance Activity

OISC received a letter from Auntie Em's requesting information on pesticidal claims.

Original Event: Compliance Activity #1183  
Primary: Auntie Em's  
Submitted By: George Saxton  
Attachments: File 88880; PS21-0367 ~ Auntie Em's ~ Letter to OISC ~ OISCScanToEmail-03072022 (002).pdf

---

### 03/08/2022 Compliance Activity

I spoke with Margie Lee of Auntie Em's. I advised her of the reason her product was in violation and the steps she needed to take to make her product legal. I sent her the link for registration.

Original Event: Compliance Activity #1182  
Primary: Auntie Em's  
Submitted By: George Saxton

---

### 03/09/2022 Pesticide Products Activity

I spoke with Margie Lee from Auntie Em's on the phone today. We walked through the requirements for registration of a pesticide and the option to remove pesticidal claims. Mrs. Lee is going to work on removing pesticidal claims from websites and labeling. She is going to send revisions to OISC for review. I also sent her a collection of EPA links for different registration/regulation information.

Original Event: Pesticide Products Activity #1  
Primary: Auntie Em's  
Submitted By: Sarah K. Caffery

---

### 03/21/2022 Pesticide Products Activity

Registrant provided a revision to the label. Sarah confirmed that some claims are still implied pesticidal claims (shield, armor, undetectable). Registrant is going to provide full formula so that we can confirm that it is not compliant as a 25(b) formulation. If non-compliant, registrant is going to continue to make revisions to labels/websites.

Original Event: Pesticide Products Activity #2  
Primary: Auntie Em's  
Submitted By: Sarah K. Caffery

---

### 04/04/2022 Pesticide Products Activity

The registrant provided their CSF. Our goal was to identify if the formulation would or would not be compliant with the 25(b) requirements. From the review, most of the ingredients were not compliant for a 25(b). Registrant will need to move forward with removing all pesticidal claims (including implied claims).

Original Event: Pesticide Products Activity #8  
Primary: Auntie Em's  
Submitted By: Sarah K. Caffery

---

### 07/15/2022 Pesticide Products Activity

I emailed the registrant as we have not received a reply to our email from 4/4/22 that identified provided confirmation that the ingredients within this product did not comply with EPA's 25(b) Conditions. We are past the provided abeyance window. I identified that we would need a reply by 7/15/22, otherwise the enforcement team will move forward with assessing the civil penalty.

Original Event: Pesticide Products Activity #16  
Primary: Auntie Em's  
Submitted By: Sarah K. Caffery  
Attachments: File 102090; 2022.07.15 Email to Registrant.pdf

---

08/12/2022 **Compliance Activity**

Per Sarah Caffery, Pesticide Product Program Manager, there has been no documentation received from Auntie Em's regarding label changes or product registration issues. The \$1,500.00 civil penalty held in abeyance should be assessed at this time.

Original Event: Compliance Activity #1419  
Primary: Auntie Em's  
Entered By: Joni D. Herman  
Submitted By: George Saxton  
Attachments: File 106112; 8-12-2022 ~ Sara Caffery Email RE\_ Case PS21-0367 \_ Auntie Ems.pdf

---

08/12/2022 **Amended Judgement; Civil Penalty Assessed**

**Warning**

Auntie Em's was warned for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product that had an incomplete or illegible label or in a container other than the manufacturer's immediate, unbroken, and approved or authorized container.

**Warning**

Auntie Em's was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

**Civil Penalty**

Auntie Em's was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for 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.

**Civil Penalty**

Auntie Em's was cited 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, Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #1341  
Primary: Auntie Em's  
Submitted By: George Saxton  
Level: Informal Review  
Legal Citations: IC 15-16-4-57(4); IC 15-16-4-57(5); IC 15-16-4-57(1); IC 15-16-4-57(9)  
Penalty Amount: 1500

---

08/15/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1184  
To: Auntie Em's  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4049  
Enclosed: Notice of Amended Enforcement  
Attachments: File 106379; PS21-0367EL CP ~ Auntie Ems.docx

---

09/23/2022 **Pesticide Products Activity**

Ms. Lee with Auntie Em's replied to Civil Penalty Letter. Requesting a formal hearing; I replied and provided communication/emails that were previously sent and provided a 30 day extension to provide the required updates. Civil Penalty can be held in abeyance until 10/23/22

Original Event: Pesticide Products Activity #24  
Primary: Auntie Em's  
Submitted By: Sarah K. Caffery  
Attachments: File 109997; 9.23.22 email reply.pdf  
File 109996; Indiana State Chemist office Sept 23 2022.pdf

---

09/26/2022 **Mail Confirmation Not Received for Target**

As of September 26, 2022 Green Card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since August 22, 2022. It is assumed to have been lost.

Original Event: Compliance Receipt #1703  
Subject: Auntie Em's  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 4049  
Attachments: File 110194; CM 7022 0410 0001 2745 4049 - Auntie Ems - USPS Tracking.pdf

---

09/26/2022 **Mail Confirmation Assumed for Target**

As of September 26, 2022 regular mail has not been returned to OISC. However, Auntie Em's contacted Sarah via email on September 23, 2022, requesting an appeal. It is assumed to have been received.

Original Event: Compliance Receipt #1704  
Subject: Auntie Em's  
Submitted By: Jacob A. Hatfield

---

10/21/2022 **Pesticide Products Activity**

On 10/21/22 Margie from Auntie Em's forwarded the required information. This information identifies that all pesticide claims have been removed from marketing and labeling.

Original Event: Pesticide Products Activity #27  
Submitted By: Sarah K. Caffery  
Attachments: File 113544; AE Gallon Label - 11.125 x 3.pdf  
File 113545; AE New Label-pdf.pdf  
File 113546; Auntie EMs Banner HorsePark pdf.pdf  
File 113542; Email from Auntie Em 10.21.22.pdf  
File 113543; Full Page BW.pdf

---

11/30/2022 **Order/Decision Issued**

Based on the exchange between Auntie Em's and the Product Registration section, it was determined that Auntie Em's finally met the label adjustments and requirements and therefore, the judgement would be amended with the penalty held in abeyance.

Original Event: Compliance Activity #1597  
Primary: Auntie Em's  
Submitted By: George Saxton  
Stage: Informal Review

---

11/30/2022 **Amended Judgement; Civil Penalty Assessed**  
**Warning**

Auntie Em's was warned for violation of section 57(4) of the Indiana Pesticide Registration Law for distributing a pesticide product that had an incomplete or illegible label or in a container other than the manufacturer's immediate, unbroken, and approved or authorized container.

**Warning**

Auntie Em's was warned for violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that is adulterated or misbranded.

**Civil Penalty**

Auntie Em's was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for 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.

**Civil Penalty**

Auntie Em's was cited 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, Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed for this violation.

**Abeyance**

The \$1,500.00 penalty assessed will be held in abeyance and will not be enforced provided Auntie Em's removes pesticidal claims from labels & labeling (includes websites & reviews); revises labeling to comply with FIFRA and registers the pesticide product in the state of Indiana by December 30, 2022.

Original Event: Judgement #1414  
Primary: Auntie Em's  
Submitted By: George Saxton  
Level: Informal Review  
Legal Citations: IC 15-16-4-57(4); IC 15-16-4-57(5); IC 15-16-4-57(1); IC 15-16-4-57(9)  
Penalty Amount: 1500

---

12/07/2022 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1647  
To: Auntie Em's  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9268  
Enclosed: Notice of Amended Enforcement  
Attachments: File 114008; PS21-0367EL CP Abeyance ~ Aunties Ems.docx

---

12/19/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1869  
Subject: Auntie Em's  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9268  
Received: 12/19/2022  
Attachments: File 117826; CM 7021 0950 0000 0607 9268 - Auntie Ems - Recd. 12-19-22 - PS21-0367.pdf

---

02/10/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1858  
To: Central Garden & Pet Company  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117833; PS21-0367 - Central Garden & Pet Company - Case Closed Letter 2-10-2023.docx

---

02/10/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1859  
To: Auntie Em's  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117834; PS21-0367 - Auntie Ems - Case Closed Letter 2-10-2023.docx

**Chain of Custody**

---

10/11/2021 **Sample 22-3-0003 4**

Original Event: Chain of Custody #78 (22-3-0003 4)  
10/11/2021 10:36: Sample Collected by Garret A. Creason  
10/12/2021 12:57: Sample Delivered to 218  
10/12/2021 12:57: Delivery Affirmed by Natalie Wilson

This record was generated on **February 15, 2023, 01:11 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **April 6, 2023, 01:48 PM 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 PS22-0024

Department	Pesticide
Originated	11/11/2021
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>R.P. Home &amp; Harvest</b> Michigan City, IN 46360
Registrant Respondent	<b>Techpac LLC</b> Atlanta, GA 30339

### Overviews

#### 12/01/2021 **Product Registration Summary**

Label review was acceptable, however the product is not registered in the state. Nor do we have a pending application for the product.

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

#### 04/26/2022 **Investigation Summary**

On November 10, 2021 I located GardenTech Over n' Out Advanced Fire Ant Killer being offered for sale at R.P. Home and Harvest. I contacted OISC Pesticide Registration and was able to confirm that this product was not currently registered and did not have a pending application in the State of Indiana. I spoke with store manager Dalis Werner and she was able to provide me with records indicating the last date of receipt being 7-21-2021.

A Stop Sale Order was issued to R.P. Home and Harvest to stop the sale of GardenTech Over n' Out Fire Ant Killer, EPA Reg#279-3344-71004. An evidentiary formulation sample was collected.

On 4-1-2022 I was notified by OISC Formulation Lab that the product met the label claim for active ingredient during analysis.

Submitted By: Garret A. Creason  
Role: Investigator

#### 04/28/2022 **Disposition Summary**

R.P. Home & Harvest was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product.

Techpac LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 11/10/2021 **Intake Referral Filed**

GardenTech Fire Ant Killer, unregistered pesticide product in the State of Indiana, found for sale at R.P. Home and Harvest.

Original Event: Intake Referral (Pesticide) #2294  
Complainant: Office of Indiana State Chemist  
Respondent: R.P. Home & Harvest  
Entered By: Garret A. Creason  
Submitted By: Joseph D. Becovitz

---

11/10/2021 **INCIDENTAL Notice of Inspection Issued**

Original Event: Notice of Inspection #611  
Linked From: Investigation Activity (Pesticide) #4108, Pesticide Inspection (Product) #238  
Client: R.P. Home & Harvest  
Firm Representative: Dalis Werner  
Submitted By: Garret A. Creason  
Attachments: File 83413; scan0017.pdf

---

11/10/2021 **Investigator Met with Distributor Records**

On November 10,2021 i located GardenTech Over n' Out Advanced Fire Ant Killer being offered for sale at R.P. Home and Harvest. I contacted OISC Pesticide Registration and was able to confirm that this product was not currently registered and did not have a pending application in the State of Indiana. I spoke with store manager Dalis Werner and she was able to provide me with records indicating the last date of receipt being 7-21-2021.

Attachments

File 83416; Inventory record.pdf

Original Event: Investigation Activity (Pesticide) #4108  
Subject: R.P. Home & Harvest  
Submitted By: Garret A. Creason

---

11/10/2021 **Marketplace Inspection Conducted Marketplace**

A Stop Sale Order was issued to R.P. Home and Harvest to stop the sale of GardenTech Over n' Out Fire Ant Killer, EPA Reg#279-3344-71004.

Original Event: Pesticide Inspection (Product) #238  
Client: R.P. Home & Harvest  
Firm Representative: Dalis Werner  
Submitted By: Garret A. Creason

---

11/10/2021 **Stop Sale Order Issued**

Original Event: Action Order #228  
Issued To: R.P. Home & Harvest  
Firm Representative: Dalis Werner  
Submitted By: Garret A. Creason  
Attachments: File 83417; scan0022.pdf

---

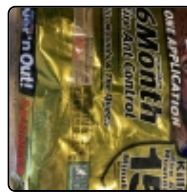
11/10/2021 **Formulation Samples Collected**

Original Event: Formulation Collection #194549 (22-3-0007 5)  
Registrant: Techpac LLC  
Client: R.P. Home & Harvest  
Firm Representative: Dalis Werner  
Submitted By: Garret A. Creason  
Sample: 22-3-0007 5 | GardenTech Over n' Out Advanced Fire Ant Killer  
PPLS Labels: [000279-03344-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03344-20210721.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03344-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03344-20210721.pdf)  
Attachments: File 83443; scan0023.pdf  
Photos:





File 83429



File 83430



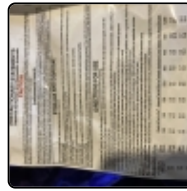
File 83431



File 83432



File 83433



File 83434



File 83435



File 83436



File 83437



File 83438



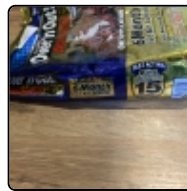
File 83439



File 83440



File 83441



File 83442

11/11/2021 **Case Created**

Original Event: Case PS22-0024  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason


11/23/2021 **Label Review Conducted; Acceptable**

label review is acceptable. However, product is not registered in the state.

Original Event: Label Review (Pesticide) #171 (22-3-0007 5)  
Registrant: Techpac LLC  
Submitted By: Sarah K. Caffery  
Sample: 22-3-0007 5  
Product: GardenTech Over n' Out Advanced Fire Ant Killer  
EPA Reg.: 279-3344-71004  
PLS Labels: [000279-03344-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03344-20210721.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03344-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03344-20210721.pdf)

04/01/2022 **Received Formulation Lab Report**

**First Page of Lab Report**

		<b>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</b>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>GardenTech Over n' Out Advanced Fire Ant Killer</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>11/10/2021</b>	REPORT DATE <b>04/01/2022</b>
OCM COLLECTION <b>194549-01</b>		SAMPLE NO. <b>22-3-0007 5</b>		EPA REG NO. <b>279-3344-71004</b>	
<b>ACTIVE INGREDIENT</b>			<b>%GUARANTEE</b>		<b>%FOUND</b>
Bifenthrin			0.20		0.21
Zeta-Cypermethrin			0.050		0.037
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #205814 (194549-01-R570)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 194549-01-R570.pdf

**04/28/2022 Judgement; Civil Penalty Assessed  
 Warning**

R.P. Home & Harvest was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product.

**Civil Penalty**

Techpac LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide product. A civil penalty in the amount of \$500.00 was assessed for this violation.

Original Event: Judgement #1251  
 Primary: R.P. Home & Harvest  
 Secondary: Techpac LLC  
 Submitted By: George Saxton  
 Legal Citation: IC 15-16-4-57(1)  
 Penalty Amount: 500

**06/08/2022 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1107  
 To: R.P. Home & Harvest  
 Submitted By: Joni Herman  
 USPS: 7019 0140 0000 6113 9729  
 Enclosed: Notice of Enforcement  
 Attachments: File 97525; PS22-0024EL WRN ~ R.P. Home & Harvest.docx

**06/08/2022 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1108  
 To: Techpac LLC  
 Submitted By: Joni Herman  
 USPS: 7019 0140 0000 6113 9736  
 Enclosed: Notice of Enforcement  
 Attachments: File 97526; PS22-0024EL CP ~ Techpac LLC.docx

**06/13/2022 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1547  
 Subject: R.P. Home & Harvest  
 Submitted By: Jacob A. Hatfield  
 USPS: 7019 0140 0000 6113 9729  
 Received: 06/13/2022  
 Attachments: File 101910; CM 7019 0140 0000 6113 9729 - PS22-0024.pdf

**06/14/2022 Compliance Activity**

Gary Hoffman of RP Lumber Co called and stated he checked with all of their stores to make sure the violative pesticide product was pulled from the shelves.

Original Event: Compliance Activity #1276  
 Primary: R.P. Home & Harvest  
 Submitted By: George Saxton

06/30/2022 **Mail Service Returned for Target**

Certified Mail returned to OISC as "insufficient address" on 6/21/2022. Regular mail returned to OISC on 6/30/2022. Will need address information to resend mail.

Original Event: Compliance Receipt #1533  
Subject: Techpac LLC  
Submitted By: Joni D. Herman  
USPS: 7019 0140 0000 6113 9736  
Returned: 06/30/2022  
Attachments: File 101812; CM 7019 0140 0000 6113 9736 ~ PS22-0024 Techpac LLC ~ Reg. Mail Returned to OISC 6-30-22 - Insufficient Address.pdf  
File 101811; CM 7019 0140 0000 6113 9736 ~ Techpac LLC ~ CM Returned to OISC 6-21-22 - Insufficient Address.pdf

---

07/14/2022 **Compliance Activity**

Sarah Caffery supplied us with the name and address of the submitter for Techpac LLC  
Enforcement letters will be sent to: Kelly Registration Systems/ATTN: Stephanie Hacker - 14481 Lochridge Blvd., Covington GA 30014; Phone: 770-788-4519

Original Event: Compliance Activity #1355  
Primary: Techpac LLC  
Submitted By: Joni D. Herman  
Attachments: File 103092; PS22-0024 ~ Email from Sarah Caffery with New Mailing Info 7-14-2022.pdf

---

07/22/2022 **Notice of Enforcement Mailed to Target**

Enforcement letter for Techpac LLC was sent to their submitter: Kelly Registration Systems/ATTN: Stephanie Hacker - 14481 Lochridge Blvd., Covington GA 30014; Phone: 770-788-4519

Original Event: Outgoing Mail #1141  
To: Techpac LLC  
Submitted By: Joni D. Herman  
USPS: 7019 0140 0000 6113 9941  
Enclosed: Notice of Enforcement  
Attachments: File 103228; PS22-0024EL CP ~ Techpac LLC ~ Submitter - Kelly Registration Systems.docx

---

08/03/2022 **Pesticide Products Activity**

Submitting Company contacted registration team via email. They identified that the product would not be registered in the state, the company is instructed to remove from the state and that the civil penalty will be paid

Original Event: Pesticide Products Activity #22  
Primary: Techpac LLC  
Submitted By: Sarah K. Caffery

---

08/08/2022 **Received Mail Confirmation for Target**

Green card was returned to OISC on August 4, 2022. Tracking shows it's still waiting on delivery scan but has a date of July 29, 2022 on card.

Original Event: Compliance Receipt #1616  
Subject: Techpac LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7019 0140 0000 6113 9941  
Received: 07/29/2022  
Attachments: File 105394; PS22-024 Techpac LLC.pdf

---

08/26/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1672  
Subject: Techpac LLC  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 107544; PS22-0024 Techpac LLC ~ CP Received 8-26-2022.pdf

---

08/31/2022 **Pesticide Products Activity**

Registration team reconnected with the submitting company for confirmation that product from all locations, except location of the SSURO, has been removed from Indiana. Upon confirmation the SSURO can be released for return to distributor/company.

Original Event: Pesticide Products Activity #23  
Primary: Techpac LLC  
Submitted By: Sarah K. Caffery

---

11/18/2022 **Stop Sale Released for Return/Disposal  
GardenTech Over n' Out Fire Ant Killer**

hard copy mailed 11/18/22, no email for R.P. Home & Harvest

Attachments

File 113390; R.P Home & Harvest SSURO release.pdf

Original Event: Stop Sale Release (PS) #12  
Issued To: R.P. Home & Harvest  
Submitted By: Victoria J. Matsumura

---

02/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1966  
To: R.P. Home & Harvest  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118536; PS22-0024 - R.P. Home & Harvest - Case Closed Letter 2-22-2023.docx

---

02/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1967  
To: Techpac LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118537; PS22-0024 - Techpac LLC - Case Closed Letter 2-22-2023.docx

**Chain of Custody**

---

11/11/2021 **Sample 22-3-0007 5**

Original Event: Chain of Custody #113 (22-3-0007 5)  
11/10/2021 11:08: Sample Collected by Garret A. Creason  
11/12/2021 12:25: Sample Delivered to 218  
11/12/2021 12:25: Delivery Affirmed by Natalie Wilson

This record was generated on **April 6, 2023, 01:48 PM 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 6, 2023, 01:53 PM 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 PS22-0032**

Department	Pesticide
Originated	11/23/2021
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Menards</b> Greenwood, IN 46142
Registrant Respondent	<b>Tzumi Innovations</b> New York, NY 10016

**Overviews**

02/14/2022 **Product Registration Summary**

Conclusion: Labeling includes pesticidal claims. The product is a nonregistered pesticide at federal and state level. The product is considered pesticidal because the active ingredient is listed as antibacterial in the ingredient statement; use sites include surfaces and the statement "Multi-Surface Wipes"

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

03/09/2022 **Investigation Summary**

On November 23, 2021 I met with Patrick Derdaski, Asst. Manager, at Menards in Greenwood, IN. I informed Mr. Derdaski that I had located a product called Wipe Out Multi-Surface Wipes at Menards that was an unregistered pesticide product. I showed Mr. Derdaski the Wipe Out product and explained the issues with the labeling. I informed Mr. Derdaski that I would be collecting a sample of the products. I also informed Mr. Derdaski that I would be issuing a Stop Sale Order to Menards.

On November 24, 2021 the evidentiary sample was delivered to the OISC Formulation Lab.

On February 7, 2022 the OISC Formulation Lab notified of the Lab Results for the WIPE OUT products. The Fresh Scent Wipe Out product failed low to meet label claim for the active ingredient. The Wipe Out Lemon Scent product passed analysis for label claim.

On February 14, 2022 a label review was conducted and found that "Labeling includes pesticidal claims. The product is a non-registered pesticide at federal and state level. The product is considered pesticidal because the active ingredient is listed as antibacterial in the ingredient statement; use sites include surfaces and the statement "Multi-Surface Wipes"

Submitted By: Garret A. Creason  
Role: Investigator

11/21/2022 **Disposition Summary**

Menards was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in Indiana.

Tzumi Innovations was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was not registered for distribution in Indiana. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

Tzumi Innovations was cited for two (2) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

Tzumi Innovations was cited for two (2) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 11/23/2021 Intake Referral Filed

Unregistered Pesticide product located for sale at Menards

Original Event: Intake Referral (Pesticide) #2312  
Complainant: Office of Indiana State Chemist  
Respondent: Menards  
Entered By: Garret A. Creason  
Submitted By: George Saxton

---

### 11/23/2021 Formulation Samples Collected

Original Event: Formulation Collection #195395 (22-3-0009 9)  
Registrant: Tzumi Innovations  
Client: Menards  
Firm Representative: Patrick Derdaski  
Submitted By: Garret A. Creason  
Sample: 22-3-0009 9 | Wipe Out Multi-Surface Wipes Fresh Scent  
Sample: 22-3-0010 9 | Wipe Out Multi-Surface Wipes Lemon Scent  
Photos:



File 84001



File 84002



File 84003



File 84004



File 84005



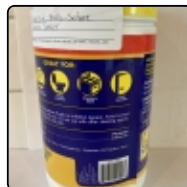
File 84006



File 84007



File 84008



File 84009



File 84010



File 84011



File 84012



File 84013

---

### 11/23/2021 INCIDENTAL Stop Sale Order Issued

Original Event: Action Order #231  
Linked From: Formulation Collection #195395 (22-3-0009 9), Pesticide Inspection (Product) #242, and 1 other event  
Issued To: Menards  
Firm Representative: Patrick Derdaski  
Submitted By: Garret A. Creason  
Photos:



File 84014

11/23/2021 **Investigator Met with Distributor Interaction**

On November 23, 2021 I met with Patrick Derdaski, Asst. Manager, at Menards in Greenwood, IN. I informed Mr. Derdaski that I had located a product called Wipe Out Multi-Surface Wipes at Menards that was an unregistered pesticide product. I showed Mr. Derdaski the Wipe Out product and explained the issues with the labeling. I informed Mr. Derdaski that I would be collecting a sample of the products. I also informed Mr. Derdaski that i would be issuing a Stop Sale Order to Menards.

Original Event: Investigation Activity (Pesticide) #4168  
Subject: Menards  
Submitted By: Garret A. Creason

11/23/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #623  
Client: Menards  
Firm Representative: Patrick Derdaski  
Submitted By: Garret A. Creason  
Photos:



File 84015

11/23/2021 **Marketplace Inspection Conducted Marketplace**


Product located is a unregistered pesticide product.

Original Event: Pesticide Inspection (Product) #242  
Client: Menards  
Firm Representative: Patrick Derdaski  
Submitted By: Garret A. Creason

11/23/2021 **Case Created**

Original Event: Case PS22-0032  
Submitted By: George Saxton  
Assigned To: Garret A. Creason

02/07/2022 **Received Formulation Lab Report First Page of Lab Report**



**Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed**

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


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

**PESTICIDE FORMULATION ANALYSIS REPORT**

PRODUCT NAME <b>Wipe Out Multi-Surface Wipes Fresh Scent</b>	INVESTIGATOR <b>CREASONG</b>	DATE SAMPLED <b>11/23/2021</b>	REPORT DATE <b>02/07/2022</b>
OCM COLLECTION <b>195395-01</b>	SAMPLE NO. <b>22-3-0009 9</b>	EPA REG NO.	
<b>ACTIVE INGREDIENT</b>	<b>%GUARANTEE</b>	<b>%FOUND</b>	
Quaternary Nitrogen equivalent	0.00505	0.002715*	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee			

Original Event: Formulation Lab Report #200052 (195395-01-R541)  
Submitted By: SYSTEM  
Lab Report: Lab Report 195395-01-R541.pdf

**First Page of Lab Report**

		<b>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</b>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>Wipe Out Multi-Surface Wipes Lemon Scent</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>11/23/2021</b>	REPORT DATE <b>02/07/2022</b>
OCM COLLECTION <b>195395-02</b>		SAMPLE NO. <b>22-3-0010 9</b>		EPA REG NO.	
ACTIVE INGREDIENT			%GUARANTEE		%FOUND
Quaternary Nitrogen equivalent			0.00505		0.00437
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #200053 (195395-02-R541)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 195395-02-R541.pdf

02/14/2022 **Label Review Conducted; Not Acceptable**  
**Wipe Out Multi-Surface Wipes Fresh Scent**  
 NOT Acceptable

**Wipe Out Multi-Surface Wipes Lemon Scent**  
 NOT Acceptable

**Attachments**

File 87111; 22-0032 Tzumi Innovations Label Review.docx  
 File 87112; 22-0032 Tzumi Innovations Label Review.docx

Original Event: Label Review (Pesticide) #176 (Tzumi Innovations)  
 Registrant: Tzumi Innovations  
 Submitted By: Sarah K. Caffery

02/22/2022 **Investigator Received Fax/Email from Responsible Party**  
**Communication**

On February 22, 2022 Menards Corporate Council, Todd Lemanski, provided receiving records for the Tzumi Wipe Out Product. Menards has deemed these documents as confidential, and will not be electronically attached to this case. The records indicate that the Tzumi Wipe Out product has been for sale at the Greenwood Menards since October 2020.

Original Event: Investigation Activity (Pesticide) #4319  
 Subject: Menards  
 Submitted By: Garret A. Creason

11/21/2022 **Judgement; Civil Penalty Assessed**  
**Warning**

Menards was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for distribution in Indiana.

**Civil Penalty**

Tzumi Innovations was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was not registered for distribution in Indiana. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.

**Civil Penalty**

Tzumi Innovations was cited for two (2) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

**Civil Penalty**

Tzumi Innovations was cited for two (2) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed.



Original Event: Judgement #1409  
Primary: Menards  
Secondary: Tzumi Innovations  
Submitted By: George Saxton  
Legal Citations: IC 15-16-4-57(1); IC 15-16-4-57(5); IC 15-16-4-57(9)  
Penalty Amount: 5000

---

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

Original Event: Outgoing Mail #1657  
To: Menards  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9084  
Enclosed: Notice of Enforcement  
Attachments: File 114181; PS22-0032EL WRN \_ Menards.docx

---

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

Original Event: Outgoing Mail #1658  
To: Tzumi Innovations  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9060  
Enclosed: Notice of Enforcement  
Attachments: File 114182; PS22-0032EL CP \_ Tzumi Innovations.docx

---

12/22/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1831  
Subject: Menards  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9084  
Received: 12/22/2022  
Attachments: File 116651; CM 7021 0950 0000 0607 9084 ~ PS22-0032 Menards ~ Recd. 12-22-2022.pdf

---

01/04/2023 **Mail Service Returned for Target**

The certified mail was returned to OISC on 1/4/2023 marked "Attempted-Not Known" and "Unable to Forward". So far, the regular mail has not come back to OISC.

We will see about getting another address from the investigator &/or a member of the pesticide product registration team so we can resend the enforcement letter.

Original Event: Compliance Receipt #1830  
Subject: Tzumi Innovations  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9060  
Returned: 01/04/2023  
Attachments: File 116647; CM 7021 0950 0000 0607 9060 ~ PS22-0032 Tzumi Innovations ~ Returned to OISC 1-4-2023.pdf

---

01/23/2023 **Mail Confirmation Assumed for Target**

As of 1/23/2023 the regular mail has not been returned to OISC and is assumed to have been delivered. Since the certified mail did come back, the enforcement letters will be resent if a different address can be provided to us. Resend Mail Hold was set on the CM Compliance Receipt.

Original Event: Compliance Receipt #1832  
Subject: Tzumi Innovations  
Submitted By: Joni D. Herman

---

01/25/2023 **Compliance Activity**

A different address was found and enforcement letters will be sent using that address. PLANTS Client was updated with the new address.

Original Event: Compliance Activity #1692  
Primary: Tzumi Innovations  
Submitted By: Joni D. Herman  
Attachments: File 117890; PS22-0032 Tzumi Innovations ~ Email RE Address Change.pdf

---

01/25/2023 **Second Notice of Enforcement Mailed to Target; Second Attempt**

Resend using new address.

Original Event: Outgoing Mail #1875  
To: Tzumi Innovations  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0349  
Enclosed: Notice of Enforcement  
Attachments: File 117891; PS22-0032EL CP ~ Tzumi Innovations ~ Resend - Address Change.docx

---

03/14/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2003  
Subject: Tzumi Innovations  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$5,000.00  
Payment Received: \$5,000.00  
Attachments: File 120075; PS22-0032 - Tzumi Innovations - CP Received 3-14-2023.pdf

---

03/14/2023 **Mail Confirmation Not Received for Target**

As of March 14, 2023, Green Card has not been returned to OISC. According USPS tracking it has been "awaiting delivery scan" since February 7, 2023. It is assumed to have been lost.

Original Event: Compliance Receipt #2005  
Subject: Tzumi Innovations  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0349  
Attachments: File 120078; CM 7021 0950 0000 0608 0349 - Tzumi Innovations - Assumed Lost 3-14-2023.pdf

---

03/14/2023 **Mail Confirmation Assumed for Target**

As of March 14, 2023, regular mail has not been returned to OISC. However, we did received the civil penalty payment, so it is assumed to have been received.

Original Event: Compliance Receipt #2004  
Subject: Tzumi Innovations  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0349

---

03/15/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2060  
To: Menards  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120112; PS22-0032 - Menards - Case Closed Letter 3-15-2023.docx

---

03/15/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2061  
To: Tzumi Innovations  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120113; PS22-0032 - Tzumi Innovations - Case Closed Letter 3-15-2023.docx

---

**Chain of Custody**

---

11/23/2021 **Sample 22-3-0009 9**

Original Event: Chain of Custody #119 (22-3-0009 9)  
11/23/2021 14:02: Sample Collected by Garret A. Creason  
11/24/2021 12:13: Sample Delivered to Natalie Newlon  
11/24/2021 12:13: Delivery Affirmed by Natalie Wilson

---

11/23/2021 **Sample 22-3-0010 9**

Original Event: Chain of Custody #120 (22-3-0010 9)  
11/23/2021 14:02: Sample Collected by Garret A. Creason  
11/24/2021 12:13: Sample Delivered to Natalie Newlon  
11/24/2021 12:13: Delivery Affirmed by Natalie Wilson

---

This record was generated on **April 6, 2023, 01:53 PM 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 6, 2023, 01:54 PM 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 PS22-0072

Department	Pesticide
Originated	03/18/2022
Assigned To	Aaron P. Kreider
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Cisco Companies</b> Indianapolis, IN 46219

### Overviews

#### 12/08/2022 Investigation Summary

During a routine RUP dealer inspection, I discovered that CC sold 10 10 pound containers of Golden Malrin to an unlicensed business. Based on the evidence, CC violated the Indiana pesticide use and application laws by selling a RUP to an unlicensed business. The acquisition of 10 10 pound containers by WCF will be discussed in case PS22-0170. WCF's sale of the RUP will be discussed in PS22-0169.

Submitted By: Aaron P. Kreider  
Role: Investigator

#### 12/09/2022 Disposition Summary

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

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 03/03/2022 RUP Dealer Inspection Conducted RUP Dealer Inspection

Upon review of the sales records, I found that on March 9, 2021, 10 10 pound containers of Golden Malrin (EPA Reg. #2724-274) were sold to Wabash Country Feeds which is an unlicensed business. A case was generated due to violations found during this inspection.

##### Attachments

File 88962; RUP licenses and Pesticide Applicator licenses.pdf  
File 88958; RUP Sales in Indiana for 3-3-20 through 3-3-22.pdf

Original Event: Pesticide Inspection (General) #1837  
Client: Cisco Companies  
Firm Representative: Kathy Lawrence  
Submitted By: Aaron P. Kreider

#### 03/03/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #723  
Client: Cisco Companies  
Firm Representative: Kathy Lawrence  
Submitted By: Aaron P. Kreider  
Attachments: File 88963; NOI (K. Lawrence).pdf

---

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

On March 3, 2022, I met with Kathy Lawrence of Cisco Companies (CC) to perform and RUP dealer inspection. Upon inspection of the RUP sales records, I was able to determine that CC sold an RUP to an unlicensed business for redistribution.

Original Event: Intake Referral (Pesticide) #2410  
Complainant: Office of Indiana State Chemist  
Respondent: Cisco Companies  
Entered By: Aaron P. Kreider  
Submitted By: George Saxton

---

**03/04/2022 Investigator Called Target Communication**

On March 4, 2022, I spoke with Travis Crosby of CC. He confirmed they had no record of a license from Wabash County Feeds (WCF). Mr. Crosby informed me that his contact with WCF was Ervin Schwartz.

Original Event: Investigation Activity (Pesticide) #4342  
Subject: Cisco Companies  
Submitted By: Aaron P. Kreider

---

**03/18/2022 Case Created**

Original Event: Case PS22-0072  
Submitted By: George Saxton  
Assigned To: Aaron P. Kreider

---

**03/24/2022 Investigator Called Target Communication**

On March 23, 2022, I contacted Mrs. Lawrence regarding the CC's reclamation of the Goldin Malrin upon conclusion of this case and all related cases. Mrs. Lawrence stated that she could facilitate the products return to CC from WCF (PS22-0170) and from a sale WCF made (PS22-0169).

Original Event: Investigation Activity (Pesticide) #5687  
Subject: Cisco Companies  
Submitted By: Aaron P. Kreider

---

**12/09/2022 Judgement; Civil Penalty Assessed Civil Penalty**

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

Original Event: Judgement #1424  
Primary: Cisco Companies  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-3-2  
Penalty Amount: 1000

---

**01/12/2023 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1723  
To: Cisco Companies  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9718  
Enclosed: Notice of Enforcement  
Attachments: File 116895; PS22-0072EL CIT-CP ~ Cisco Companies.docx

---

**01/26/2023 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1912  
Subject: Cisco Companies  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9718  
Received: 01/26/2023  
Attachments: File 118128; CM 7021 0950 0000 0607 9718 - Cisco Companies - Recd. 1-26-23 - PS22-0072.pdf

---

**02/02/2023 Received Penalty Payment for Target**

Original Event: Compliance Receipt #1839  
Subject: Cisco Companies  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117654; PS22-0072 - Cisco Companies - 2-2-2023.pdf

---

**02/22/2023 Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1969  
To: Cisco Companies  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118539; PS22-0072 - Cisco Companies - Case Closed Letter 2-22-2023.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 6, 2023, 01:54 PM 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 **February 15, 2023, 01:13 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0079

Department	Pesticide
Originated	04/06/2022
Assigned To	Aaron P. Kreider
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Siteone Landscape Supply LLC #723</b> Indianapolis, IN 46268

### Overviews

#### 12/20/2022 Investigation Summary

SiteOne #723 sold an RUP, TREE-age, to an unlicensed individual. Based on the evidence, SiteOne #723 violated Indiana use and application laws, along with the TREE-age label, by selling a RUP to an unlicensed individual. The purchase and use of the RUP by Mr. Taflinger is discussed in case PS22-0115.

Submitted By: Aaron P. Kreider  
Role: Investigator

#### 12/21/2022 Disposition Summary

Siteone Landscape Supply LLC #723 was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 02/22/2022 RUP Dealer Inspection Conducted RUP Dealer Inspection

Upon review of SiteOne's RUP sales records, I discovered that they sold an RUP to an unlicensed applicator, Joshua Taflinger of Indy Ash on June 1, 2020. Mr. Taflinger's applicator license and Indy Ash's business license expired on December 31, 2019. A case was generated due to the violations from this inspection.

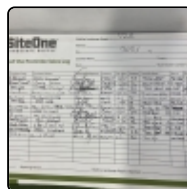
#### Attachments



File 88319



File 88320



File 88321

Original Event: Pesticide Inspection (General) #1821  
Client: Siteone Landscape Supply LLC #723  
Firm Representative: John Martin  
Submitted By: Aaron P. Kreider

---

**02/22/2022 Notice of Inspection Issued**

Original Event: Notice of Inspection #708  
Client: Siteone Landscape Supply LLC #723  
Firm Representative: John Martin  
Submitted By: Aaron P. Kreider  
Attachments: File 87826; NOI (J. Martin).pdf

---

**02/22/2022 Intake Referral Filed**

On February 22, 2022, I conducted a RUP dealer inspection with John Martin of SiteOne Store #723. Upon inspection of their sales records, I was able to determine that SiteOne sold an RUP to an unlicensed applicator.

Original Event: Intake Referral (Pesticide) #2423  
Complainant: Office of Indiana State Chemist  
Respondent: Siteone Landscape Supply LLC #723  
Entered By: Aaron P. Kreider  
Submitted By: Joseph D. Becovitz

---

**02/28/2022 Investigator Called Target Communication**

On February 28, 2022, I spoke with Mr. Martin regarding the RUP sale to Mr. Tafinger. Mr. Martin informed me Mr. Tafinger made one purchase of TREE-age (EPA Reg. #100-1309-74578) on June 1, 2020, took some of the product that day, and returned on June 11, 2020 to retrieve the rest of his order.

Original Event: Investigation Activity (Pesticide) #5715  
Subject: Siteone Landscape Supply LLC #723  
Submitted By: Aaron P. Kreider

---

**04/06/2022 Case Created**

Original Event: Case PS22-0079  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

**12/16/2022 Investigator Reviewed Label TREE-age**

The TREE-age label states, "*DUE TO ACUTE TOXICITY TO HUMANS 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 CREDENTIAL.*"

**Attachments**

File 114418; TREE-age Label (Arborjet Website).pdf

Original Event: Investigation Activity (Pesticide) #5717  
Submitted By: Aaron P. Kreider  
PPLS Labels: [000100-01309-20220810.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01309-20220810.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01309-20220810.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01309-20220810.pdf)

---

**12/21/2022 Judgement; Civil Penalty Assessed Civil Penalty**

Siteone Landscape Supply LLC #723 was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #1429  
Primary: Siteone Landscape Supply LLC #723  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-3-2  
Penalty Amount: 1000

---

**01/13/2023 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1737  
To: Siteone Landscape Supply LLC #723  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9763  
Enclosed: Notice of Enforcement  
Attachments: File 116948; PS22-0079EL CIT-CP ~ Siteone Landscape Supply LLC.docx

---

**01/30/2023 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1863  
Subject: Siteone Landscape Supply LLC #723  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9763  
Received: 01/30/2023  
Attachments: File 117812; CM 7021 0950 0000 0607 9763 - PS22-0079 - 1-30-2023.pdf

---

02/03/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1838  
Subject: Siteone Landscape Supply LLC #723  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117653; PS22-0079 - Siteone Landscape Supply LLC - 2-3-2023.pdf

---

02/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1852  
To: Siteone Landscape Supply LLC #723  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117816; PS22-0079 - Siteone Landscape Supply LLC - Case Closed Letter 2-9-2023.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 **February 15, 2023, 01:13 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.





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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:14 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0126

Department	Pesticide
Originated	05/17/2022
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Gary Wessling</b> Boggestown, IN 46110
Business	<b>Premier Ag Co Op Inc-Shelbyville</b> Shelbyville, IN 46176
Applicator	<b>Kelly Gordon Zufall</b> Trafalgar, IN 46181

### Overviews

#### 10/17/2022 Investigation Summary

On May 16, 2022, the complainant reported he had injury to his trees and shrubs after a pesticide application to the farm field behind his property.

On June 1, 2022, I completed my on-site investigation, where I observed injury to the complainant's trees and tomato plants. I identified three neighboring fields where herbicides were recently used. I collected multiple samples from the above locations for analysis by the OISC Residue Lab.

I later collected the application record for Field #2 and reviewed the weather data, which showed the wind blowing towards the complainant's property during application. The OISC Residue Lab results also showed a gradient of herbicide coming from Field #2. Drift from Field #2 was confirmed along with label violations.

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

#### 10/21/2022 Disposition Summary

Premier Ag Co Op 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. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

Kelly Gordon Zufall 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/16/2022 Intake Referral Filed

Complainant stated the farm field behind his property was sprayed 10 to 12 days ago by the Shelby County Coop when a strong wind was blowing toward his property. The complainant stated he now has injury to trees and shrubs on his property.

Original Event: Intake Referral (Pesticide) #2472  
Complainant: Gary Wessling  
Respondent: Shelby County FBC West Branch  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

05/17/2022 **Case Created**

Original Event: Case PS22-0126  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

06/01/2022 **Investigator Met with Complainant**

**Photographs**

On June 1, 2022, I met with Mr. Wessling at his property to conduct my on-site investigation. Mr. Wessling reported that he had witnessed a herbicide application to the field located to the east of his property (Field #2) on approximately May 2, 2022 by Premier Ag. Mr. Wessling recalled that it was "windy" on the day of the application. Mr. Wessling stated that he observed herbicide injury to his property's trees a few days after. Mr. Wessling believed that chronic herbicide exposure had caused a health decline in his large, mature trees and believes it will eventually kill them. I observed Mr. Wessling's property to also have agricultural fields located to the north (Field #1) and to the west (Field #3) of his property.

During my on-site investigation, I observed and photographed what I believed to be growth regulator exposure symptoms to Mr. Wessling's trees and other vegetation throughout his property, which included oak trees, tulip-poplar trees, walnut trees, maple trees, and his tomato plants. I observed the injury symptoms to the plants to be mostly cupped and/or curled leaves. I observed the injury to the plants to be consistent throughout his property and I did not observe an obvious pattern of herbicide drift.

I then looked for potential sources of herbicide drift. I observed signs of a herbicide application (burndown) to Field #1, Field #2, and Field #3 by the dead and/or dying vegetation throughout the fields. I observed the borders of three fields to show even spray lines without obvious signs of drift coming from any of the fields.

I then collected multiple gradient vegetation samples and a control vegetation sample from Mr. Wessling's property, along with soil samples from Fields #1, #2, and #3 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mr. Wessling's property for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

**Herbicide injury on Tomato plant (File 96618)**



Herbicide injury on Tulip-Poplar (File 96624)



Attachments



File 96600



File 96601



File 96602



File 96603



File 96604



File 96605



File 96606



File 96607



File 96608



File 96609



File 96610



File 96611



File 96612



File 96613



File 96614



File 96615



File 96616



File 96617



File 96619



File 96620



File 96621



File 96622



File 96623



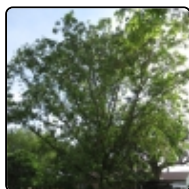
File 96625



File 96626



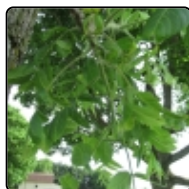
File 96627



File 96628



File 96629



File 96630

Original Event: Investigation Activity (Pesticide) #4765  
Subject: Gary Wessling  
Submitted By: James M. Trimble

---

06/01/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #931  
Client: Gary Wessling  
Firm Representative: Gary Wessling  
Submitted By: James M. Trimble  
Attachments: File 96975; Wessling NOI.pdf

---

06/01/2022 **Residue Samples Collected**

Original Event: Residue Collection #214551 (22-4-1078 1)  
Client: Gary Wessling  
Submitted By: James M. Trimble  
Sample: 22-4-1078 1 | Veg; Comp; OFF-T, Grad1, SW  
Sample: 22-4-1079 9 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1080 9 | Veg; Comp; OFF-T, Grad3, NE  
Sample: 22-4-1081 3 | Veg; Comp; OFF-T, Grad1, SE  
Sample: 22-4-1082 1 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1083 2 | Veg; Comp; OFF-T, Grad3, NW  
Sample: 22-4-1084 5 | Veg; Ctrl; OFF-T  
Sample: 22-4-1085 0 | Soil; Comp; 2-4"; Target, N, Field 1  
Sample: 22-4-1086 6 | Soil; Comp; 2-4"; Target, SE, Field 2  
Sample: 22-4-1087 8 | Soil; Comp; 2-4"; Target, W, Field 3  
Sample: 22-4-1088 4 | Swab (Acetone); Grab; Window; OFF-T, W  
Sample: 22-4-1089 7 | Swab (Acetone); Grab; Window; OFF-T, N  
Sample: 22-4-1090 7 | Swab (Acetone); Grab; Window; OFF-T, E  
Sample: 22-4-1091 1 | Swab (Acetone); Grab; Window; OFF-T, S  
Sample: 22-4-1092 4 | Swab (Acetone); Ctrl; Window; OFF-T, shed  
Sample: 22-4-1093 0 | Swab (Acetone); Trip Blank

---

06/01/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214863 (X22-6674B6)  
Client: Gary Wessling  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-6674B6 | On June 1, 2022, I submitted the vegetation samples I collected from Mr. Wessling's property.  
Attachments: File 96997; PPDL submission.pdf

---

06/01/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #601  
Submitted By: James M. Trimble  
Target Analyte: Roundup Powermax  
Target Analyte: Weedone LV6 EC  
Target Analyte: Fultime NXT  
Target Analyte: Roundup Powermax 3  
Target Analyte: 2,4-D LV6  
Target Analyte: Delta Gold  
PPLS Labels: [001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000264-01199-20220404.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01199-20220404.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00668-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf)  
[071368-00011-20171128.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00011-20171128.pdf)

---

06/01/2022 **Investigator Met with Business Interaction**

On June 1, 2022, after leaving Mr. Wessling's property, I arrived at Premier Ag, where I confirmed that they were responsible for the pesticide application to Field #2. I later emailed Burke Admire a Pesticide Investigation Inquiry (PII) with instructions to have it completed and returned to me within 15 days.

Attachments

File 96991; Premier email.pdf

Original Event: Investigation Activity (Pesticide) #4784  
Subject: Premier Ag Co Op Inc  
Submitted By: James M. Trimble

---

06/01/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #932  
Client: Premier Ag Co Op Inc  
Firm Representative: Burke Admire  
Submitted By: James M. Trimble  
Attachments: File 96993; PremierAg NOI.pdf

---

06/01/2022 **New Respondent Identified**  
**Respondent Identified**

On June 1, 2022, I confirmed Premier Ag was responsible for the pesticide application to Field #2.

Original Event: Investigation Change #181  
Respondent: Premier Ag Co Op Inc  
Submitted By: James M. Trimble

---

06/02/2022 **Received External Lab Report**

On June 2, 2022, I received the report from PDDL, which stated, "Oaks, Tulips, Walnut, and tomato leaves all show leaf distortions that are characteristic of exposure to synthetic auxin herbicides such as 2,4-D." It further stated, "Aphids are causing much of the leaf distortion and curl on the birch sample. The other samples have little or no damage from disease and insects."

Original Event: External Lab Report #214864 (X22-6674B6)  
Submitted By: James M. Trimble  
Sample: X22-6674B6  
Attachments: File 96998; FinalReport\_Mitch Trimble.pdf

---

06/08/2022 **Investigator Received Fax/Email from Business**  
**Investigation Inquiry**

On June 8, 2022, I received the completed PII from Premier Ag.

Attachments  
File 98872; PremierAg PII.pdf

**Inquiry Overview**

Certified Applicator Kelly Zufall  
Company Premier Ag  
Application Type Commercial  
Target Field 650 W & 100 N Shelby Co. Indiana

**Tank Mix**

Product	EPA	Rate
Fultime NXT	62719-668	3 qt
Roundup PM 3	524-659	24 oz
2,4-D LV6	1381-250	.67 Pt
Delta Gold	264-1199-1381	2.85

**Application Date**

Date	Start	End
04/29/2022	8:00 AM	9:00 AM

**Air Conditions**

Time	Temp	Direction	Speed
Start	51°F	ESE	13mph
End	52°F	ESE	13mph

Original Event: Investigation Activity (Pesticide) #4904  
Subject: Premier Ag Co Op Inc  
Submitted By: James M. Trimble  
PPLS Labels: [001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000264-01199-20220404.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01199-20220404.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01199-20220404.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01199-20220404.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf)

---

06/08/2022 **New Respondent Identified**  
**Respondent Identified**

On June 8, 2022, I received the completed PII from Premier Ag, which identified Kelly Zufall as the certified applicator to Field #2.

Original Event: Investigation Change #189  
Respondent: Kelly Gordon Zufall  
Submitted By: James M. Trimble

08/23/2022 **Received Residue Lab Report**  
**Investigatory Summary**

On August 23, 2022, I received the OISC Residue Lab report, which found varying amounts of 2,4-D, Acetochlor, Atrazine, & Deltamethrin in the samples collected from Mr. Wessling's property. The low amounts of 2,4-D detected in the samples collected from the Wessling property were found to be close to its environmental baseline of 10 parts per billion (ppb). The sample with the highest result of 2,4-D was found in sample #22-4-1083 (52.9 ppb), but all of the target fields had used 2,4-D and there was no gradient of 2,4-D found to show its origin.

The positive amounts of Acetochlor and Atrazine showed evidence of off-target movement that came from Field #2. Samples #22-4-1078 (8.04 ppb), #22-4-1079 (37.1 ppb), #22-4-1080 (182 ppb) showed a east to west gradient of Acetochlor. Samples #22-4-1081 (223 ppb), #22-4-1082 (148 ppb) to #22-4-1083 (57.8 ppb) showed a southwest to northeast gradient of Atrazine. The amounts of Atrazine found in the samples were well above its environmental baseline of 20 ppb and there is no environmental baseline for Acetochlor. Based on the gradients of Acetochlor and Atrazine found in the samples collected from Mr. Wessling's property, the lab results showed that Premier Ag's application to Field #2 had moved off-target and onto Mr. Wessling's property.

**First Page of Lab Report**

OCM Collection #	214551	Investigator	TRIMBLEJ		
Collection Date	06/01/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1078 1	Veg; Comp; OFF-T, Grad1, SW	Veg	2,4-D	9.38 ppb	3 ppb
			Acetochlor	8.04 ppb	1 ppb
			Atrazine	86.3 ppb	0.3 ppb
			Deltamethrin	BDL ppb	1 ppb
22-4-1079 9	Veg; Comp; OFF-T, Grad2	Veg	2,4-D	18.3 ppb	3 ppb
			Acetochlor	37.1 ppb	1 ppb
			Atrazine	34.4 ppb	0.3 ppb
			Deltamethrin	BQL ppb	1 ppb
22-4-1080 9	Veg; Comp; OFF-T, Grad3, NE	Veg	2,4-D	9.86 ppb	3 ppb
			Acetochlor	114 ppb	1 ppb
			Atrazine	182 ppb	0.3 ppb
			Deltamethrin	3.55 ppb	1 ppb

Original Event: Residue Lab Report #241247 (214551-R618)  
Submitted By: SYSTEM  
Lab Report: Lab Report 214551-R618.pdf

09/27/2022 **Case Created** (Pending)

Original Event: Case PS22-0434  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

09/27/2022 **Wind Data Researched**

On September 27, 2022, I collected and reviewed the weather data for the date and time of Premier Ag's application to Field #2. I found the wind direction and speed collected from the weather stations above to be consistent with what Premier Ag had recorded on the PII, which was blowing from the east, southeast (towards Mr. Wessling's property) at 13 MPH.

**Indianapolis International Airport**

*Indianapolis, Indiana (24 miles NW of site)*

**Time Direction Speed (mph)**

8:54 AM E 14

**Cincinnati International Airport**

*Erlinger, Kentucky (75 miles SE of site)*

**Time Direction Speed (mph)**

8:52 AM E 12

**Dayton International Airport**

*Vandalia, Ohio (90 miles NE of site)*

**Time Direction Speed (mph)**

8:56 AM E 13

## Attachments



File 110306

File 110304

File 110305

Original Event: Wind Data #130  
Submitted By: James M. Trimble  
Date of Weather: 04/29/2022

---

## 10/17/2022 Online Investigation Activity

### Label Use

Due to the evidence collected in this investigation, which included the injury symptoms I observed on the Wessling property, that the wind was blowing towards Mr. Wessling's property at 13 MPH during Mr. Zufall's application to Field #2, and the gradient of Acetochlor and Atrazine found in the samples collected from Mr. Wessling's off-target property by the OISC Residue Lab, I determined that Mr. Zufall had applied a pesticide in a manner that allowed it to drift from the target site (Field #2) in sufficient quantity to cause harm to a nontarget site (Wessling property).

In addition to the above information, I found the following label violations:

#### **2,4-D LV6** (EPA Reg. #62719-668, active ingredient of 2,4-D)

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

#### **Fultime NXT** (EPA Reg. #1381-250, active ingredients of Acetochlor & Atrazine)

##### **\*\*Mandatory Spray Drift\*\***

- *"Do not apply when wind speeds exceed 10 miles per hour at the application site."*

##### Attachments

File 111659; Delta.pdf  
File 111660; Fultime.pdf  
File 111657; LV6.pdf  
File 111658; Roundup.pdf

Original Event: Investigation Activity (Pesticide) #5501  
Subject: Kelly Gordon Zufall  
Submitted By: James M. Trimble  
PPLS Labels: [001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000264-01199-20220404.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01199-20220404.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01199-20220404.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01199-20220404.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00668-20211110.pdf)

---

## 10/21/2022 Judgement; Civil Penalty Assessed

### Citation

Premier Ag Co Op 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. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

### Civil Penalty

Kelly Gordon Zufall 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact restricted use pesticides were involved and there was adverse effect.

Original Event: Judgement #1381  
Primary: Premier Ag Co Op Inc  
Secondary: Kelly Gordon Zufall  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

## 11/17/2022 Notice of Enforcement Mailed to Target



Original Event: Outgoing Mail #1582  
To: Premier Ag Co Op Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8889  
Enclosed: Notice of Enforcement  
Attachments: File 113244; PS22-0126EL\_CIT\_Premier Ag Co Op.docx

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1583  
To: Kelly Gordon Zufall  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8896  
Enclosed: Notice of Enforcement  
Attachments: File 113245; PS22-0126EL\_CP\_Mr. Kelly G. Zufall.docx

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1820  
Subject: Premier Ag Co Op Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8889  
Received: 11/23/2022  
Attachments: File 114075; CM 7021 0950 0000 0607 8889 - Premier Ag Co Op, Inc. - PS22-0126 -Proof of Delivery 11-23-2022.pdf  
File 114074; CM 7021 0950 0000 0607 8889 - Premier Ag Co Op, Inc. - PS22-0126 - Received 11-23-2022\_0001.pdf

---

11/28/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1821  
Subject: Kelly Gordon Zufall  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8896  
Received: 11/28/2022  
Attachments: File 114077; CM 7021 0950 0000 0607 8896 - Kelly G. Zufall - PS22-0126 - Proof of Delivery 11-28-2022.pdf  
File 114076; CM 7021 0950 0000 0607 8896 - Kelly G. Zufall - PS22-0126 - Received 11-28-2022\_0001.pdf

---

01/03/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1855  
Subject: Kelly Gordon Zufall  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117683; PS22-0126 Kelly G. Zufall - PremierAg ~ CP Received 1-3-2023.pdf

---

02/07/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1785  
To: Gary Wessling  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117733; PS22-0126 - Gary Wessling - Case Closed Letter 2-7-2023.docx

---

02/07/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1786  
To: Premier Ag Co Op Inc-Shelbyville  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117734; PS22-0126 - Premier Ag Co Op Inc - Case Closed Letter 2-7-2023.docx

---

02/07/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1787  
To: Kelly Gordon Zufall  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117735; PS22-0126 - Kelly G. Zufall - Case Closed Letter 2-7-2023.docx

---

**Chain of Custody**

---

06/01/2022 **Sample 22-4-1078 1**

Original Event: Chain of Custody #1540 (22-4-1078 1)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1079 9**  
Original Event: Chain of Custody #1541 (22-4-1079 9)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1080 9**  
Original Event: Chain of Custody #1542 (22-4-1080 9)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1081 3**  
Original Event: Chain of Custody #1543 (22-4-1081 3)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1082 1**  
Original Event: Chain of Custody #1544 (22-4-1082 1)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1083 2**  
Original Event: Chain of Custody #1545 (22-4-1083 2)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1084 5**  
Original Event: Chain of Custody #1546 (22-4-1084 5)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1085 0**  
Original Event: Chain of Custody #1547 (22-4-1085 0)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1086 6**  
Original Event: Chain of Custody #1548 (22-4-1086 6)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1087 8**  
Original Event: Chain of Custody #1549 (22-4-1087 8)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1088 4**  
Original Event: Chain of Custody #1550 (22-4-1088 4)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1089 7**  
Original Event: Chain of Custody #1551 (22-4-1089 7)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-1090 7**

Original Event: Chain of Custody #1561 (22-4-1090 7)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 12:39: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1091 1**

Original Event: Chain of Custody #1552 (22-4-1091 1)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1092 4**

Original Event: Chain of Custody #1553 (22-4-1092 4)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1093 0**

Original Event: Chain of Custody #1554 (22-4-1093 0)  
06/01/2022 10:00: Sample Collected by James M. Trimble  
06/01/2022 15:06: Sample Delivered to Kylo  
06/02/2022 11:03: Delivery Affirmed by Vicki Vauters

This record was generated on **February 15, 2023, 01:14 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:15 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0132

Department	Pesticide
Originated	05/17/2022
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant **Robert Stalets**  
Fountaintown, IN 46130

Respondent **Lloyd Thomas Arthur**  
Greenfield, IN 46140

### Overviews

#### 10/14/2022 Investigation Summary

On May 16, 2022, the Complainant stated an application made to a neighboring farm field on May 13, 2022 at approximately 5:20 pm drifted onto his property.

ON 5-26-2022 I met with Mr. Stalets at 1083 W Creek Ridge Dr. Fountaintown, IN. Mr. Stalets showed me the trees on the property that he suspected to have injury from pesticide drift. Mr. Stalets believed that the drift had come from an agricultural field that is adjacent, directly south of his property. A tulip tree and a locust tree that are near the south property line presented the most noticeable signs of injury. Moving northward on the property was another locust tree that had much less signs of injury. I collected residue samples and a sample for Purdue Plant Diagnostic lab.

I later collected the application record for the target field and the weather data for the application's date. The wind data from the date of application, 5-13-2022, indicated that the wind was blowing toward the complainant's property at the time of the application. The OISC Residue Lab results also found that the active ingredients in the tank mix of the target field application were present in the residue samples collected from the complainants property.

Drift from the target field was confirmed along with multiple label violations.

Submitted By: Garret A. Creason  
Role: Investigator

#### 10/21/2022 Disposition Summary

Lloyd Thomas Arthur 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. Arthur cooperated during the investigation and there were no restricted use pesticides involved.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/16/2022 Intake Referral Filed

Complainant stated an application made to a neighboring farm field on May 13, 2022 at approximately 5:20 pm drifted onto his property.

Original Event: Intake Referral (Pesticide) #2478  
Complainant: Robert Stalets  
Respondent: Lloyd Thomas Arthur  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

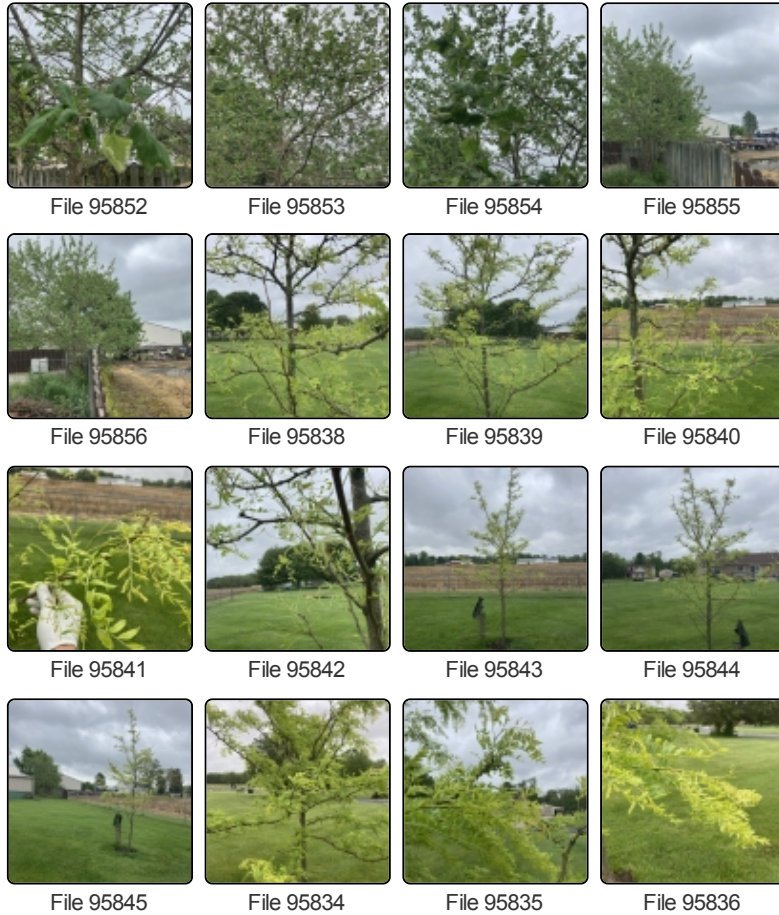
05/17/2022 **Case Created**

Original Event: Case PS22-0132  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

05/26/2022 **Residue Samples Collected**

Original Event: Residue Collection #213928 (22-4-0012 2)  
Client: Robert Stalets  
Submitted By: Garret A. Creason  
Sample: 22-4-0012 2 | Veg; Ctrl; Road  
Sample: 22-4-0013 3 | Veg; Comp; OFF-T  
Sample: 22-4-0014 6 | Veg; Comp; OFF-T  
Sample: 22-4-0015 1 | Veg; Comp; Target  
Sample: 22-4-0016 7 | Veg; Comp; Target  
Photos:



05/26/2022 **Investigator Met with Complainant Communication**

ON 5-26-2022 I met with Mr. Stalets at 1083 W Creek Ridge Dr. Fountaintown, IN. Mr. Stalets showed me the trees on the property that he suspected to have injury from pesticide drift. Mr. Stalets believed that the drift had come from an agricultural field that is adjacent, directly south of his property. A tulip tree and a locust tree that are near the south property line presented the most noticeable signs of injury. moving northward on the property was another locust tree that had much less signs of injury. I collected residue samples and a sample for Purdue Plant Diagnostic lab.

Original Event: Investigation Activity (Pesticide) #4773  
Subject: Robert Stalets  
Submitted By: Garret A. Creason

---

05/26/2022 **External Lab Sample Collected**

Locust tree sample collected for PPDL.

Original Event: External Lab Sample Collection #214672 (X22-D6FB04)  
Client: Robert Stalets  
Submitted By: Garret A. Creason  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-D6FB04 | Locust Tree sample collected for PPDL.  
Attachments: File 96748; Stalets PPDL sub.pdf

---

05/26/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #593  
Submitted By: Garret A. Creason  
Target Analyte: Ag Saver  
Target Analyte: 2,4-d LV4  
PPLS Labels: [001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

---

05/31/2022 **Received External Lab Report**

PPDL stated "Newer leaves and stems of locust tree show epinasty (leaf curling and stem twisting). These symptoms are characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, etc. Leaves also have a few round necrotic spots that could be associated with exposure to contact herbicides such as the PPO-inhibitors (Group #14) or paraquat (Group #22)"

Original Event: External Lab Report #214673 (X22-D6FB04)  
Submitted By: Garret A. Creason  
Sample: X22-D6FB04  
Attachments: File 96749; PPDL FinalReport\_Garret Creason 22-0132.pdf

---

06/06/2022 **Investigator Called Responsible Party Communication**

On 6-6-2022 I spoke with Lloyd Arthur. I explained the complaint to Mr. Arthur and he stated he was aware of the complaint. Mr. Arthur was able to confirm that he did make a herbicide application to the field directly south of the complainants property. Mr. Arthur stated that he attempted to use an abundance of caution while making the application because of previous drift issues from 2021 with the same complainant. I advised Mr. Arthur that I would be emailing him a PII for him to complete and return.

Original Event: Investigation Activity (Pesticide) #4789  
Subject: Lloyd Thomas Arthur  
Submitted By: Garret A. Creason

---

06/06/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #949  
Client: Lloyd Thomas Arthur  
Firm Representative: Lloyd Arthur  
Submitted By: Garret A. Creason  
Photos:



File 97866

---

07/15/2022 **Investigator Received Fax/Email from Applicator Investigation Inquiry**

Lloyd Arthur PII attached.

Attachments  
File 107557; Arthur PII.pdf

**Inquiry Overview**

Certified Applicator Lloyd Arthur

**Tank Mix**

Product	EPA	Rate
Agsaver	83772-12	1qt/ac
2,4-D LV4	1381-102	1qt/ac

## Application Date

Date Start End  
05/13/2022 1730 1830

## Air Conditions

Time Temp Direction  
Start 87°F NE

Original Event: Investigation Activity (Pesticide) #5286  
Subject: Lloyd Thomas Arthur  
Submitted By: Garret A. Creason  
PPLS Labels: [001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

## 09/15/2022 Received Residue Lab Report

### Investigatory Summary

On 9-15-2022 the OISC residue lab completed the analysis of the residue samples collected. The samples were analyzed for 2,4-D, Glyphosate, and AMPA(a metabolite of Glyphosate) as these were the products indicated on the PII as being applied to the target field. All three samples taken from the off-target property detected 2,4-D and Glyphosate. It should be noted that sample 22-4-0015 1 is a sycamore tree on the complainants property and is an off-target sample. this sample was mistakenly listed as a target sample.

### First Page of Lab Report

OCM Collection #	213928	Investigator	CREASONG			
Collection Date	05/26/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-0012 2	Veg; Ctri; Road	Veg	2,4-D	10.5 ppb	0.3 ppb	
			AMPA	BDL ppb	133 ppb	
			Glyphosate	18.8 ppb	6 ppb	
22-4-0013 3	Veg; Comp; OFF-T	Veg	2,4-D	43.9 ppb	0.3 ppb	
			AMPA	BDL ppb	133 ppb	
			Glyphosate	89.8 ppb	6 ppb	
22-4-0014 6	Veg; Comp; OFF-T	Veg	2,4-D	37.9 ppb	0.3 ppb	
			AMPA	BDL ppb	133 ppb	
			Glyphosate	188 ppb	6 ppb	
22-4-0015 1	Veg; Comp; Target	Veg	2,4-D	282 ppb	0.3 ppb	
			AMPA	BDL ppb	133 ppb	
			Glyphosate	39.7 ppb	6 ppb	

Original Event: Residue Lab Report #243255 (213928-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 213928-R644.pdf

## 10/13/2022 Wind Data Researched

On October 13, 2022, I reviewed the weather data from weather stations surrounding the complainants property to compare to the recorded information listed on the PII. I found the wind speed and wind direction recorded on the PII is contradictory to the weather station's data. The four weather stations data reviewed all listed the wind blowing towards the complainants property during Mr. Arthur's application.

### Indianapolis International Airport

*Indianapolis, Indiana (25 miles W of site)*

#### Time Direction Speed (mph)

1754 SSE 6

### Cincinatti International Airport

*Hebron, Kentucky (80 miles SE of site)*

#### Time Direction Speed (mph)

1730 SE 9

## Shelbyville Municipal Station

Shelbyville, Indiana (13 miles SSE of site)

### Time Direction Speed (mph)

1753 ESE 10

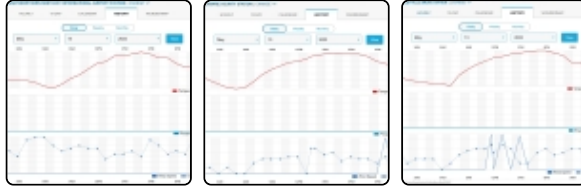
## Delaware County Station

Muncie, Indiana (41 miles NE of site)

### Time Direction Speed (mph)

1753 S 8

## Attachments



File 111399

File 111402

File 111401

File 111400; Indy weather.png

Original Event: Wind Data #136  
Submitted By: Garret A. Creason  
Date of Weather: 05/13/2022

---

### 10/13/2022 Online Investigation Activity Activity

On October 13, 2022, I created a map of my sample collection for this investigation.

#### Attachments

File 111403; Map.png

Original Event: Investigation Activity (Pesticide) #5497  
Submitted By: Garret A. Creason

---

### 10/13/2022 Online Investigation Activity Label Use

Due to the evidence collected in this investigation, which included the vegetation injury I observed on the complainants property, the fact that the wind blowing towards the complainants property during Mr. Arthur's application to the target field, and the active ingredients used in the target field application being found in the samples collected from the complainants off-target property by the OISC Residue Lab, I determined that Mr. Arthur applied a pesticide in a manner that allowed it to drift from the target field in sufficient quantity to cause harm to a non-target site (complainants residential property).

In addition to the above information, I found the following label violations:

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

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

Agsaver Glyphosate 53.8% (EPA Reg#83772-12, active ingredient Glyphosate)

"Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation since minute quantities of this product can cause

severe damage or destruction to the crop, plants, or other areas on which treatment was not intended"

and

"The product must only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known

habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)"

#### Attachments

File 111405; AGSAVER GLYPHOSATE 53.8\_.pdf

File 111406; SHREDDER 2,4-D LV4.pdf

Original Event: Investigation Activity (Pesticide) #5498  
Subject: Lloyd Thomas Arthur  
Submitted By: Garret A. Creason  
PPLS Labels: [001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00102-20150622.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00102-20150622.pdf)  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

---



10/21/2022 **Judgement; Civil Penalty Assessed**

**Civil Penalty**

Lloyd Thomas Arthur 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. Arthur cooperated during the investigation and there were no restricted use pesticides involved.

Original Event: Judgement #1382  
Primary: Lloyd Thomas Arthur  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1588  
To: Lloyd Thomas Arthur  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8933  
Enclosed: Notice of Enforcement  
Attachments: File 113316; PS22-0132EL\_CP Mitigated\_Lloyd T. Arthur.docx

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1816  
Subject: Lloyd Thomas Arthur  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8933  
Received: 11/23/2022  
Attachments: File 114067; CM 7021 0950 0000 0607 8933 - Lloyd T. Arthur - PS22-0132 - Proof of Delivery 11-23-2022.pdf  
File 114066; CM 7021 0950 0000 0607 8933 - Lloyd T. Arthur - PS22-0132 - Received 11-23-2022.pdf

---

02/02/2023 **Compliance Activity**

Lloyd T. Arthur has indicated he never received documentation of our enforcement action against him. As the signature on the certified mail green card does not belong to Mr. Arthur, OISC will send a copy of the original enforcement letter to Mr. Arthur via email as requested. Since the link in the original letter has expired, a new case report link will be generated and provided in the context of the email to Mr. Arthur. The civil penalty due date and appeal window will be set for 30-days from the date the email is sent to Mr. Arthur.

Original Event: Compliance Activity #1685  
Primary: Lloyd Thomas Arthur  
Submitted By: Joni D. Herman  
Attachments: File 117592; PS22-0132 Lloyd T. Arthur ~ Email RE Enforcement Letter Resend - GAC-JDB-jdh 2-2-2023.pdf

---

02/03/2023 **Second Notice of Enforcement Mailed to Target**

Copy of original enforcement letter dated November 17, 2022, sent via email to Mr. Arthur, per Garret's request. Civil penalty due date and appeal date set for March 5, 2023, (30-days from date of email). New dates and case access code included in the email to Mr. Arthur.

Original Event: Outgoing Mail #1771  
To: Lloyd Thomas Arthur  
Submitted By: Joni D. Herman  
Enclosed: Notice of Enforcement  
Attachments: File 117622; PS22-0132 Email to Lloyd T. Arthur ~ EL Resend - CP due 3-5-2023.pdf

---

02/03/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1837  
Subject: Lloyd Thomas Arthur  
Submitted By: Joni D. Herman  
Attachments: File 117625; PS22-0132 ~ Email Delivery Receipt for Lloyd T. Arthur 2-3-2023.pdf  
File 117628; PS22-0132 ~ Email from Lloyd T. Arthur RE Online Payment Option - 2-3-2023.pdf

---

02/14/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1881  
Subject: Lloyd Thomas Arthur  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 117965; PS22-0132 - Lloyd T. Arthur - CP Received 2-14-2023.pdf

---

02/15/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1910  
To: Robert Stalets  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118030; PS22-0132 - Robert Stalets - Case Closed Letter 2-15-2023.docx

---

02/15/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1911  
To: Lloyd Thomas Arthur  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118036; PS22-0132 Emailed Case Closed Letter to Lloyd T. Arthur 2-15-2023.pdf  
File 118032; PS22-0132 - Lloyd T. Arthur - Case Closed Letter 2-15-2023.docx

---

**Chain of Custody**

---

05/26/2022 **Sample 22-4-0012 2**

Original Event: Chain of Custody #1425 (22-4-0012 2)  
05/26/2022 10:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 10:08: Delivery Affirmed by Vicki Vauters

---

05/26/2022 **Sample 22-4-0013 3**

Original Event: Chain of Custody #1426 (22-4-0013 3)  
05/26/2022 10:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 10:08: Delivery Affirmed by Vicki Vauters

---

05/26/2022 **Sample 22-4-0014 6**

Original Event: Chain of Custody #1427 (22-4-0014 6)  
05/26/2022 10:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 10:08: Delivery Affirmed by Vicki Vauters

---

05/26/2022 **Sample 22-4-0015 1**

Original Event: Chain of Custody #1428 (22-4-0015 1)  
05/26/2022 10:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 10:08: Delivery Affirmed by Vicki Vauters

---

05/26/2022 **Sample 22-4-0016 7**

Original Event: Chain of Custody #1429 (22-4-0016 7)  
05/26/2022 10:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 10:08: Delivery Affirmed by Vicki Vauters

---

This record was generated on **February 15, 2023, 01:15 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:16 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0139**

Department	Pesticide
Originated	05/19/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Michael Bane</b> Greens Fork, IN 47345
Respondent	<b>Falmouth Farm Supply Inc</b> New Castle, IN 47362
Respondent	<b>Ashley Tyler Schelle</b> New Castle, IN 47362
Respondent	<b>Daniel Levi Stoten</b> Carthage, IN 46115

**Overviews**

10/21/2022 **Investigation Summary**

On May 18, 2022 Complainant stated an application to a neighboring farm field made on May 13th, 2022, injured trees in his hardwood plantation.

On May 25, 2022 I met with Michael Bane at 10245 Fox Road Greens Fork, IN. Mr. Bane explained that he recently planted 4000 trees on his property, many of which are hardwoods. The trees planted range between 1 and 3 feet tall. Mr. Bane stated that around May 8, 2022 he noticed that a mature cucumber magnolia tree on his property had leaves that were curling and wilting. He then observed that many of the trees he had planted were also showing curling and wilted leave and some had lost all the leaves. Mr. Bane showed me around the property. I noticed dead grass around all the trees and Mr. Bane stated that he sprayed glyphosate around all the trees. While walking the property it appeared that the south side of the property had the most noticeable symptoms on the trees. The south side of the property borders an agricultural field. Mr. Bane planted rye grass on his property and the trees were planted within the rye grass. The rye grass was taller than most of the new trees. The rye grass did not show any visible symptoms of herbicide exposure.

On May 27, 2022 I spoke with Ashley S. at Falmouth Farm Supply. He stated that Falmouth Farm Supply makes pesticide applications to the field south of Mr. Bane's property. I emailed the PII and NOI with instructions to return.

On October 21, 2022, I reviewed the weather data from weather stations surrounding the target field to compare to the recorded information listed on the PII. I found the wind speed and wind direction recorded on the PII to be comparable to the weather station's data, which listed the wind blowing towards the complainants property during the pesticide application to the target field.

ON October 21, 2022 I found a label use violation for Valor XLT.

Submitted By: Garret A. Creason  
Role: Investigator

10/21/2022 **Disposition Summary**

Falmouth Farm Supply Inc 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. Consideration was given to the fact no restricted use pesticides were involved.

Ashley T. Schelle 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 \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS20-0363. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact no restricted use pesticides were involved and Mr. Schelle cooperated during the investigation.

Daniel Stoten 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. Consideration was given to the fact no restricted use pesticides were involved.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 05/18/2022 Intake Referral Filed

Complainant stated an application to a neighboring farm field made on May 13th, 2022, injured trees in his hardwood plantation.

Original Event: Intake Referral (Pesticide) #2485  
Complainant: Michael Bane  
Respondent: Crossley Farms, LLC  
Respondent 2: Doerstler Farms  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

### 05/19/2022 Case Created

Original Event: Case PS22-0139  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

### 05/25/2022 Investigator Met with Complainant Communication

On May 25, 2022 I met with Michael Bane at 10245 Fox Road Greens Fork, IN. Mr. Bane explained that he recently planted 4000 trees on his property, many of which are hardwoods. The trees planted range between 1 and 3 feet tall. Mr. Bane stated that around May 8, 2022 he noticed that a mature cucumber magnolia tree on his property had leaves that were curling and wilting. He then observed that many of the trees he had planted were also showing curling and wilted leave and some had lost all the leaves. Mr. Bane showed me around the property. I noticed dead grass around all the trees and Mr. Bane stated that he sprayed glyphosate around all the trees. While walking the property it appeared that the south side of the property had the most noticeable symptoms on the trees. The south side of the property borders an agricultural field. Mr. Bane planted rye grass on his property and the trees were planted withing the rye grass. The rye grass was taller than most of the new tress. The rye grass did not show any visible symptoms of herbicide exposure.

Original Event: Investigation Activity (Pesticide) #4714  
Subject: Michael Bane  
Submitted By: Garret A. Creason

---

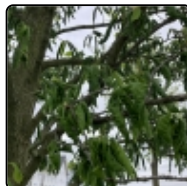
### 05/25/2022 Residue Samples Collected

Original Event: Residue Collection #213652 (22-4-0001 1)  
Client: Michael Bane  
Submitted By: Garret A. Creason  
Sample: 22-4-0001 1 | Veg; Ctrl; Back Yard  
Sample: 22-4-0002 4 | Veg; Comp; OFF-T  
Sample: 22-4-0003 0 | Veg; Comp; OFF-T  
Sample: 22-4-0004 8 | Veg; Comp; OFF-T  
Sample: 22-4-0005 3 | Veg; Comp; OFF-T  
Sample: 22-4-0006 9 | Veg; Comp; Target

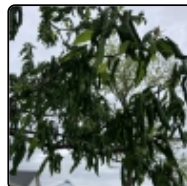
Photos:



File 95624



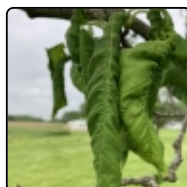
File 95625



File 95626



File 95628



File 95629

---

05/25/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214682 (X22-44A6A4)  
Client: Michael Bane  
Submitted By: Garret A. Creason  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-44A6A4 | Cucumber Magnolia sample collected for PPDL.  
Attachments: File 96756; PPDL submission 0139.png  
Photos:



File 96751



File 96752



File 96753



File 96754



File 96755

---

05/25/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #590  
Submitted By: Garret A. Creason  
Target Analyte: Valor xlt  
Target Analyte: Iv6  
Target Analyte: Abundit Edge  
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](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)  
[059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)  
[066222-00220-20131211.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00220-20131211.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/066222-00220-20131211.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00220-20131211.pdf)

---

05/27/2022 **Investigator Called Facility Communication**

On May 27, 2022 I spoke with Ashley S. at Falmouth Farm Supply. He stated that Falmouth Farm Supply makes pesticide applications to the field south of Mr. Bane's property. I emailed the PII and NOI with instructions to return.

Original Event: Investigation Activity (Pesticide) #4748  
Subject: Falmouth Farm Supply Inc  
Submitted By: Garret A. Creason

---

05/27/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #923  
Client: Falmouth Farm Supply Inc  
Firm Representative: Ashley  
Submitted By: Garret A. Creason  
Photos:



File 96300

---

05/27/2022 **Investigator Received Fax/Email from Responsible Party Investigation Inquiry**

Received the completed PII from Mr. Schelle on May 27, 2022.

Attachments  
File 97222; Falmouth Farm Supply PII.pdf

## Inquiry Overview

Certified Applicator Ashley Schelle  
Non-Certified Applicator Daniel Stoten  
Company Falmouth Farm Supply  
Target Field se corner fox rd and sugar grove

## Tank Mix

Product	EPA	Rate
valor xlt	59639-117	3.5
LV6	66222-220	22
Abundit Edge	352-922	

## Application Date

Date	Start	End
05/13/2022	1pm	2pm

## Air Conditions

Time	Temp	Direction	Speed
Start	80°F	SE	10mph

Original Event: Investigation Activity (Pesticide) #4790  
Subject: Falmouth Farm Supply Inc  
Submitted By: Garret A. Creason  
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](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)  
[059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)  
[066222-00220-20131211.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00220-20131211.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/066222-00220-20131211.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/066222-00220-20131211.pdf)

---

### 05/27/2022 New Respondent Identified

Original Event: Investigation Change #261  
Respondent: Ashley Tyler Schelle  
Submitted By: Garret A. Creason

---

### 05/27/2022 New Respondent Identified

Original Event: Investigation Change #262  
Respondent: Daniel L Stoten  
Submitted By: Garret A. Creason

---

### 05/31/2022 Received External Lab Report

PPDL stated "Magnolia tree branches shows leaf curling and stem twisting (epinasty).  
These injury symptoms are characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, etc"

Original Event: External Lab Report #214683 (X22-44A6A4)  
Submitted By: Garret A. Creason  
Sample: X22-44A6A4  
Attachments: File 96757; PPDL FinalReport\_Garret Creason 22-0139.pdf

---

### 07/14/2022 Received Residue Lab Report

**First Page of Lab Report**

OCM Collection #	213652	Investigator	CREASONG		
Collection Date	05/25/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0001 1	Veg; Ctrl; Back Yard	Veg	Chlorimuron-ethyl	BDL ppb	0.7 ppb
			Flumioxazin	BDL ppb	6 ppb
22-4-0002 4	Veg; Comp; OFF-T	Veg	Chlorimuron-ethyl	BDL ppb	0.7 ppb
			Flumioxazin	BDL ppb	6 ppb
22-4-0003 0	Veg; Comp; OFF-T	Veg	Chlorimuron-ethyl	BDL ppb	0.7 ppb
			Flumioxazin	BDL ppb	6 ppb
22-4-0004 8	Veg; Comp; OFF-T	Veg	Chlorimuron-ethyl	1.68 ppb	0.7 ppb
			Flumioxazin	37.3 ppb	6 ppb
22-4-0005 3	Veg; Comp; OFF-T	Veg	Chlorimuron-ethyl	BDL ppb	0.7 ppb
			Flumioxazin	BDL ppb	6 ppb
22-4-0006 9	Veg; Comp; Target	Veg	Chlorimuron-ethyl	593 ppb * Estimated amount	0.7 ppb
			Flumioxazin	4270 ppb * Estimated amount	6 ppb

Original Event: Residue Lab Report #219348 (213652-R598)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 213652-R598.pdf

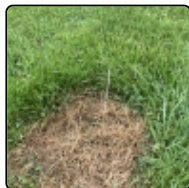
10/21/2022 **Investigation Activity**  
**Photographs**

Photographs of complainants, Mr. Bane, property.

Attachments



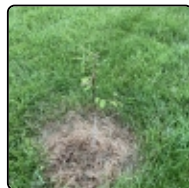
File 111904



File 111905



File 111906



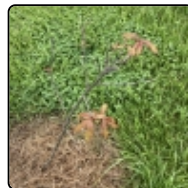
File 111907



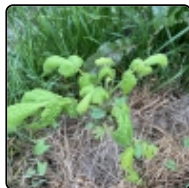
File 111908



File 111909



File 111910



File 111911



File 111912



File 111913



File 111914



File 111915



File 111916

Original Event: Investigation Activity (Pesticide) #5523  
 Submitted By: Garret A. Creason

10/21/2022 **Online Investigation Activity**  
**Activity**

On October 21, 2022 I created a map of the sample locations for this case.

Attachments

File 111943; map.png

Original Event: Investigation Activity (Pesticide) #5526  
 Submitted By: Garret A. Creason

10/21/2022 **Wind Data Researched**

On October 21, 2022, I reviewed the weather data from weather stations surrounding the target field to compare to the recorded information listed on the PII. I found the wind speed and wind direction recorded on the PII to be comparable to the weather station's data, which listed the wind blowing towards the complainants property during the pesticide application to the target field.

**Dayton International Airport**

*Dayton, Ohio (45 miles E of site)*

**Time Direction Speed (mph)**

13:56 SE 8

**Ft. Wayne Airport**

*Ft. Wayne, Indiana (75 miles N of site)*

**Time Direction Speed (mph)**

12:54 S 8

13:54 N 0

**Indianapolis International Airport**

*Indianapolis, Indiana (66 miles WSW of site)*

**Time Direction Speed (mph)**

13:54 SSE 9

**Attachments**



File 111944

File 111945

File 111946

Original Event: Wind Data #138  
Submitted By: Garret A. Creason  
Date of Weather: 05/13/2022

---

10/21/2022 **Online Investigation Activity**

**Valor XLT**

Due to the evidence collected in this investigation, which included the data showing that the wind blowing towards Mr. Bane's property during Mr. Stoten's application to the target field, and the information on the PII stating that the wind was blowing toward Mr. Bane's property. Also, the OISC formulation lab did detect the active ingredients in Valor XLT in the south off-target sample. The following label violation was found:

Valor XLT (EPA Reg. # 59639-117, active ingredient of Flumioxazin and Chlorimuron ethy)

**RESTRICTIONS AND LIMITATIONS**

- Do not apply this product when weather conditions favor spray drift from treated areas

Original Event: Investigation Activity (Pesticide) #5527  
Subject: Daniel L Stoten  
Submitted By: Garret A. Creason  
PPLS Labels: [059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/059639-00117-20190307.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00117-20190307.pdf)

---

10/21/2022 **Judgement; Civil Penalty Assessed**

**Citation**

Falmouth Farm Supply Inc 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. Consideration was given to the fact no restricted use pesticides were involved.

**Citation**

Daniel Stoten 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. Consideration was given to the fact no restricted use pesticides were involved.

**Civil Penalty**

Ashley T. Schelle 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 \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number PS20-0363. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact no restricted use pesticides were involved and Mr. Schelle cooperated during the investigation.



Original Event: Judgement #1383  
Primary: Falmouth Farm Supply Inc  
Secondary: Ashley Tyler Schelle  
Additional: Daniel L Stoten  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-12-2  
Penalty Amount: 400

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1585  
To: Falmouth Farm Supply Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8902  
Enclosed: Notice of Enforcement  
Attachments: File 113250; PS22-0139EL\_CIT\_Falmouth Farm Supply, Inc..docx

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1586  
To: Ashley Tyler Schelle  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8919  
Enclosed: Notice of Enforcement  
Attachments: File 113251; PS22-0139EL\_CP Mitigated\_Mr. Ashley Tyler Schelle.docx

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1587  
To: Daniel L Stoten  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8926  
Enclosed: Notice of Enforcement  
Attachments: File 113252; PS22-0139EL\_CIT\_Daniel L. Stoten.docx

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1822  
Subject: Falmouth Farm Supply Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8902  
Received: 11/23/2022  
Attachments: File 114078; CM 7021 0950 0000 0607 8902 - Falmouth Farm Supply, Inc. - PS22-0139 - Received 11-23-2022.pdf

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1823  
Subject: Ashley Tyler Schelle  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8919  
Received: 11/23/2022  
Attachments: File 114079; CM 7021 0950 0000 0607 8919 - Ashley T. Schelle - PS22-0139 - Received 11-23-2022.pdf

---

12/01/2022 **Mail Service Returned for Target**

On December 1, 2022 Regular Mail was returned to OISC. Per USPS notification there is a new address. Address to be updated in PLANTS by J.Davis. New enforcement letters will be sent using the corrected address.

Original Event: Compliance Receipt #1812  
Subject: Daniel L Stoten  
Submitted By: Jacob A. Hatfield  
Returned: 12/01/2022  
Attachments: File 113994; PS22-0139 - Daniel L. Stoten - Regular Mail Returned 12-1-2022.pdf

---

12/05/2022 **Mail Service Returned for Target**

On December 5, 2022 Certified Mail was returned to OISC. Per USPS notification there is a new address. Address to be updated in PLANTS by J.Davis. New enforcement letters will be sent using the corrected address.

Original Event: Compliance Receipt #1811  
Subject: Daniel L Stoten  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8926  
Returned: 12/05/2022  
Attachments: File 113993; PS22-0139 - Daniel L. Stoten - Certified Mail Returned - 12-5-2022.pdf

---

12/07/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1813  
Subject: Ashley Tyler Schelle  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 113995; PS22-0139 - Ashley T. Schelle - CP Received 12-7-2022.pdf

---

12/08/2022 **Second Notice of Enforcement Mailed to Target; Second Attempt**

Original Event: Outgoing Mail #1653  
To: Daniel L Stoten  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9282  
Enclosed: Notice of Enforcement  
Attachments: File 114080; CM 7021 0950 0000 0607 9282 - Daniel L. Stoten - PS22-0139.pdf

---

12/15/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1874  
Subject: Daniel L Stoten  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9282  
Received: 12/15/2022  
Attachments: File 117831; CM 7021 0950 0000 0607 9282 - Daniel Stoten - Recd. 12-15-22 - PS22-0139.pdf

---

02/10/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1860  
To: Michael Bane  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117837; PS22-0139 - Michael Bane - Case Closed Letter 2-10-2023.docx

---

02/10/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1861  
To: Falmouth Farm Supply Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117838; PS22-0139 - Falmouth Farm Supply Inc. - Case Closed Letter 2-10-2023.docx

---

02/10/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1862  
To: Daniel Levi Stoten  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117839; PS22-0139 - Daniel L. Stoten - Case Closed Letter 2-10-2023.docx

---

## Chain of Custody

---

05/25/2022 **Sample 22-4-0001 1**

Original Event: Chain of Custody #1369 (22-4-0001 1)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0002 4**

Original Event: Chain of Custody #1370 (22-4-0002 4)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0003 0**

Original Event: Chain of Custody #1371 (22-4-0003 0)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0004 8**

Original Event: Chain of Custody #1372 (22-4-0004 8)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0005 3**

Original Event: Chain of Custody #1373 (22-4-0005 3)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0006 9**

Original Event: Chain of Custody #1374 (22-4-0006 9)  
05/25/2022 08:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:13: Delivery Affirmed by Vicki Vauters

This record was generated on **February 15, 2023, 01:16 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:17 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0143

Department	Pesticide
Originated	05/19/2022
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Don Crossley</b> Greens Fork, IN 47345
Respondent	<b>Doerstler Farms</b> Greens Fork, IN 47345
Respondent	<b>Darren K Doerstler</b> Greens Fork, IN 47345

### Overviews

#### 10/20/2022 Investigation Summary

On May 17, 2022, Complainant stated an application to a neighboring farm field injured the larger trees on his property.

On May 25, 2022 I met with Don Crossley at 9600 Smoky Row Rd. Mr. Crossley showed me the trees on his property believed to be damaged by herbicide. In the front yard(south side of property), a mature tulip tree, sweet gum tree, and locust tree all showed symptomology of possible herbicide injury. All had curling and wilted leaves and were slightly defoliated with dead leaves on the ground around the base of the trees. The tulip tree behind the house also showed the same symptoms. It appeared that more symptomology was present closer to the south side of the property. I collected residue samples from Mr. Crossley's property for analysis at the OISC residue lab.

I later collected the application record from Darren Doerstler for the target field and the weather data for the application's date, which both showed the wind blowing towards the complainant's property during application. The OISC Residue Lab results also showed a gradient of herbicide coming from Field #1.

Drift from Field #1 was confirmed along with multiple label violations.

Submitted By: Garret A. Creason  
Role: Investigator

#### 10/21/2022 Disposition Summary

Doerstler Farms 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 allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact no restricted use pesticides were involved.

Darren K. Doerstler 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 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 \$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. Doerstler cooperated during the investigation.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/17/2022 Intake Referral Filed

Complainant stated an application to a neighboring farm field injured the larger trees on his property.

Original Event: Intake Referral (Pesticide) #2489  
Complainant: Don Crossley  
Respondent: Doerstler Farms  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

05/19/2022 **Case Created**

Original Event: Case PS22-0143  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

05/25/2022 **Investigator Met with Complainant Communication**

On May 25, 2022 I met with Don Crossley at 9600 Smoky Row Rd. Mr. Crossley showed me the trees on his property believed to be damaged by herbicide. In the front yard(south side of property), a mature tulip tree, sweet gum tree, and locust tree all showed symptomology of possible herbicide injury. All had curling and wilted leaves and were slightly defoliated with dead leaves on the ground around the base of the trees. The tulip tree behind the house also showed the same symptoms. It appeared that more symptomology was present closer to the south side of the property.

Original Event: Investigation Activity (Pesticide) #4715  
Subject: Don Crossley  
Submitted By: Garret A. Creason

---

05/25/2022 **Residue Samples Collected**

Original Event: Residue Collection #213667 (22-4-0007 6)  
Client: Don Crossley  
Submitted By: Garret A. Creason  
Sample: 22-4-0007 6 | Veg; Ctrl; Back Yard  
Sample: 22-4-0008 2 | Veg; Comp; OFF-T  
Sample: 22-4-0009 5 | Veg; Comp; OFF-T  
Sample: 22-4-0010 5 | Veg; Comp; OFF-T  
Sample: 22-4-0011 4 | Veg; Ctrl; Target  
Photos:



File 95642



File 95643



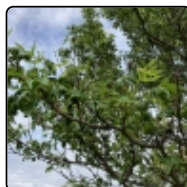
File 95644



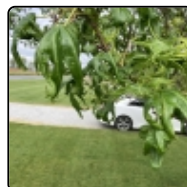
File 95645



File 95653



File 95654



File 95655



File 95647



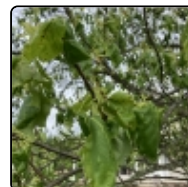
File 95648



File 95649



File 95650



File 95651

05/25/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214689 (X22-EAA179)  
Client: Don Crossley  
Submitted By: Garret A. Creason  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-EAA179 | Sample of Tulip and Sweet Gum Trees collected for PPDL  
Attachments: File 96758; 143 PPDL sub.png  
Photos:



File 96759



File 96760



File 96761



File 96762



File 96763



File 96764



File 96765



File 96766

05/25/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #591  
 Submitted By: Garret A. Creason  
 Target Analyte: Kyber  
 Target Analyte: RoundUp Power Max  
 Target Analyte: LV-6 Ester  
 PPLS Labels: [019713-00655-20140128.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00655-20140128.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/019713-00655-20140128.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00655-20140128.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[059639-00236-20201014.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00236-20201014.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/059639-00236-20201014.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00236-20201014.pdf)

05/31/2022 **Investigator Called Responsible Party Communication**

On May 31, 2022 I spoke with Darren Doerstler via phone call. I explained to Mr. Doerstler that OISC had received complaint about possible drift onto trees at a private residence. I explained that the trees on the south side of the property showed the most symptoms nearest to the target field in question. Mr. Doerstler was able to confirm that he made a pesticide application to the field directly south of the complainants property. Mr. Doerstler also stated that he was having trouble with a soybean burn-down herbicide during the application. He stated that during the application the machine was producing very low pressure. He stated that he was able to find that the product he was using, KYBER by Corteva, had extremely fine sand-like particulate in it and it was clogging the spray equipment, making for a difficult application. I explained to Mr. Doerstler that I would be sending him a Pesticide Investigation Inquiry and to send the completed copy back to me in the required amount of time. I emailed the PII to Mr. Doerstler upon completion of our phone call.

Original Event: Investigation Activity (Pesticide) #4756  
 Subject: Darren K Doerstler  
 Submitted By: Garret A. Creason

05/31/2022 **Received External Lab Report**

PPDL States "Tulip and Sweet Gum branches show curled leaves with stem twisting (epinasty). These injury symptoms are characteristic of exposure to synthetic auxin herbicides such as 2,4-D, dicamba, etc"

Original Event: External Lab Report #214690 (X22-EAA179)  
 Submitted By: Garret A. Creason  
 Sample: X22-EAA179  
 Attachments: File 96767; PPDL FinalReport\_Garret Creason 22-0143.pdf

06/20/2022 **Investigator Received Fax/Email from Applicator Investigation Inquiry**

Pesticide Investigation Inquiry received from Darren Doerstler.

Attachments  
 File 99247; Doerstler PII.pdf

**Inquiry Overview**

Certified Applicator Darren Doerstler  
 Company Doerstler Farms

## Tank Mix

Product	EPA	Rate
Kyber	59639-236	1pt
Roundup PowerMax	524-549	20oz
LV-6 Ester	19713-655	1pt

## Application Date

Date	Start	End
06/10/2022	9:07pm	6:48am

## Air Conditions

Time	Temp	Direction	Speed
Start	77°F	SE	6mph
End	72°F	SE	4mph

Original Event: Investigation Activity (Pesticide) #4940  
Subject: Darren K Doerstler  
Submitted By: Garret A. Creason  
PPLS Labels: [019713-00655-20140128.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00655-20140128.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/019713-00655-20140128.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00655-20140128.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[059639-00236-20201014.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00236-20201014.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/059639-00236-20201014.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/059639-00236-20201014.pdf)

## 08/23/2022 Received Residue Lab Report

### Investigatory Summary

On August 23, 2022, I received the lab results from the OISC Residue Lab, which found positive amounts of Metribuzin and Pyroxasulfon in all of the samples collected from Mr. Crossley's property. The positive amounts of Metribuzin and Pyroxasulfon found in the off target samples are in a drift gradient pattern from south to north, coming from the target field.

### First Page of Lab Report

OCM Collection #	213667	Investigator	CREASONG		
Collection Date	05/25/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0007 6	Veg; Ctr; Back Yard	Veg	2,4-D	86.6 ppb	3 ppb
			Flumioxazin	BDL ppb	6 ppb
			Metribuzin	7.85 ppb	0.7 ppb
			Pyroxasulfone	BQL ppb	0.7 ppb
22-4-0008 2	Veg; Comp; OFF-T	Veg	2,4-D	95.2 ppb	3 ppb
			Flumioxazin	BDL ppb	6 ppb
			Metribuzin	18.6 ppb	0.7 ppb
			Pyroxasulfone	11.1 ppb	0.7 ppb
22-4-0009 5	Veg; Comp; OFF-T	Veg	2,4-D	270 ppb	3 ppb
			Flumioxazin	BDL ppb	6 ppb
			Metribuzin	53.9 ppb	0.7 ppb
			Pyroxasulfone	1.48 ppb	0.7 ppb

Original Event: Residue Lab Report #241241 (213667-R618)  
Submitted By: SYSTEM  
Lab Report: Lab Report 213667-R618.pdf

## 10/19/2022 Wind Data Researched

On October 19, 2022, I reviewed the weather data from weather stations surrounding the target field to compare to the recorded information listed on the PII. I found the wind speed and wind direction recorded on the PII to be comparable to the weather station's data, which listed the wind blowing towards the complainants property during Mr. Doerstler's application.

### Indianapolis International Airport

Indianapolis, Indiana (66 miles WSW of site)

#### Time Direction Speed (mph)

22:54 SE 3

## Dayton International Airport

Dayton, Ohio (44 miles E of site)

### Time Direction Speed (mph)

21:56 SW 8

## Ft. Wayne International Airport

Ft. Wayne, Indiana (75 miles N of site)

### Time Direction Speed (mph)

21:54 SW 9

## Attachments



File 111887

File 111888

File 111889

Original Event: Wind Data #137  
Submitted By: Garret A. Creason  
Date of Weather: 06/10/2022

---

### 10/19/2022 Online Investigation Activity

#### Activity

On October 19, 2022 I created a map of my sample collection in this investigation.

#### Attachments

File 111890; map.png

Original Event: Investigation Activity (Pesticide) #5517  
Submitted By: Garret A. Creason

---

### 10/20/2022 Online Investigation Activity

#### Activity

Due to the evidence collected in this investigation, which included the pattern of injury I observed on Mr. Crossley's property coming from the target field, the fact that the wind blowing towards Mr. Crossley's property during Mr. Doerstler's application to the target field, and the gradient of Metribuzin and Pyroxasulfone found in the samples collected from Mr. Crossley's off-target property by the OISC Residue Lab, I determined that Mr. Doerstler applied a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a nontarget site (Crossley property). In addition to the above information, I found the following label violations:

Kyber (EPA Reg. #59639-236, active ingredient of Flumioxazin, Metribuzin and Pyroxasulfone )

- "Restrictions"
- "Do not apply when weather conditions favor spray drift from treated areas."

De-Ester LV6 (EPA Reg. # 19713-655, active ingredient of 2,4-D)

- "Sensitive Areas"
- "Do not apply under circumstances where spray drift may occur to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use, or consumption. Susceptible crops include, but are not limited to, Beans, Cotton, Flowers, Grapes(in growing stage), Fruit trees (foliage), Okra, Ornamentals, Soybeans (vegetative state), Sunflowers, Tobacco, Tomatoes and other Vegetables."

#### Attachments

File 111891; KYBER HERBICIDE.pdf

File 111892; LV6 label.pdf

Original Event: Investigation Activity (Pesticide) #5518  
Submitted By: Garret A. Creason

---

### 10/21/2022 Judgement; Civil Penalty Assessed

#### Citation

Doerstler Farms 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 allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact no restricted use pesticides were involved.

#### Civil Penalty

Darren K. Doerstler 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 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 \$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. Doerstler cooperated during the investigation.



Original Event: Judgement #1384  
Primary: Doerstler Farms  
Secondary: Darren K Doerstler  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-12-2  
Penalty Amount: 400

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1595  
To: Doerstler Farms  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9015  
Enclosed: Notice of Enforcement  
Attachments: File 113357; PS22-0143EL\_CIT\_Doerstler Farms.docx

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1596  
To: Darren K Doerstler  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9008  
Enclosed: Notice of Enforcement  
Attachments: File 113358; PS22-0143EL\_CP Mitigated\_Darren K. Doerstler.docx

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1818  
Subject: Darren K Doerstler  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9008  
Received: 11/23/2022  
Attachments: File 114071; CM 7021 0950 0000 0607 9008 - Darren K. Doerstler - PS22-0143 - Proof of Delivery 11-23-2022.pdf  
File 114070; CM 7021 0950 0000 0607 9008 - Darren K. Doerstler - PS22-0143 - Received 11-23-2022.pdf

---

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1819  
Subject: Doerstler Farms  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9015  
Received: 11/23/2022  
Attachments: File 114073; CM 7021 0950 0000 0607 9015 - Doerstler Farms - PS22-0143 - Proof of Delivery 11-23-2022.pdf  
File 114072; CM 7021 0950 0000 0607 9015 - Doerstler Farms - PS22-0143 - Received 11-23-2022.pdf

---

01/03/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1847  
Subject: Darren K Doerstler  
Submitted By: Joni D. Herman  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 117666; PS22-0143 Darren K. Doerstler - Doerstler Farms ~ CP Received 1-3-2023.pdf

---

02/06/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1780  
To: Don Crossley  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 117678; PS22-0143 - Don Crossley - Case Closed Letter 2-6-2023.docx

---

02/06/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1781  
To: Darren K Doerstler  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 117679; PS22-0143 - Doerstler Farms-Darren K. Doerstler - Case Closed Letter 2-6-2023.docx

---

**Chain of Custody**

05/25/2022 **Sample 22-4-0007 6**

Original Event: Chain of Custody #1378 (22-4-0007 6)  
05/25/2022 09:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:55: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0008 2**

Original Event: Chain of Custody #1379 (22-4-0008 2)  
05/25/2022 09:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:55: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0009 5**

Original Event: Chain of Custody #1380 (22-4-0009 5)  
05/25/2022 09:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:55: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0010 5**

Original Event: Chain of Custody #1381 (22-4-0010 5)  
05/25/2022 09:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:55: Delivery Affirmed by Vicki Vauters

---

05/25/2022 **Sample 22-4-0011 4**

Original Event: Chain of Custody #1382 (22-4-0011 4)  
05/25/2022 09:00: Sample Collected by Garret A. Creason  
05/27/2022 07:00: Sample Delivered to 218  
05/27/2022 09:55: Delivery Affirmed by Vicki Vauters

This record was generated on **February 15, 2023, 01:17 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **April 6, 2023, 01:57 PM 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 PS22-0150

Department	Pesticide
Originated	05/21/2022
Assigned To	Nathan J. Davis
Status	Closed

### Involved Parties

Complainant **Troy Kirbach**  
Newburgh, IN 47630

Respondent **Albert E Durchholz**  
Newburgh, IN 47630

Private Applicator

### Overviews

#### 11/16/2022 Investigation Summary

Complainant stated an application to a neighboring farm field injured trees on his property. I found two potential sources of herbicide application in the area. The target fields are located to the southwest and southeast of the complainant's property. The PPDL report indicated the injury symptoms are characteristic of exposure to glufosinate (Group 10), and Group 5 herbicides. The OISC Residue Laboratory analysis detected the active ingredients metolachlor and metribuzin in the off-target composite vegetation sample. The wind data from the Evansville Regional Airport (KEVV) ASOS, indicate the wind speed during the application was between 5 and 10 mph with no gusts out of the south and east blowing towards the complainant's property. According to the application record the wind speed during the application was 10 mph with no gusts out of the south blowing towards the complainant's property.

Submitted By: Nathan J. Davis  
Role: Investigator

#### 11/18/2022 Disposition Summary

Albert E Durchholz 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 \$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. Consideration was also given to the fact this was Mr. Durchholz's second violation of similar nature. See case number PS21-0069.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/20/2022 Intake Referral Filed

Complainant stated an application to a neighboring farm field injured trees on his property.

Original Event: Intake Referral (Pesticide) #2496  
Complainant: Troy Kirbach  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

#### 05/21/2022 Case Created

Original Event: Case PS22-0150  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

05/24/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #909  
Client: Troy Kirbach  
Firm Representative: Troy Kirbach  
Submitted By: Nathan J. Davis

---

05/24/2022 **Investigator Met with Complainant Interaction**

On May 24, 2022 I conducted an on-site investigation.

During my on-site investigation I did the following:

- a. Looked for and found two potential sources of herbicide application in the area. The target fields are located to the southwest and southeast of the complainant's property. The target field for this particular case is located to the southwest of the complainants property. Regarding the other potential source of herbicide application in the area see case PS23-0019.
- b. Observed and photographed an assortment of trees, ornamental plants, and garden plants with yellow leaf edges and some with cupped and curled leaves.
- c. Collected samples of an assortment of trees, ornamental plants, and garden plants showing injury from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL).
- d. Collected a composite vegetation sample from the target fields. Collected a composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #4708  
Subject: Troy Kirbach  
Submitted By: Nathan J. Davis

---

05/24/2022 **Investigator Met with Complainant Photographs**

Photographs taken during the on-site investigation.

Attachments



File 95493



File 95494



File 95495



File 95496



File 95497



File 95498



File 95499



File 95500



File 95501



File 95502



File 95503



File 95504



File 95505



File 95506



File 95507



File 95508



File 95509



File 95510



File 95511



File 95512



File 95513



File 95514



File 95515



File 95516



File 95517



File 95518



File 95519



File 95520



File 95521



File 95522



File 95523



File 95524



File 95525



File 95526



File 95527



File 95528



File 95485



File 95486



File 95487



File 95488



File 95489



File 95490



File 95491



File 95492

Original Event:  
Subject:  
Submitted By:

Investigation Activity (Pesticide) #4709  
Troy Kirbach  
Nathan J. Davis

---

**05/24/2022 Residue Samples Collected**

Original Event: Residue Collection #213392 (22-4-0043 2)  
Client: Troy Kirbach  
Submitted By: Nathan J. Davis  
Sample: 22-4-0043 2 | Veg; Comp; Target, SW  
Sample: 22-4-0044 5 | Veg; Comp; Target, SE  
Sample: 22-4-0045 0 | Veg; Comp; OFF-T, N  
Sample: 22-4-0046 6 | Veg; Ctrl; OFF-T, NW

---

**05/24/2022 External Lab Sample Collected**

Original Event: External Lab Sample Collection #213398 (X22-574A4D)  
Client: Troy Kirbach  
Submitted By: Nathan J. Davis  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-574A4D | Assortment of Trees, Ornamental Plants, and Garden Plants

---

**05/24/2022 Notice of Inspection Issued**

Original Event: Notice of Inspection #910  
Client: Albert E Durchholz  
Firm Representative: Albert Durchholz  
Submitted By: Nathan J. Davis

---

**05/24/2022 Investigator Called Farmer Communication**

On May 24, 2022, I contacted private applicator Albert Durchholz. I advised Mr. Durchholz I was a pesticide Investigator for OISC and of the complaint I was investigating. Mr. Durchholz advised he made the pesticide applications to both target fields to the south of the complainant's property. Mr. Durchholz advised the applications took place on separate days, but contained the same pesticides. I advised Mr. Durchholz I would drop off the pesticide investigation inquiry to him after I completed the on-site investigation.

Original Event: Investigation Activity (Pesticide) #4710  
Subject: Albert E Durchholz  
Submitted By: Nathan J. Davis

---

**05/24/2022 New Respondent Identified**

Original Event: Investigation Change #171  
Respondent: Albert E Durchholz  
Submitted By: Nathan J. Davis

---

**05/24/2022 Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #584  
Submitted By: Nathan J. Davis  
Target Analyte: Dimetric  
Target Analyte: Charger Max  
Target Analyte: Gramoxone  
PPLS Labels: [000100-01652-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01652-20210721.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01652-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01652-20210721.pdf)  
[001381-00194-20140722.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00194-20140722.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00194-20140722.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00194-20140722.pdf)  
[001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)

Attachments: File 113056; AGRISOLUTIONS CHARGER MAX.pdf  
File 113057; Dimetric DF 75.pdf  
File 113058; GRAMOXONE SL 3.0 HERBICIDE.pdf

---

**05/26/2022 Received External Lab Report**

Final Report

**Diagnosis and Recommendations**

Host/Habitat: Mixed Plant material (unspecified)

List of Diagnosis/ID(s): Suspected for Herbicide injury; Exposure (Abiotic disorder)

Leaves of several trees show chlorosis/yellowing followed by necrosis towards the edges and tip of leaves. These symptoms are characteristic of exposure to glufosinate (Group 10), and Group 5 herbicides such as metribuzin. Garlic, strawberries, and pear leaves also show round necrotic spots that could be associated with exposure to contact herbicides.

The sample shows significant necrosis on multiple plant species, in some cases causing leaf deformation. Chlorotic blotching also appears to occur on sporadic leaves which could be associated with injury. Necrotic leaf spots look like they could be associated with some kind of contact injury. Strawberries have leaf spots

with red-purple borders, which could be attributed to a number of problems since strawberries produce a large amount of anthocyanins. Symptoms look suggestive of Phomopsis leaf blight, but due to the pattern and potential for chemical injury, that could also be a likely cause.

Original Event: External Lab Report #214141 (X22-574A4D)  
Submitted By: Nathan J. Davis  
Sample: X22-574A4D

---

06/09/2022 **Investigator Received Mail from Farmer**  
**Investigation Inquiry**

On June 9, 2022 I received a completed pesticide investigation inquiry from Mr. Durchholz for the application which indicated the following:

Attachments

File 97603; PII 6-9-22.pdf  
File 97604; PII Second App.pdf

**Inquiry Overview**

Certified Applicator Albert Durchholz  
Application Type Farmer  
Target Field Martin Rd/Vann Rd

**Tank Mix**

Product	EPA	Rate
Dimetric	1381-197	5oz/acre
Charger Max	1381-194	1pt/acre
Gramoxone	100-1652	2pts/acre
Class Act NG		3qts/100
Interlock		3oz/acre

**Application Date**

Date	Start	End
04/28/2022	1:00pm	2:30pm

**Air Conditions**

Time	Temp	Direction	Speed
Start	70°F	S	10mph
End	70°F	S	10mph

Original Event: Investigation Activity (Pesticide) #4808  
Subject: Albert E Durchholz  
Submitted By: Nathan J. Davis  
PPLS Labels: [000100-01652-20210721.pdf](#)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01652-20210721.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01652-20210721.pdf)  
[001381-00194-20140722.pdf](#)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00194-20140722.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00194-20140722.pdf)  
[001381-00197-20170811.pdf](#)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)

---

07/01/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The OISC Residue Laboratory analyzed the vegetation samples collected for the active ingredient's metolachlor and metribuzin and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients metolachlor and metribuzin in the off-target composite vegetation sample.

**First Page of Lab Report**

OCM Collection #	213392	Investigator	DAVISN		
Collection Date	05/24/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0043 2	Veg; Comp; Target, SW	Veg	Metolachlor	307 ppb	0.1 ppb
			Metribuzin	176 ppb	0.7 ppb
22-4-0044 5	Veg; Comp; Target, SE	Veg	Metolachlor	331 ppb * Estimated amount	0.1 ppb
			Metribuzin	232 ppb	0.7 ppb
22-4-0045 0	Veg; Comp; OFF-T, N	Veg	Metolachlor	5.31 ppb	0.1 ppb
			Metribuzin	69.7 ppb	0.7 ppb
22-4-0046 6	Veg; Ctrl; OFF-T, NW	Veg	Metolachlor	BDL ppb	0.1 ppb
			Metribuzin	4.47 ppb	0.7 ppb

Original Event: Residue Lab Report #217783 (213392-R591)  
Submitted By: SYSTEM  
Lab Report: Lab Report 213392-R591.pdf

**11/15/2022 Wind Data Researched**

The wind data from the Evansville Regional Airport (KEVV) ASOS, indicate the wind speed during the application was between 5 and 10 mph with no gusts out of the south and east blowing towards the complainant's property.

According to the application record the wind speed during the application was 10 mph with no gusts out of the south blowing towards the complainant's property.

**Evansville Regional Airport (KEVV) - ASOS**

*Evansville , Indiana (10 miles NW of site)*

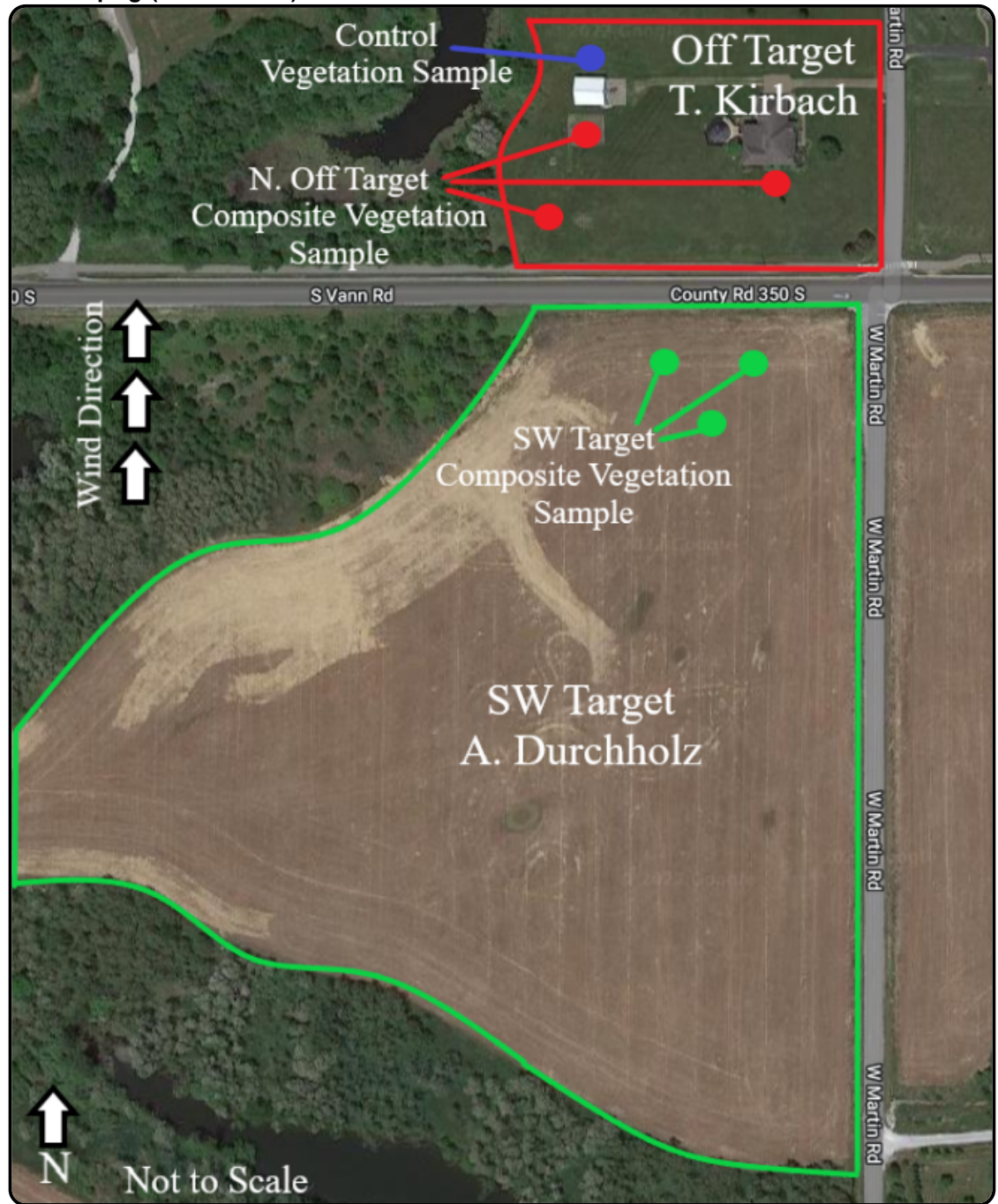
Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
12:54pm	72	ESE	5	0
1:54pm	73	SE	10	0

Original Event: Wind Data #157  
Submitted By: Nathan J. Davis  
Date of Weather: 04/28/2022

**11/15/2022 Investigation Activity Photographs**

An aerial diagram including property lines, wind direction and where vegetation samples were collected.





Original Event: Investigation Activity (Pesticide) #5612  
 Submitted By: Nathan J. Davis

11/16/2022 **Investigation Activity**  
**Activity**

The application record and wind data indicate at the time of the application the wind was out of the south and east blowing towards the complainant's property. The OISC Residue Laboratory report confirmed the presence of the active ingredient metribuzin in the off target composite vegetation sample in levels consistent with off target movement. The label for *Dimetric DF 75%, EPA Reg.# 1381-197, Active Ingredient = metribuzin* states: "**Do not allow sprays to drift on to adjacent desirable plants**".

Original Event: Investigation Activity (Pesticide) #5620  
 Submitted By: Nathan J. Davis

11/18/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Albert E Durchholz 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 \$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. Consideration was also given to the fact this was Mr. Durchholz's second violation of similar nature. See case number PS21-0069.

Original Event: Judgement #1407  
Primary: Albert E Durchholz  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

01/10/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1703  
To: Albert E Durchholz  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9633  
Enclosed: Notice of Enforcement  
Attachments: File 115531; PS22-0150EL~CIT-CP~Albert E. Durchholz.docx

---

01/13/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1884  
Subject: Albert E Durchholz  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9633  
Received: 01/13/2023  
Attachments: File 118037; CM 7021 0950 0000 0607 9633 - Albert Durchholz - Recd. 1-13-23 - PS22-0150.pdf

---

01/20/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1885  
Subject: Albert E Durchholz  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 118038; PS22-0150 Albert E. Durchholz ~ CP Received 1-20-2023.pdf

---

02/21/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1955  
To: Troy Kirbach  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118445; PS22-0150 - Troy Kirbach - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1956  
To: Albert E Durchholz  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118446; PS22-0150 - Albert E. Durchholz - Case Closed Letter 2-21-2023.docx

---

## Chain of Custody

---

05/24/2022 **Sample 22-4-0043 2**

Original Event: Chain of Custody #1284 (22-4-0043 2)  
05/24/2022 10:00: Sample Collected by Nathan J. Davis  
05/26/2022 11:41: Sample Delivered to 218  
05/26/2022 14:20: Delivery Affirmed by Vicki Vauters

---

05/24/2022 **Sample 22-4-0044 5**

Original Event: Chain of Custody #1285 (22-4-0044 5)  
05/24/2022 10:00: Sample Collected by Nathan J. Davis  
05/26/2022 11:41: Sample Delivered to 218  
05/26/2022 14:20: Delivery Affirmed by Vicki Vauters

---

05/24/2022 **Sample 22-4-0045 0**

Original Event: Chain of Custody #1286 (22-4-0045 0)  
05/24/2022 10:00: Sample Collected by Nathan J. Davis  
05/26/2022 11:41: Sample Delivered to 218  
05/26/2022 14:20: Delivery Affirmed by Vicki Vauters

---

05/24/2022 **Sample 22-4-0046 6**

Original Event: Chain of Custody #1287 (22-4-0046 6)  
05/24/2022 10:00: Sample Collected by Nathan J. Davis  
05/26/2022 11:41: Sample Delivered to 218  
05/26/2022 14:20: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 01:57 PM 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 6, 2023, 01:59 PM 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 PS22-0170

Department	Pesticide
Originated	05/27/2022
Assigned To	Aaron P. Kreider
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Wabash Country Feeds</b> Berne, IN 46711

### Overviews

#### 12/08/2022 Investigation Summary

During a routine RUP dealer inspection I discovered that WCF purchased 10 10 pound containers of the RUP Goldin Malrin. Based on the evidence, WCF violated Indiana pesticide use and application laws by purchasing and selling a RUP without a license. WCF's purchase is discussed in PS22-0072. WCF's sale to Mr. Garringer is discussed in PS22-0169.

Submitted By: Aaron P. Kreider  
Role: Investigator

#### 12/09/2022 Disposition Summary

Wabash Country Feeds was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using (which includes handling) a restricted use pesticide without having a person who is 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 \$300.00. Consideration was given to the fact Wabash Country Feeds cooperated during the investigation and corrective action was taken.

Wabash Country Feeds was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for unknowingly distributing a restricted use pesticide to a non-certified user. 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 Wabash Country Feeds cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 03/03/2022 Intake Referral Filed

On March 3, 2022, after reviewing RUP dealer records at Cisco Companies I discovered that Ervin Schwartz of Wabash Country Feeds purchased an RUP without a license.

Original Event: Intake Referral (Pesticide) #2515  
Complainant: Office of Indiana State Chemist  
Respondent: Wabash Country Feeds  
Entered By: Aaron P. Kreider  
Submitted By: George Saxton

#### 03/10/2022 Investigator Met with Target

## Interaction

On March 10, 2022, I met with Ervin Schwartz of Wabash Country Feeds (WCF). I informed Mr. Schwartz that I had performed a RUP inspection at Cisco Companies (CC) and discovered that on March 9, 2021 he purchased 10 10 pound containers of Goldin Malrin (EPA Reg. #2724-274). I asked Mr. Schwartz if he still had the product and he stated he believed he did but would have to have someone look for it. Mr. Schwartz was able to produce one container for me to inspect. Mr. Schwartz stated he would have to look for sales records and contact me at a later date with the information.

Original Event: Investigation Activity (Pesticide) #5688  
Subject: Wabash Country Feeds  
Submitted By: Aaron P. Kreider

---

### 03/10/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1283  
Client: Wabash Country Feeds  
Firm Representative: Ervin Schwartz  
Submitted By: Aaron P. Kreider  
Attachments: File 114018; NOI (E. Schwartz).pdf

---

### 03/10/2022 Action Order Issued

Stop sale of restricted use products for example Golden Malrin EPA 2724-274. Do not give to anyone else. May take to OISC Clean Sweep or obtain license.

Original Event: Action Order #285  
Issued To: Wabash Country Feeds  
Firm Representative: Ervin Schwartz  
Submitted By: Aaron P. Kreider  
Attachments: File 114019; Action Order (E. Schwartz).pdf

---

### 03/24/2022 Target Called Investigator Communication

On March 14, 2022, Mr. Schwartz contacted me regarding information about his RUP sales. Mr. Schwartz stated that he sold 1 container to Travis Garringer and Mr. Garringer's container has most of its contents remaining. Mr. Schwartz was not able to produce the exact date of the sale or a record. I informed Mr. Schwartz I would contact CC and discuss the ability for him to return the product to them.

Original Event: Investigation Activity (Pesticide) #5689  
Subject: Wabash Country Feeds  
Submitted By: Aaron P. Kreider

---

### 05/27/2022 Case Created

Original Event: Case PS22-0170  
Submitted By: George Saxton  
Assigned To: Aaron P. Kreider

---

### 12/09/2022 Judgement; Civil Penalty Assessed Civil Penalty

Wabash Country Feeds was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using (which includes handling) a restricted use pesticide without having a person who is 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 \$300.00. Consideration was given to the fact Wabash Country Feeds cooperated during the investigation and corrective action was taken.

#### Civil Penalty

Wabash Country Feeds was cited for violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2, for unknowingly distributing a restricted use pesticide to a non-certified user. 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 Wabash Country Feeds cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1425  
Primary: Wabash Country Feeds  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(10); 357 IAC 1-3-2  
Penalty Amount: 600

---

### 01/12/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1722  
To: Wabash Country Feeds  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9725  
Enclosed: Notice of Enforcement  
Attachments: File 116889; PS22-0170EL CIT-CP Mitigated ~ Wabash Country Feeds.docx

---

### 01/25/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1911  
Subject: Wabash Country Feeds  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9725  
Received: 01/25/2023  
Attachments: File 118127; CM 7021 0950 0000 0607 9725 - Wabash Country Feeds - Recd. 1-25-23 - PS22-0170.pdf

---

03/17/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2011  
Subject: Wabash Country Feeds  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$600.00  
Payment Received: \$600.00  
Attachments: File 120320; PS22-0170 - Wabash Country Feeds - CP Received 3-17-2023.pdf

---

03/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2067  
To: Wabash Country Feeds  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120321; PS22-0170 - Wabash Country Feeds - Case Closed Letter 3-17-2023.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 6, 2023, 01:59 PM 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 6, 2023, 01:59 PM 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 PS22-0171**

Department	Pesticide
Originated	06/01/2022
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant	<b>Lora Scott</b> Roachdale, IN 46172
Business	<b>Co Alliance Cooperative Inc</b> Bainbridge, IN 46105
Applicator	<b>James Landon Sherrill</b> Bainbridge, IN 46105
-	<b>Co-Alliance Cooperative, Inc.</b> Indianapolis, IN 46214

Elizabeth A. South, V.P. & General Counsel

**Overviews**

01/18/2023 **Investigation Summary**

On May 25, 2022, the complainant reported herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

On May 31, 2022, I conducted my on-site investigation, where I observed multiple types of injury to the complainant's trees within a large woodlot. I collected several samples for analysis by the OISC Residue Lab. I later identified four target fields around the complainant's woodlot and collected their application records.

The OISC Residue Lab results found that Mr. Sherrill applied a pesticide in a manner that allowed it to drift from Field #3 in sufficient quantity to cause harm to the complainant's property. Label violations were also documented.

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

01/19/2023 **Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact there was an adverse effect, and this was their third violation of similar nature. See case numbers PS20-1030 and PS21-0093.

Co Alliance Cooperative Inc 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. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093.

James L. Sherrill was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. 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. Sherrill cooperated during the investigation. Consideration was also given to the fact there was an adverse effect and this was his second violation of similar nature. See case number PS21-0093.

James L. Sherrill 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. Consideration was given to the fact this was his second violation of similar nature. See case number PS21-0093.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 05/26/2022 Investigator Called Complainant Communication

On May 26, 2022, I called and spoke with Mrs. Scott, who reported that she owns in whole or in part approximately 550 acres of mixed agricultural fields and woodlots. Mrs. Scott stated that they had contracted with Co-Alliance; Bainbridge, to complete the pesticide applications to their fields. Mrs. Scott stated that soon after Co-Alliance's applications, she observed widespread herbicide exposure symptoms to multiple varieties of trees on her property, which included cupped leaves and some defoliation.

Original Event: Investigation Activity (Pesticide) #4786  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

### 05/30/2022 Investigator Received Fax/Email from Complainant Records

On May 30, 2022, Mrs. Scott emailed me documents with Co-Alliance's spray records and property maps

#### Attachments

File 97218; Complete Co-Alliance Spray Records of May 2022.pdf  
File 97216; Farm Map 273.92 acres Potentially Affected Timber and Residential (1).pdf  
File 97217; Farm Maps of Myers, Scott and Gau Boundaries with Field Numbers.pdf

#### Attachments

File 97215; 5-30 email.pdf

Original Event: Investigation Activity (Pesticide) #4788  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

### 05/31/2022 Intake Referral Filed

Complainant reported herbicide injury to her trees. Additional case to #PS22-0164

Original Event: Intake Referral (Pesticide) #2517  
Complainant: Lora Scott  
Respondent: Co Alliance Cooperative Inc  
Entered By: James M. Trimble  
Submitted By: Joseph D. Becovitz

---

### 05/31/2022 Investigator Met with Complainant



## Photographs

On May 31, 2022, I met with Mrs. Scott at her residence to conduct my on-site investigation, where she provided me with documents that helped identify many of the fields and/or applicators that surrounded the woodlots where she observed the herbicide exposure symptoms. Mrs. Scott then transported me around her approximately 550 acre farm, which included the woodlots and agricultural fields, where she identified the areas of concern. Due to the large amount of land, the multiple surrounding target fields, and the separation and/or boundaries of the woodlots, Mrs. Scott and I split her property into four separate parcels to help identify a clear source of any possible off-target pesticide movement. The four original case numbers assigned to the separate parcels were #PS22-0164, #PS22-0171, #PS22-0172, & #PS22-0173.

During my on-site investigation, I observed and photographed what I believed to be growth regulator exposure symptoms to the multiple varieties of trees throughout Mrs. Scott's woodlot by the cupped and/or curled leaves on the trees. I also observed insect and disease injury on the tree's leaves by the shotholing, lesions, blisters, discoloration, jagged edges, and curling. I observed the growth regulator symptoms to the trees to be light but consistent throughout the woodlot, suggesting a possible volatility and/or inversion event had occurred.

I then looked for potential sources of herbicide drift. I observed signs of herbicide applications (burndown) to fields located to the north (Field #1, #PS23-0048), the northeast (Field #2, #PS23-0047), the south (Field #3, #PS22-0171), and the southwest (Field #4, #PS23-0046) by the dead and/or dying vegetation throughout the fields. I observed two other fields located to the east and far west of the Scott property but found that there were no pesticides applications to the fields within the timeline of Mrs. Scott's observed injury and complaint. I observed the borders of the four fields that shared property lines with Mrs. Scott's woodlot. I found only Field #3 showed a pattern of drift or direct application onto the Scott property by the herbicide exposure symptoms I observed on the property's south border (north end of Field #3). I observed the injury to the vegetation along the Scott property's south border to be uneven and extend approximately 10' onto the property at its furthest point.

I then collected multiple gradient vegetation samples and a vegetation control sample from Mrs. Scott's woodlot, along with soil samples from Fields #1, #2, #3, and #4 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mrs. Scott's woodlot for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

### Leaf curling (File 96673)



**Vegetation injury on Scott property next to Field #3 (File 96675)**



**Attachments**



File 96656



File 96657



File 96658



File 96659



File 96660



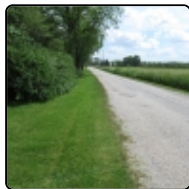
File 96661



File 96662



File 96663



File 96664



File 96665



File 96666



File 96667



File 96668



File 96669



File 96670



File 96671



File 96672



File 96674



File 96676



File 96677



File 96678



File 96679



File 96680



File 96681

Original Event:  
Subject:  
Submitted By:

Investigation Activity (Pesticide) #4768  
Lora Scott  
James M. Trimble

05/31/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #934  
Client: Lora Scott  
Firm Representative: Lora Scott  
Submitted By: James M. Trimble  
Attachments: File 97066; Scott NOI.pdf

---

05/31/2022 **Residue Samples Collected**

Original Event: Residue Collection #214414 (22-4-1057 0)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Sample: 22-4-1057 0 | Veg; Comp; OFF-T, Grad1, S  
Sample: 22-4-1058 9 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1059 1 | Veg; Comp; OFF-T, Grad3, N  
Sample: 22-4-1060 2 | Veg; Comp; OFF-T, Grad1, E  
Sample: 22-4-1061 8 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1062 5 | Veg; Comp; OFF-T, Grad3, W  
Sample: 22-4-1063 9 | Veg; Ctrl; OFF-T  
Sample: 22-4-1064 1 | Soil; Comp; 2-4"; Target, N, Field 1  
Sample: 22-4-1065 6 | Soil; Comp; 2-4"; Target, NE, Field 2  
Sample: 22-4-1066 0 | Soil; Comp; 2-4"; Target, S, Field 3  
Sample: 22-4-1067 3 | Soil; Comp; 2-4"; Target, SW, Field 4

---

05/31/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214878 (X22-8CFF04)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-8CFF04 | On June 1, 2022, I submitted the vegetation samples I collected from Mrs. Scott's property on May 31, 2022.  
Attachments: File 97100; PPDL submission 171.pdf

---

06/01/2022 **Case Created**

Original Event: Case PS22-0171  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

06/01/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #599  
Submitted By: James M. Trimble  
Target Analyte: Engenia  
Target Analyte: AgSaver Glyphosate  
Target Analyte: Resicore  
Target Analyte: Atrazine 4L  
Target Analyte: 2,4-D LV6  
Target Analyte: Roundup Powermax 3  
Target Analyte: Surveil  
Target Analyte: Dimetric EXT  
Target Analyte: 2,4-D LV6  
Target Analyte: Roundup Powermax 3  
Target Analyte: Crossbow  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)  
[001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
[062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)  
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)

**06/02/2022 Received External Lab Report**

On June 2, 2022, I received the report from PPDL, which stated, "Oaks and Tulip poplar in the physical sample show leaf curling. This symptom is characteristic of exposure to synthetic auxin herbicides such as 2,4-D or dicamba. The photos suggest that level of injury throughout the plot of trees was light overall. There were no injury symptoms that could be associated with exposure to atrazine, flumioxazin, mesotrione, or glyphosate. Therefore, the pattern of injury is suggestive of 2,4-D (or dicamba) volatility rather than drift." It further stated, "Leaf deformation, including downward curling, was observed in oaks and tulip trees, suggestive of growth regulator. Holes present in leaves resemble symptoms of tatters or of shothole leaf minor, which occurred earlier in the season."

Original Event: External Lab Report #214882 (X22-8CFF04)  
 Submitted By: James M. Trimble  
 Sample: X22-8CFF04  
 Attachments: File 97128; FinalReport\_Mitch Trimble 171.pdf

**06/02/2022 Online Investigation Activity Activity**

On June 2, 2022, I created a map of my sample collection for this investigation.

## Attachments



File 100577

Original Event: Investigation Activity (Pesticide) #5028  
 Submitted By: James M. Trimble

**06/07/2022 Investigator Met with Business Interaction**

On June 7, 2022, I arrived at Co-Alliance; Bainbridge, where I met with Branch Manager, Dylon Miller, and discussed with him the four cases from Mrs. Scott. I provided Mr. Miller a map of the locations for each case and their corresponding case numbers.

Later that day, I sent four emails to Mr. Miller with Pesticide Investigation Inquiries (PII) for PS22-0164 (Field #3), PS22-0171 (Field #2, #3, & #4), PS22-0172 (Field #1, #2, #3, & #4), PS22-0173 (Field #1, #2, & #3) with instructions to have the completed forms returned to me within 15 days of my emails.

## Attachments

File 97868; PS22-0164-Scott.pdf  
 File 97875; PS22-0171-Scott.pdf  
 File 97873; PS22-0172-Scott.pdf  
 File 97871; PS22-0173-Scott.pdf

Original Event: Investigation Activity (Pesticide) #4824  
 Subject: Co Alliance Cooperative Inc  
 Submitted By: James M. Trimble

**06/07/2022 Notice of Inspection Issued**

Original Event: Notice of Inspection #950  
 Client: Co Alliance Cooperative Inc  
 Firm Representative: Dylon Miller  
 Submitted By: James M. Trimble  
 Attachments: File 97876; CoAlliance NOI.pdf

**06/09/2022 Investigator Called Farmer Communication**

On June 9, 2022, I called and spoke with Jeff Coffman, who farms fields to the east of Mrs. Scott's woodlot. Mr. Coffman stated that he treats his soybean fields and Co-Alliance treats his corn fields. Mr. Coffman confirmed that there had not been pesticide applications made to any of his fields until after my on-site visit on May 31, 2022.

Original Event: Investigation Activity (Pesticide) #4829  
 Subject: Jeff A Coffman  
 Submitted By: James M. Trimble

**06/09/2022 Investigator Called Farmer**

## Communication

On June 9, 2022, I called and spoke with Bruce Harbison, who farms fields to the west of Mrs. Scott's woodlot for Case #PS22-0171 and the north of Case #PS22-0173. Mr. Harbison stated that he had made a pesticide application to his field on May 29, 2022, approximately two weeks after Mrs. Scott observed the injury to her trees, therefore not fitting within the timeline of this investigation.

Original Event: Investigation Activity (Pesticide) #4830  
Subject: Bruce Allen Harbison  
Submitted By: James M. Trimble

---

### 06/22/2022 Investigator Received Fax/Email from Business Investigation Inquiry

On June 22, 2022, I received the completed PII for Field #3.

#### Attachments

File 101170; MAP of PS22-0171, PS22-0172.pdf  
File 101169; Signature PS22-0171.pdf

#### Inquiry Overview

Certified Applicator James Sherrill  
Company Co-Alliance  
Application Type Commercial  
Target Field 200233/Terrace

#### Tank Mix

Product	EPA	Rate
Surveil	62719-689	3 oz
Dimetric ext	1381-197	4 oz
2,4-D LV6	1381-250	8 oz
Roundup Powermax 3	524-659	30 oz

#### Application Date

Date	Start	End
05/11/2022	5:36 PM	6:44 PM

#### Air Conditions

Time	Temp	Direction	Speed
Start	89°F	SE	10mph
End	88°F	ESE	11mph

Original Event: Investigation Activity (Pesticide) #5039  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble  
PPLS Labels: [001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)

---

### 06/22/2022 New Respondent Identified Respondent Identified

On June 22, 2022, Co-Alliance's completed PII listed James Sherrill as the applicator to Field #3.

Original Event: Investigation Change #212  
Respondent: James Landon Sherrill  
Submitted By: James M. Trimble

---

### 06/23/2022 Received Residue Lab Report Investigatory Summary

On August 23, 2022, I received the OISC Residue Lab results, which detected Atrazine, Metribuzin, & Cloransulam in the samples collected from the Scott property. When the levels of Atrazine were compared to its environmental baseline (20 ppb) and taking into account the multiple agricultural fields surrounding the Scott property along with their pesticide applications in the same time period (environmental loading), the amounts listed were insignificant and did not indicate direct pesticide drift. The levels of Metribuzin (61 ppb) and Cloransulam (.884 ppb) found in Sample #22-4-1057, although also found in low levels, was consistent with off-target movement, as their application rates and usage are much lower when compared to Atrazine. Sample #22-4-1057 was collected from the Scott property, near the border of Field #3, and showed a slight south to north gradient of Metribuzin coming from Field #3.

**First Page of Lab Report**

OCM Collection #	214414	Investigator	TRIMBLEJ		
Collection Date	05/31/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1057 0	Veg; Comp; OFF-T, Grad1, S	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			Clopyralid	BDL ppb	3 ppb
			DCSA	BDL ppb	0.7 ppb
			Dicamba	BQL ppb	3 ppb
			Acetochlor	BQL ppb	3 ppb
			Atrazine	61.0 ppb	0.3 ppb
			Cloransulam-methyl	0.884 ppb	0.3 ppb
			Flumioxazin	BDL ppb	6 ppb
			Mesotrione	BDL ppb	3 ppb
			Metribuzin	61.5 ppb	1 ppb

Original Event: Residue Lab Report #241245 (214414-R618)  
Submitted By: SYSTEM  
Lab Report: Lab Report 214414-R618.pdf

01/13/2023 **Case Created** (Pending)

Original Event: Case PS23-0046  
Submitted By: George Saxton  
Assigned To: James M. Trimble

01/13/2023 **Case Created**

Original Event: Case PS23-0047  
Submitted By: George Saxton  
Assigned To: James M. Trimble

01/13/2023 **Case Created**

Original Event: Case PS23-0048  
Submitted By: George Saxton  
Assigned To: James M. Trimble

01/18/2023 **Online Investigation Activity**  
**Label Use**

On January 18, 2023, I reviewed the labels for the pesticides used by Mr. Sherrill for his May 11, 2022 application to Field #3, which included **Surveil** (EPA Reg. #62719-689, active ingredients of Flumioxazin & Cloransulam-methyl), **Dimetric EXT** (EPA Reg. #1381-197, active ingredient of Metribuzin), **2,4-D LV6** (EPA Reg. #1381-250, active ingredient of 2,4-D), & **Roundup Powermax 3** (EPA Reg. #524-659, active ingredient of Glyphosate).

Due to the wind blowing from the southeast at the start and the east, southeast at the end (towards the Scott property) of Mr. Sherrill's application and the OISC Residue Lab results that detected Metribuzin and Cloransulam-methyl on the Scott property, I found the following label violations;

**Surveil**

- "Do not apply this product when weather conditions favor spray drift from treated areas."

**Dimetric EXT**

- "Do not apply when weather conditions favor spray drift from areas treated."
- "Do not allow sprays to drift on to adjacent desirable plants."

**2,4-D LV6**

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

In addition to the above label violations, the evidence collected in this investigation found that Mr. Sherrill applied a pesticide in a manner that allowed it to drift from the target site (Field #3) in sufficient quantity to cause harm to a nontarget site (Scott property).

**Attachments**

File 116220; 2,4-D LV6.pdf  
File 116219; DIMETRIC EXT.pdf  
File 116225; PowerMAX 3.pdf  
File 116228; SURVEIL.pdf

Original Event: Investigation Activity (Pesticide) #5776  
Subject: James Landon Sherrill  
Submitted By: James M. Trimble  
PPLS Labels: [001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)  
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)

---

01/19/2023 **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 allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact there was an adverse effect, and this was their third violation of similar nature. See case numbers PS20-1030 and PS21-0093.

**Citation**

Co Alliance Cooperative Inc 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. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093.

**Citation**

James L. Sherrill 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. Consideration was given to the fact this was his second violation of similar nature. See case number PS21-0093.

**Civil Penalty**

James L. Sherrill was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing sprays to drift on to adjacent desirable plants and applying 2,4-D LV6 when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. 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. Sherrill cooperated during the investigation. Consideration was also given to the fact there was an adverse effect and this was his second violation of similar nature. See case number PS21-0093.

Original Event: Judgement #1444  
Primary: Co Alliance Cooperative Inc  
Secondary: James Landon Sherrill  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); 357 IAC 1-12-2  
Penalty Amount: 400

---

01/20/2023 **Case Created**

Original Event: Case PS23-0053  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

01/27/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1764  
To: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0370  
Enclosed: Notice of Enforcement  
Attachments: File 117163; PS22-0171EL CIT ~ Co-Alliance Cooperative Inc..docx

---

01/27/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1765  
To: James Landon Sherrill  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0387  
Enclosed: Notice of Enforcement  
Attachments: File 117164; PS22-0171EL CIT-CP Mitigated ~ James Landon Sherrill - Co-Alliance Cooperative.docx

---

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

Original Event: Compliance Receipt #1862  
Subject: James Landon Sherrill  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0387  
Received: 02/06/2023  
Attachments: File 117810; CM 7021 0950 0000 0608 0387 - PS22-0171 - 2-6-2023.pdf

---

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

Original Event: Compliance Receipt #1945  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0370  
Received: 02/06/2023  
Attachments: File 118179; CM 7021 0950 0000 0608 0370 - PS22-0171 - CoAlliance - Recd. 2-6-2023.pdf

---

02/15/2023 **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 #1916  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Joni D. Herman  
Enclosed: Requested Documents  
Attachments: File 118073; PS22-0171EL CIT ~ Co-Alliance Cooperative Inc..docx  
File 118074; PS22-0171EL CIT-CP Mitigated ~ James Landon Sherrill - Co-Alliance Cooperative.docx

---

02/27/2023 **Informal Review Occurred**

An informal review occurred at Co-Alliance in Indianapolis. Present for Co-Alliance were Claims Manager, Michael Williams; General Counsel Elizabeth South; and Shawn Lambert. Representing OISC were myself and Mitch Trimble. The main discussion was about how separate charges were filed. It was explained that each field was a separate application and on it's own, subject to investigation. Ms. South requested that she be sent a copy of all enforcement letters. She also asked for an extension until March 19th, 2023 to make a final decision on whether or not to appeal any of the charges.

Original Event: Compliance Activity #1710  
Primary: Co Alliance Cooperative Inc  
Submitted By: George Saxton  
Stage: Informal Review

---

03/14/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2009  
Subject: James Landon Sherrill  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 120089; PS22-0171 - James L. Sherrill - CP Received 3-14-2023.pdf

---

03/21/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2075  
To: Lora Scott  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120548; PS22-0171 - Lora Scott - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2078  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120551; PS22-0171 - Co-Alliance Cooperative, Inc. - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2084  
To: James Landon Sherrill  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120558; PS22-0171 - James L. Sherrill - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **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 #2086  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Jacob A. Hatfield  
Enclosed: Requested Documents  
Attachments: File 120560; PS22-0171 - Co-Alliance Cooperative, Inc. - Case Closed Letter 3-21-2023.docx

## Chain of Custody

---

06/01/2022 **Sample 22-4-1057 0**  
Original Event: Chain of Custody #1519 (22-4-1057 0)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1058 9**  
Original Event: Chain of Custody #1520 (22-4-1058 9)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1059 1**  
Original Event: Chain of Custody #1521 (22-4-1059 1)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1060 2**  
Original Event: Chain of Custody #1522 (22-4-1060 2)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1061 8**  
Original Event: Chain of Custody #1523 (22-4-1061 8)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1062 5**  
Original Event: Chain of Custody #1524 (22-4-1062 5)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1063 9**  
Original Event: Chain of Custody #1525 (22-4-1063 9)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1064 1**  
Original Event: Chain of Custody #1526 (22-4-1064 1)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1065 6**  
Original Event: Chain of Custody #1527 (22-4-1065 6)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kylo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1066 0**

Original Event: Chain of Custody #1528 (22-4-1066 0)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kyo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1067 3**

Original Event: Chain of Custody #1529 (22-4-1067 3)  
05/31/2022 15:00: Sample Collected by James M. Trimble  
06/01/2022 15:04: Sample Delivered to Kyo  
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 01:59 PM 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 6, 2023, 02:00 PM 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 PS22-0181**

Department	Pesticide
Originated	06/02/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Richard Pusharich</b> Anderson, IN 46011
Respondent	<b>Unknown</b>
Respondent	<b>Co Alliance Cooperative Inc</b> Anderson, IN 46011
Respondent	<b>Tanner Austin Everling</b> Anderson, IN 46011
Respondent	<b>Thomas Davison Barfield</b> Anderson, IN 46011
-	<b>Co-Alliance Cooperative, Inc.</b> Indianapolis, IN 46214
	Elizabeth A. South, V.P. & General Counsel

**Overviews**

11/11/2022 **Investigation Summary**

Complainant stated a herbicide application made to a neighboring farm field injured trees on his property.

On 6-2-2022 I met with Mr. Pusharich at 2056 W 700 N Anderson, IN. Mr. Pusharich and I walked the west side of his property and observed trees that appeared to have symptoms of pesticide drift. On the north edge of Mr. Pusharich's property were multiple walnut trees that appeared to be turning white in color on the side nearest to the field directly north. Looking south on Mr. Pusharich's property was a group of locust trees displaying the same symptoms as the walnut trees. The locust trees were also showing the symptoms primarily on the north side of the tree. Residue samples were collected as well as samples for Purdue Plant Diagnostic Lab.

On 6-6-2022 I spoke with Tom Barfield of Co-alliance. I informed Mr. Barfield of the drift complaint at the NW corner of W 700 N and N 200 W. I asked Mr. Barfield if Co-Alliance makes pesticide applications to the field directly north of the complainant's property. Mr. Barfield confirmed that Co-alliance does make pesticide applications to that field. Mr. Barfield explained that he was at the complainant's property, with the complainant the previous week and they did not walk all the way down to the west end of the property where I had located the trees with the possible herbicide injury. Mr. Barfield stated that while he was there they looked at the trees near the house. I advised Mr. Barfield that the injury to the trees was first noticed by the complainant while I was at the property on 6-2-2022. I advised Mr. Barfield that I would be emailing a PII to be completed and returned within 15 days.

On July 26, 2022, I received the lab results from the OISC Residue Lab, which found positive amounts of Atrazine in all of the samples collected from the complainant's property. Samples #22-4-0021 (483 ppb), #22-4-0022 (276 ppb), & #22-4-0023 (175 ppb) showed a north to south gradient of Atrazine coming from the North Target Field. Sample #22-4-0019(243ppb) and #22-4-0018(108ppb) were collected on the south east side of the complainant's property and also show a North to South gradient of Atrazine. The North target field soil sample detected 242ppb of Atrazine and the South Target field detected 2.55ppb of Atrazine. The amount of Atrazine found in the south target field is indicative of an application made from a previous growing season.

ON Oct. 31, 2022 I met with Tom Barfield at Co-Alliance in Anderson. I advised Mr. Barfield that i have been looking at data from this case and had some follow up questions. Upon receiving the OISC residue lab results, it appeared that a north to south gradient of atrazine was present on the complainants property. After reviewing the historical weather data for the date listed on the PII, it appeared that the wind was blowing away from the complainants property during the application. I asked Mr. Barfield to confirm that we were looking at the same field. Mr. Barfield confirmed the field in question. I asked if Co-Alliance could provide the application record for that application so that i could compare it to the information on the PII. Another Co\_alliance employee began looking for the application record, however they could not locate. I advised them to email me the record as soon as they located it.

On November 4, 2022 Mr. Barfield emailed a copy of the application record for the pesticide application made to the field directly north of the complainants property. The application record indicated that the application was made on May 23, 2022 rather than May 31, 2022, which was listed on the PII. It also stated that other pesticide products were used during the application that were not listed on the PII. I asked Mr. Barfield via email, to submit a new PII with the correct information for the application.

On November 11, 2022, I reviewed the weather data from weather stations surrounding the target field to compare to the recorded information listed on the application record from Co-Alliance. I found the wind speed and wind direction recorded on the application record to be contradict to the weather station's data. The historical weather data listed the wind blowing towards the complainants property during the Co-Alliance application

Due to the evidence collected in this investigation, which included the pattern of injury I observed on the complainants property coming from the north target field, the fact that the wind blowing towards the complainants property during Mr. Everling's application to the target field, and the gradient of Atrazine found in the samples collected from the complainants off-target property by the OISC Residue Lab, I determined that Mr. Everling applied a pesticide in a manner that allowed it to drift from the target field in sufficient quantity to cause harm to a non-target site.

In addition to the above information, I found the following label violation: The Atrazine 4L label, EPA Reg# 1381-158, states "Do not apply when weather conditions favor drift from treated areas".

Submitted By: Garret A. Creason  
Role: Investigator

---

11/14/2022 **Disposition Summary**

Co Alliance Cooperative Inc and Tanner Austin Everling were 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. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

Thomas Davison Barfield 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. Consideration was given to the fact a restricted use pesticide was involved, there was an adverse effect and this was Mr. Barfield's second violation of similar nature. See case number PS19-0278.

Submitted By: George Saxton  
Role: Compliance Officer

---

**Chronology of Events**

06/02/2022 **Intake Referral Filed**

Complainant stated a herbicide application made to a neighboring farm field injured trees on his property.

Original Event: Intake Referral (Pesticide) #2527  
Complainant: Richard Pusharich  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

06/02/2022 **INCIDENTAL Residue Samples Collected**

Original Event: Residue Collection #214553 (22-4-0017 9)  
Linked From: Residue Collections Follow Up #602, Residue Lab Report #236443 (214553-R604)  
Client: Richard Pusharich  
Submitted By: Garret A. Creason  
Sample: 22-4-0017 9 | Veg; Ctrl; Back Yard  
Sample: 22-4-0018 0 | Veg; Grab; OFF-T, Grad1, 15yd N  
Sample: 22-4-0019 8 | Veg; Grab; OFF-T, Grad2, 80yd N  
Sample: 22-4-0020 0 | Soil; Grab; 2-4"; Target  
Sample: 22-4-0021 6 | Veg; Comp; OFF-T, Grad1, 5yd S  
Sample: 22-4-0022 8 | Veg; Comp; OFF-T, Grad2, 30yd S  
Sample: 22-4-0023 7 | Veg; Comp; OFF-T, Grad3, 50yd S  
Sample: 22-4-0024 4 | Soil; Grab; 2-4"; Target

---

06/02/2022 **INCIDENTAL External Lab Sample Collected**

Original Event: External Lab Sample Collection #214669 (X22-15B92B)  
Linked From: External Lab Report #214670 (X22-15B92B)  
Client: Richard Pusharich  
Submitted By: Garret A. Creason  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-15B92B | A sample of a walnut tree and a beech tree were collected due to possible herbicide exposure.

Attachments: File 96746; 175&181 PPDL Sub.pdf

Photos:



File 96742



File 96743



File 96744



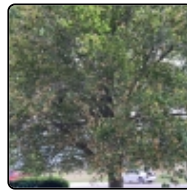
File 96745



File 96737



File 96738



File 96739



File 96740



File 96741

---

06/02/2022 **Received External Lab Report**

PPDL stated that "Walnut and Beech leaves show chlorosis followed by necrosis of leaves towards the edges and tips. These symptoms are suggestive of exposure to Photosystem II inhibiting herbicides (group #5) such as atrazine or metribuzin. HPPD-inhibiting herbicides (group #27) may also cause similar symptoms in some plants."

Original Event: External Lab Report #214670 (X22-15B92B)  
Submitted By: Garret A. Creason  
Sample: X22-15B92B  
Attachments: File 96747; PPDL FinalReport\_Garret Creason 175&181.pdf

---

06/02/2022 **Investigator Met with Complainant Communication**

On 6-2-2022 I met with Mr. Pusharich at 2056 W 700 N Anderson, IN. Mr. Pusharich and I walked the west side of his property and observed trees that appeared to have symptoms of pesticide drift. On the north edge of Mr. Pusharichs' property were multiple walnut trees that appeared to be turning white in color on the side nearest to the field directly north. Looking south on Mr. Pusharichs' property was a group of locust trees displaying the same symptoms as the walnut trees. The locust trees were also showing the symptoms primarily on the north side of the tree. Residue samples were collected as well as samples for Purdue Plant Diagnostic Lab.

Original Event: Investigation Activity (Pesticide) #4778  
Subject: Richard Pusharich  
Submitted By: Garret A. Creason

---

06/02/2022 **Case Created**

Original Event: Case PS22-0181  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

---

06/02/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #602  
Submitted By: Garret A. Creason  
Target Analyte: Atrazine

---

06/06/2022 **Investigator Called Responsible Party**

## Communication

On 6-6-2022 I spoke with Tom Barfield of Co-alliance. I informed Mr. Barfield of the drift complaint at the NW corner of W 700 N and N 200 W. I asked Mr. Barfield if Co-Alliance makes pesticide applications to the field directly north of the complaints property. Mr. Barfield confirmed that Co-alliance does make pesticide applications to that field. Mr. Barfield explained that he was at the complainants property, with the complainant the previous week and they did not walk all the way down to the west end of the property where i had located the trees with the possible herbicide injury. Mr. Barfield stated that while he was there they looked at the trees near the house. I advised Mr. Barfield that the injury to the trees was first noticed by the compliant while i was at the property on 6-2-2022. I advised Mr. Barfield that i would be emailing a PII to be completed and returned within 15 days.

Original Event: Investigation Activity (Pesticide) #4787  
Subject: Co Alliance Cooperative Inc  
Submitted By: Garret A. Creason

---

### 06/06/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #935  
Client: Co Alliance Cooperative Inc  
Firm Representative: Tom Barfield  
Submitted By: Garret A. Creason  
Photos:



File 97211

---

### 06/06/2022 Investigator Received Fax/Email from Applicator Investigation Inquiry

Mr. Barfield provided the completed PII on June 6, 2022.

#### Attachments

File 97863; PII 175&181 co-alliance.com\_20220606\_162258.pdf

#### Inquiry Overview

Certified Applicator	Tom Barfield
Supervisor	Tom Barfield
Non-Certified Applicator	Tanner Everling
Registered Technician	Tanner Everling
Company	Co-Alliance
Target Field	700N and 200w

#### Tank Mix

Product	EPA	Rate
Atrazine	1381-158	2.5qt
Atrazine		1qt

#### Application Date

Date	Start	End
05/31/2022	1:00	1:30

#### Air Conditions

Time	Temp	Direction	Speed
Start	61°F	SW	8mph

Original Event: Investigation Activity (Pesticide) #4823  
Subject: Co Alliance Cooperative Inc  
Submitted By: Garret A. Creason  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)

---

### 07/26/2022 Received Residue Lab Report Investigatory Summary

On July 26, 2022, I received the lab results from the OISC Residue Lab, which found positive amounts of Atrazine in all of the samples collected from the complainants property. Samples #22-4-0021 (483 ppb), #22-4-0022 (276 ppb), & #22-4-0023 (175 ppb) showed a north to south gradient of Atrazine coming from the North Target Field. Sample #22-4-0019(243ppb) and #22-4-0018(108ppb) were collected on the south east side of the complainants property and also show a North to South gradient of Atrazine. The North target field soil sample detected 242ppb of Atrazine and the South Target field detected 2.55ppb of Atrazine. The amount of Atrazine found in the south target field is indicative of an application made from a previous growing season.

**First Page of Lab Report**

OCM Collection #	214553	Investigator	CREASONG		
Collection Date	06/02/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0017 9	Veg; Ctrl; Back Yard	Veg	Atrazine	55.5 ppb	0.07 ppb
22-4-0018 0	Veg; Grab; OFF-T, Grad1, 15yd N	Veg	Atrazine	108 ppb	0.07 ppb
22-4-0019 8	Veg; Grab; OFF-T, Grad2, 80yd N	Veg	Atrazine	243 ppb	0.07 ppb
22-4-0020 0	Soil; Grab; 2-4"; Target	Soil	Atrazine	2.55 ppb	0.1 ppb
22-4-0021 6	Veg; Comp; OFF-T, Grad1, 5yd S	Veg	Atrazine	483 ppb	0.07 ppb
22-4-0022 8	Veg; Comp; OFF-T, Grad2, 30yd S	Veg	Atrazine	276 ppb	0.07 ppb
22-4-0023 7	Veg; Comp; OFF-T, Grad3, 50yd S	Veg	Atrazine	175 ppb	0.07 ppb
22-4-0024 4	Soil; Grab; 2-4"; Target	Soil	Atrazine	242 ppb	0.1 ppb

Original Event: Residue Lab Report #236443 (214553-R604)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 214553-R604.pdf

10/28/2022 **Online Investigation Activity Activity**

On October 28, 2022 I created a map of the sampling diagram for this case.

Attachments

File 112281; map.png

Original Event: Investigation Activity (Pesticide) #5540  
 Submitted By: Garret A. Creason

10/31/2022 **Investigator Met with Applicator Communication**

ON Oct. 31, 2022 I met with Tom Barfield at Co-Alliance in Anderson. I advised Mr. Barfield that i have been looking at data from this case and had some follow up questions. Upon receiving the OISC residue lab results, it appeared that a north to south gradient of atrazine was present on the complainants property. After reviewing the historical weather data for the date listed on the PII, it appeared that the wind was blowing away from the complainants property during the application. I asked Mr. Barfield to confirm that we were looking at the same field. Mr. Barfield confirmed the field in question. I asked if Co-Alliance could provide the application record for that application so that i could compare it to the information on the PII. Another Co\_alliance employee began looking for the application record, however they could not locate. I advised them to email me the record as soon as they located it.

Original Event: Investigation Activity (Pesticide) #5570  
 Subject: Co Alliance Cooperative Inc  
 Submitted By: Garret A. Creason

11/04/2022 **Investigator Received Fax/Email from Applicator Records**

On November 4, 2022 Mr. Barfield emailed a copy of the application record for the pesticide application made to the field directly north of the complainants property. The application record indicated that the application was made on May 23, 2022 rather than May 31, 2022, which was listed on the PII. It also stated that other pesticide products were used during the application that were not listed on the PII. I asked Mr. Barfield via email, to submit a new PII with the correct information for the application.

Attachments

File 112665; Application record.pdf

Original Event: Investigation Activity (Pesticide) #5571  
 Subject: Co Alliance Cooperative Inc  
 Submitted By: Garret A. Creason

11/11/2022 **Wind Data Researched**

On November 11, 2022, I reviewed the weather data from weather stations surrounding the target field to compare to the recorded information listed on the application record from Co-Alliance. I found the wind speed and wind direction recorded on the application record to be contradict to the weather station's data. The historical weather data listed the wind blowing towards the complainants property during the Co-Alliance application.

## Indianapolis International Airport

Indianapolis, Indiana (45 miles SW of site)

**Time Direction Speed (mph)**

12:54pm NNE 13

## Dayton International Airport

Dayton, Ohio (80 miles ESE of site)

**Time Direction Speed (mph)**

12:56 NNE 9

## Ft. Wayne International Airport

Fort Wayne, Indiana (60 miles NNE of site)

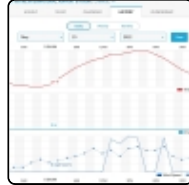
**Time Direction Speed (mph)**

12:54pm ENE 14

## Attachments



File 112842



File 112843



File 112844

Original Event: Wind Data #150  
Submitted By: Garret A. Creason  
Date of Weather: 05/23/2022

---

### 11/11/2022 Online Investigation Activity

#### Atrazine 4L

Due to the evidence collected in this investigation, which included the pattern of injury I observed on the complainants property coming from the north target field, the fact that the wind blowing towards the complainants property during Mr. Everling's application to the target field, and the gradient of Atrazine found in the samples collected from the complainants off-target property by the OISC Residue Lab, I determined that Mr. Everling applied a pesticide in a manner that allowed it to drift from the target field in sufficient quantity to cause harm to a non-target site.

In addition to the above information, I found the following label violation:

The Atrazine 4L label, EPA Reg# 1381-158, states "Do not apply when weather conditions favor drift from treated areas"

#### Attachments

File 112906; AGRISOLUTIONS ATRAZINE 4L.pdf

Original Event: Investigation Activity (Pesticide) #5589  
Subject: Co Alliance Cooperative Inc  
Submitted By: Garret A. Creason  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)

---

### 11/11/2022 New Respondent Identified

#### Respondent Identified

Registered Technician for Co-Alliance.

Original Event: Investigation Change #279  
Respondent: Tanner Austin Everling  
Submitted By: Garret A. Creason

---

### 11/11/2022 New Respondent Identified

Original Event: Investigation Change #280  
Respondent: Thomas Davison Barfield  
Submitted By: Garret A. Creason

---

### 11/14/2022 Judgement; Civil Penalty Assessed

#### Citation

Co Alliance Cooperative Inc and Tanner Austin Everling were 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. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.



## Civil Penalty

Thomas Davison Barfield 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. Consideration was given to the fact a restricted use pesticide was involved, there was an adverse effect and this was Mr. Barfield's second violation of similar nature. See case number PS19-0278.

Original Event: Judgement #1402  
Primary: Co Alliance Cooperative Inc  
Secondary: Thomas Davison Barfield  
Additional: Tanner Austin Everling  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-12-2  
Penalty Amount: 1000

---

### 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1693  
To: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9503  
Enclosed: Notice of Enforcement  
Attachments: File 115519; PS22-0181EL CIT ~ Co-Alliance Cooperative.docx

---

### 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1694  
To: Thomas Davison Barfield  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9510  
Enclosed: Notice of Enforcement  
Attachments: File 115520; PS22-0181EL CIT-CP ~ Thomas Davison Barfield - Co-Alliance Cooperative.docx

---

### 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1695  
To: Tanner Austin Everling  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9527  
Enclosed: Notice of Enforcement  
Attachments: File 115521; PS22-0181EL CIT ~ Tanner Austin Everling - Co-Alliance Cooperative.docx

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1918  
Subject: Tanner Austin Everling  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9527  
Received: 01/13/2023  
Attachments: File 118134; CM 7021 0950 0000 0607 9527 - Tanner A. Everling - Recd. 1-13-23 - PS22-0181.pdf

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1919  
Subject: Thomas Davison Barfield  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9510  
Received: 01/13/2023  
Attachments: File 118135; CM 7021 0950 0000 0607 9510 - Thomas D. Barfield - Recd. 1-13-23 - PS22-0181.pdf

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1920  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9503  
Received: 01/13/2023  
Attachments: File 118136; CM 7021 0950 0000 0607 9503 - Co-Alliance Cooperative - Recd. 1-13-23 - PS22-0181.pdf

---

### 02/15/2023 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 #1912  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Joni D. Herman  
Enclosed: Requested Documents  
Attachments: File 118055; PS22-0181EL CIT ~ Co-Alliance Cooperative.docx  
File 118057; PS22-0181EL CIT ~ Tanner Austin Everling - Co-Alliance Cooperative.docx  
File 118056; PS22-0181EL CIT-CP ~ Thomas Davison Barfield - Co-Alliance Cooperative.docx

---

02/17/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1957  
Subject: Thomas Davison Barfield  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 118345; PS22-0181 - Thomas D. Barfield - CP Received 2-17-2023.pdf

---

02/21/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1957  
To: Richard Pusharich  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118447; PS22-0181 - Richard Pusharich - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1958  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118448; PS22-0181 - Co-Alliance Cooperative, Inc. - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1959  
To: Tanner Austin Everling  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118450; PS22-0181 - Tanner A. Everling - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1960  
To: Thomas Davison Barfield  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118452; PS22-0181 - Thomas D. Barfield - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Document Request 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 #1961  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Jacob A. Hatfield  
Enclosed: Document Request  
Attachments: File 118453; PS22-0181 - Co-Alliance Cooperative, Inc. - Case Closed Letter 2-21-2023.docx

---

**Chain of Custody**

---

06/02/2022 **Sample 22-4-0017 9**

Original Event: Chain of Custody #1562 (22-4-0017 9)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0018 0**

Original Event: Chain of Custody #1563 (22-4-0018 0)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0019 8**  
Original Event: Chain of Custody #1564 (22-4-0019 8)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0020 0**  
Original Event: Chain of Custody #1565 (22-4-0020 0)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0021 6**  
Original Event: Chain of Custody #1566 (22-4-0021 6)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0022 8**  
Original Event: Chain of Custody #1567 (22-4-0022 8)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0023 7**  
Original Event: Chain of Custody #1568 (22-4-0023 7)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

06/02/2022 **Sample 22-4-0024 4**  
Original Event: Chain of Custody #1569 (22-4-0024 4)  
06/02/2022 09:00: Sample Collected by Garret A. Creason  
06/02/2022 13:00: Sample Delivered to 218  
06/03/2022 09:04: Delivery Affirmed by Vicki Vauters

---

This record was generated on **April 6, 2023, 02:00 PM 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 6, 2023, 02:01 PM 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 PS22-0185**

Department	Pesticide
Originated	06/05/2022
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant	<b>Crystal Trejo</b> Kirklin, IN 46050
Business	<b>Co Alliance Cooperative Inc</b> Kempton, IN 46049
Applicator	<b>Robert Roy Rayle Iii</b> Kempton, IN 46049
Respondent	<b>Co-Alliance Cooperative, Inc.</b> Indianapolis, IN 46214
	Elizabeth A. South, V.P. & General Counsel

**Overviews**

11/16/2022 **Investigation Summary**

On June 3, 2022, the complainant reported Co-Alliance made a herbicide application to a neighboring field on May 12, 2022, that drifted onto her property and caused her vegetation to have exposure symptoms.

On June 8, 2022, I conducted my on-site investigation, where I observed herbicide exposure symptoms to a variety of vegetation throughout the complainant's property and a south to north drift pattern. I collected multiple samples for analysis by the OISC Residue Lab.

I identified four fields surrounding the complainant's property and collected their application records. Based on the evidence collected in this investigation, I found Co-Alliance's application to Field #3 on May 12, 2022 was applied while the wind was blowing from the southeast (towards the complainant's property) and drifted onto the complainant's property in sufficient quantity to cause harm to the complainant's vegetation. I also documented three label violations.

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

11/16/2022 **Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect.

Robert Roy Rayle III was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation.

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 by Co Alliance on May 12, 2022, injured vegetation on her property.

Original Event: Intake Referral (Pesticide) #2531  
Complainant: Crystal Farring  
Respondent: Co Alliance Cooperative Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

06/05/2022 **Case Created**

Original Event: Case PS22-0185  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

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

On June 6, 2022, I called and spoke with Mrs. Trejo, who reported widespread pesticide exposure symptoms to her property's vegetation, including curled leaves, brown edges, and some dead plants. Mrs. Trejo stated she witnessed Co-Alliance; Kempton, make a pesticide application to the field located to the south of her residence on May 12, 2022 while the wind was blowing towards her property at approximately 20 MPH. Mrs. Trejo stated that she first observed injury to her vegetation approximately one week after the witnessed application. Mrs. Trejo advised there were other fields surrounding her property that had made pesticide applications as well. Mrs. Trejo stated she had multiple pictures of the injury to her vegetation that she would provide me.

Original Event: Investigation Activity (Pesticide) #4809  
Subject: Crystal Farring  
Submitted By: James M. Trimble

---

06/08/2022 **Investigator Met with Complainant Photographs**

On June 8, 2022, I met with Mrs. Trejo at her residence to conduct my on-site investigation, where I observed and photographed what I believed to be herbicide exposure symptoms to a variety of vegetation throughout Mrs. Trejo's property. I observed the exposure symptoms on the vegetation to include leaf curling, brown & black leaf spots, bleached leaf spots, and brown leaf edges. I observed the most prominent symptoms to the vegetation on Mrs. Trejo's property to be along the south end of her property and became less noticeable the further north I went, which I identified as a south to north pesticide drift pattern. Furthermore, I observed the Asparagus and other mixed vegetation located along the south end of the property to show pesticide exposure symptoms to their south side but not on their north side.

I then looked for potential sources of herbicide drift. I observed signs of herbicide applications to multiple nearby fields, which were located to the north (Field #1), the east (Field #2), the south (Field #3), and the southwest (Field #4) by the dead and/or dying vegetation throughout the fields. I observed Field #3 as the only field that showed evidence of off-target pesticide movement by the pattern of exposure symptoms I observed to the vegetation on the Trejo property.

I then collected multiple gradient vegetation samples, a vegetation control sample, and swab samples from Mrs. Trejo's property, along with soil samples from Fields #1, #2, #3, and #4 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mrs. Trejo's property for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

**Pesticide exposure symptoms (File 97574)**



**Exposure symptoms to south side of Asparagus (File 97578)**



Attachments



File 97556



File 97557



File 97558



File 97559



File 97560



File 97561



File 97562



File 97563



File 97564



File 97565



File 97566



File 97567



File 97568



File 97569



File 97570



File 97571



File 97572



File 97573



File 97575



File 97576



File 97577



File 97579



File 97580



File 97581



File 97582



File 97583



File 97584



File 97585



File 97586



File 97587



File 97588



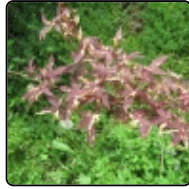
File 97589



File 97590



File 97591



File 97592



File 97593



File 97594



File 97595



File 97596



File 97597

Original Event: Investigation Activity (Pesticide) #4801  
Subject: Crystal Farring  
Submitted By: James M. Trimble

06/08/2022 Investigator Met with Complainant

Photographs

On June 8, 2022, while on-site at Mrs. Trejo's residence, she provided me with a thumb drive that contained multiple pictures that she had taken of the injured vegetation across her property.

Attachments



File 97609



File 97610



File 97611



File 97612



File 97613



File 97614



File 97615



File 97616



File 97617



File 97618



File 97619



File 97620



File 97621



File 97622



File 97623



File 97624



File 97625



File 97626



File 97627



File 97628



File 97629



File 97630



File 97631



File 97632



File 97633



File 97634



File 97635



File 97636



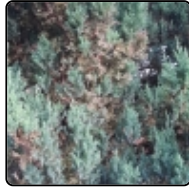
File 97637



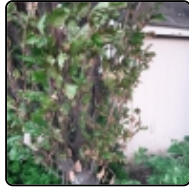
File 97638



File 97639



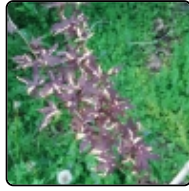
File 97640



File 97641



File 97642



File 97643



File 97644



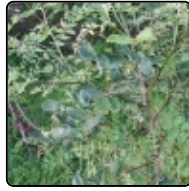
File 97645



File 97646



File 97647



File 97648



File 97649



File 97650

Original Event: Investigation Activity (Pesticide) #4810  
Subject: Crystal Trejo  
Submitted By: James M. Trimble

---

06/08/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #942  
Client: Crystal Farring  
Firm Representative: Crystal Trejo  
Submitted By: James M. Trimble  
Attachments: File 97608; Trejo NOI.pdf

---



06/08/2022 **Residue Samples Collected**

Original Event: Residue Collection #215094 (22-4-1099 5)  
Client: Crystal Farring  
Submitted By: James M. Trimble  
Sample: 22-4-1099 5 | Veg; Comp; OFF-T, Grad1, N  
Sample: 22-4-1100 4 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1101 5 | Veg; Comp; OFF-T, Grad3, S  
Sample: 22-4-1102 7 | Veg; Comp; OFF-T, Grad1, E  
Sample: 22-4-1103 6 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1104 3 | Veg; Comp; OFF-T, Grad3, W  
Sample: 22-4-1105 8 | Veg; Ctrl; OFF-T  
Sample: 22-4-1106 2 | Soil; Comp; 2-4"; Target, N, Field 1  
Sample: 22-4-1107 0 | Soil; Comp; 2-4"; Target, E, Field 2  
Sample: 22-4-1108 9 | Soil; Comp; 0-2"; Target, S, Field 3  
Sample: 22-4-1109 1 | Soil; Comp; 2-4"; Target, SW, Field 4  
Sample: 22-4-1110 1 | Swab (Acetone); Grab; Window; OFF-T, N  
Sample: 22-4-1111 7 | Swab (Acetone); Grab; Window; OFF-T, E  
Sample: 22-4-1112 9 | Swab (Acetone); Grab; Window; OFF-T, S  
Sample: 22-4-1113 8 | Swab (Acetone); Grab; Window; OFF-T, W  
Sample: 22-4-1114 0 | Swab (Acetone); Ctrl; Wall; OFF-T  
Sample: 22-4-1115 5 | Swab (Acetone); Trip Blank

---

06/08/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #215204 (X22-E37CC3)  
Client: Crystal Farring  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-E37CC3 | On June 8, 2022, I submitted the vegetation samples I collected from the complainant's property to PPDL.  
Attachments: File 97606; PPDL Submission.pdf

---

06/08/2022 **Investigator Met with Business Interaction**

On June 8, 2022, after my on-site investigation at the Trejo property, I arrived at Co-Alliance; Kempton, where I spoke with Branch Manager Ryan Perlee, who confirmed they were responsible for the pesticide application to Field #3. I advised Mr. Perlee that I would email him a Pesticide Investigation Inquiry later that day.

Original Event: Investigation Activity (Pesticide) #4812  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

06/08/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #943  
Client: Co Alliance Cooperative Inc  
Firm Representative: Ryan Perlee  
Submitted By: James M. Trimble  
Attachments: File 97655; CoAlliance NOI.pdf

---

06/08/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #606  
Submitted By: James M. Trimble  
Target Analyte: Imitator + 2,4-D  
Target Analyte: Metribuzin  
Target Analyte: Abundit Edge  
Target Analyte: Atrazine 4L  
Target Analyte: Staunch II  
Target Analyte: Abundit Edge  
Target Analyte: Boundary 6.5 EC  
Target Analyte: Tricor 4F  
Target Analyte: Verdict  
Target Analyte: Abundit Edge  
Target Analyte: Surestart II  
Target Analyte: Atrazine 4L  
Target Analyte: Durango  
Target Analyte: Radiate  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[019713-00635-20151116.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00635-20151116.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/019713-00635-20151116.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/019713-00635-20151116.pdf)  
[034704-00069-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00069-20211110.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00069-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00069-20211110.pdf)

[034704-00876-20170131.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00876-20170131.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00876-20170131.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00876-20170131.pdf)

[034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)

[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](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00922-20200501.pdf)

[035915-00004-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035915-00004-20211110.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/035915-00004-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035915-00004-20211110.pdf)

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

[062719-00556-20190306.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00556-20190306.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00556-20190306.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00556-20190306.pdf)

[062719-00679-20140227.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00679-20140227.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00679-20140227.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00679-20140227.pdf)

[070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)

[007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)

---

06/08/2022 **Investigator Sent Fax/Email to Business Communication**

On June 8, 2022, I emailed Ryan Perlee; Co-Alliance, a Pesticide Investigation Inquiry (PII) for Field #3 with instructions to have the form completed and returned to me within 15 days of my email.

Attachments

File 97654; CoAlliance email.pdf

Original Event: Investigation Activity (Pesticide) #4816  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

06/09/2022 **Received External Lab Report**

On June 9, 2022, I received the report from PPDL, which stated, "Several trees show chlorosis or necrosis of leaves towards the edges and tips. These symptoms are characteristic of exposure to Photosystem II inhibitor herbicides such as atrazine or metribuzin. A few plants also show bleaching of newer leaves and meristems. These symptoms are characteristic of exposure to HPPD-inhibiting herbicides (group #27) such as mesotrione, tembotrione, and isoxaflutole." It further stated, "Leaf spots on most of the leaves appear to be associated with some kind of injury, suspected to be chemical in nature. Some leaf lesions on Maple appear to be anthracnose, but this is not the primary cause of leaf spots. The apple/crabapple tree shows large orange spots which are developing rust leaf spots, with a few producing active pustules."

Original Event: External Lab Report #215205 (X22-E37CC3)  
Submitted By: James M. Trimble  
Sample: X22-E37CC3  
Attachments: File 97607; FinalReport\_Mitch Trimble.pdf

---

06/09/2022 **Investigator Received Fax/Email from Business Investigation Inquiry**

On June 9, 2022, I received the completed PII for Co-Alliance's application to Field #3.

Attachments

File 97658; CoAlliance PII.pdf

**Inquiry Overview**

Certified Applicator Robert Roy Rayle III  
Company Co-Alliance Cooperative, Inc.  
Application Type Commercial  
Target Field Pickard 20

**Tank Mix**

Product	EPA	Rate
Boundary 6.5 EC	100-1162	2 pts
Tricor 4F	70506-68	4 oz
Verdict	7969-279	5 oz
Abundit Edge	524-549-352	24 oz

## Application Date

**Date Start End**  
05/12/2022 5:02 PM 5:14 PM

## Air Conditions

**Time Temp Direction Speed**  
Start 87°F ESE 11mph  
End 86°F SE 11mph

Original Event: Investigation Activity (Pesticide) #4817  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)  
[007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)

---

### 06/09/2022 **New Respondent Identified** **Respondent Identified**

On June 9, 2022, I received the completed PII for Co-Alliance's application to Field #3, which listed Robert Roy Rayle III the certified applicator.

Original Event: Investigation Change #186  
Respondent: Robert Roy Rayle Iii  
Submitted By: James M. Trimble

---

### 06/10/2022 **Online Investigation Activity** **Activity**

On June 10, 2022, I created a map for my sample collection at the Trejo and surrounding properties.

Attachments



File 97719

Original Event: Investigation Activity (Pesticide) #4818  
Submitted By: James M. Trimble

---

### 09/15/2022 **Received Residue Lab Report** **Investigatory Summary**

On September 15, 2022, I received the lab results from the OISC Residue Lab, which detected positive amounts of several of the analytes tested. Out of the analytes that had tested positive, Metribuzin, Metolachlor, and Atrazine showed the most activity and evidence of drift.

Metribuzin and Metolachlor were detected in the samples collected across Mrs. Trejo's property with high levels of Metribuzin that corresponded with the exposure symptoms observed on her vegetation. When the amounts of Metribuzin and Metolachlor found in the samples were compared to their collection locations, the results were consistent with the southeast wind direction (towards the Trejo property) that occurred during Field #3's application.

The amounts of Atrazine found in the samples collected from the Trejo property did not show a gradient but was more uniform across the property. Atrazine, along with Clopyralid, Flumetsulam, & Acetochlor, was applied to both Field #2 and Field #4, on the same day, which together may have contributed to the amounts found in the samples.

**First Page of Lab Report**

OCM Collection #	215094	Investigator	TRIMBLEJ		
Collection Date	06/08/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1099 5	Veg; Comp; OFF-T, Grad1, N	Veg	2,4-D	10.4 ppb	0.3 ppb
			Clopyralid	BQL ppb	3 ppb
			Acetochlor	5.18 ppb	1 ppb
			Atrazine	150 ppb	0.3 ppb
			Dimethenamid	BDL ppb	1 ppb
			Flumetsulam	BDL ppb	3 ppb
			Metolachlor	2.67 ppb	0.3 ppb
			Metribuzin	68.2 ppb	1 ppb
			Saflufenacil	1.47 ppb	0.7 ppb

Original Event: Residue Lab Report #243260 (215094-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 215094-R644.pdf

**11/04/2022 Wind Data Researched**

On November 4, 2022, I reviewed the weather conditions from the surrounding weather stations for Mr. Rayle's application to Field #3 at approximately 5:00 PM on May 12, 2022. The winds listed on Co-Alliance's PII (ESE) and the wind directions collected from the above weather stations (SSE, ESE, and SE) were consistent in that they all showed the wind was blowing towards the complainant's property during the application.

**Purdue University Station**

*West Lafayette, Indiana (38 miles NW of site)*

**Time Direction Speed (mph)**

4:54 PM SSE 9

**Anderson Municipal Station**

*Chesterfield, Indiana (40 miles E of site)*

**Time Direction Speed (mph)**

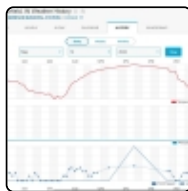
3:59 PM ESE 9

**Indianapolis International Airport**

*Indianapolis, Indiana (35 miles S of site)*

**Time Direction Speed (mph)**

4:54 PM SE 9

**Attachments**

File 112558



File 112559



File 112560

Original Event: Wind Data #143  
Submitted By: James M. Trimble  
Date of Weather: 05/12/2022

**11/04/2022 Online Investigation Activity**

## Label Use

On November 7, 2022, I reviewed the labels of the pesticides used by Mr. Rayle for his application to Field #3 on May 12, 2022 while the wind was blowing from the east, southeast at the start of his application and the southeast at the end of his application (towards the Trejo property) at a wind speed of 11 MPH. I found the following label violations;

**Boundary 6.5EC** (EPA Reg. #100-1162, active ingredients of Metolachlor & Metribuzin)

### "Sensitive Areas"

"Only apply Boundary 6.5EC when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive area)."

**Tricor 4F** (EPA Reg. #70506-68, active ingredient of Metribuzin)

### "USE RESTRICTIONS"

"Do not allow sprays to drift on to adjacent desirable plants."

**Verdict** (EPA Reg. #7969-279, active ingredients of Saflufenacil & Dimethenamid-P)

### "Ground Application Requirements"

"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**)."

**Along with the above label violations, the evidence collected in this investigation found that Mr. Rayles applied a pesticide in a manner that allowed it to drift from the target site (Field #3) in sufficient quantity to cause harm to a nontarget site (Trejo property).**

#### Attachments

File 112635; ABUNDIT EDGE.pdf

File 112636; BOUNDARY.pdf

File 112633; Tricor.pdf

File 112634; VERDICT.pdf

Original Event: Investigation Activity (Pesticide) #5567  
Subject: Robert Roy Rayle Iii  
Submitted By: James M. Trimble  
PPLS Labels: [000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01162-20200902.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01162-20200902.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/070506-00068-20210330.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/070506-00068-20210330.pdf)  
[007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00279-20180504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00279-20180504.pdf)

---

## 11/16/2022 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. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect.

### Civil Penalty

Robert Roy Rayle III was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact a general use pesticide was involved and there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Co Alliance Cooperative Inc cooperated during the investigation.

Original Event: Judgement #1405  
Primary: Co Alliance Cooperative Inc  
Secondary: Robert Roy Rayle Iii  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

## 11/17/2022 Case Created

Original Event: Case PS23-0020  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

## 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1700  
To: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9572  
Enclosed: Notice of Enforcement  
Attachments: File 115528; PS22-0185EL CIT ~ Co-Alliance Cooperative.docx

---

01/09/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1701  
To: Robert Roy Rayle Iii  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9589  
Enclosed: Notice of Enforcement  
Attachments: File 115529; PS22-0185EL CIT-CP Mitigated ~ Robert Roy Rayle III - Co-Alliance Cooperative.docx

---

01/17/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1916  
Subject: Robert Roy Rayle Iii  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9589  
Received: 01/17/2023  
Attachments: File 118132; CM 7021 0950 0000 0607 9589 - Robert R. Rayle - Recd. 1-17-23 - PS22-0185.pdf

---

01/17/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1917  
Subject: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9572  
Received: 01/17/2023  
Attachments: File 118133; CM 7021 0950 0000 0607 9572 - Co-Alliance - Recd. 1-17-23 - PS22-0185.pdf

---

02/15/2023 **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 #1913  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Joni D. Herman  
Enclosed: Requested Documents  
Attachments: File 118065; PS22-0185EL CIT ~ Co-Alliance Cooperative.docx  
File 118067; PS22-0185EL CIT-CP Mitigated ~ Robert Roy Rayle III - Co-Alliance Cooperative.docx

---

03/20/2023 **Compliance Activity**

Emailed Elizabeth South regarding the delinquent civil penalty payment. She thanked me for alerting her and said it would be handled tomorrow. The CP due date was extended to March 31, 2023, to allow time for the payment to reach OISC.

Original Event: Compliance Activity #1756  
Primary: Co-Alliance Cooperative, Inc.  
Submitted By: Joni D. Herman  
Attachments: File 120562; PS22-0185 Email with Elizabeth South at Co-Alliance RE Civil Penalty Owed 3.20.2023.pdf

---

03/21/2023 **Compliance Activity**

I received a voice mail from Michael Williams with Co-Alliance (Elizabeth A. South added him to her reply email to me on 3/20/2023). He was inquiring about making payment over the phone for the civil penalty. He had dropped the ball by not requesting payment for this one. I returned his call and informed him we were not equipped to take phone payments, but the due date had been extended to March 31, 2023, to allow time for the payment to reach us. He said he would get the payment in the mail.

NOTE: It is not clear whether Michael is at the same location as Elizabeth, so I did not "Reference" a client.

Original Event: Compliance Activity #1757  
Submitted By: Joni D. Herman  
Attachments: File 120567; Message from Michael Williams - PS22-0185 Co-Alliance.mp3

---

03/28/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2025  
Subject: Robert Roy Rayle Iii  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 121173; PS22-0185 - Co-Alliance Cooperative, Inc. - CP Received 3-28-2023.pdf

---

04/03/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2110  
To: Crystal Trejo  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121416; PS22-0185 - Crystal Trejo - Case Closed Letter 4-3-2023.docx

---

04/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2111  
To: Robert Roy Rayle Iii  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121417; PS22-0185 - Robert Roy Rayle III - Case Closed Letter 4-3-2023.docx

---

04/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2112  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121418; PS22-0185 - Co-Alliance Cooperative, Inc - Case Closed Letter 4-3-2023.docx

---

04/03/2023 **Requested Documents Mailed to Target**

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 #2113  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Jacob A. Hatfield  
Enclosed: Requested Documents  
Attachments: File 121419; PS22-0185 - Co-Alliance Cooperative, Inc - Case Closed Letter 4-3-2023.docx

---

**Chain of Custody**

---

06/08/2022 **Sample 22-4-1099 5**

Original Event: Chain of Custody #1662 (22-4-1099 5)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1100 4**

Original Event: Chain of Custody #1663 (22-4-1100 4)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1101 5**

Original Event: Chain of Custody #1664 (22-4-1101 5)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1102 7**

Original Event: Chain of Custody #1665 (22-4-1102 7)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1103 6**

Original Event: Chain of Custody #1666 (22-4-1103 6)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1104 3**

Original Event: Chain of Custody #1667 (22-4-1104 3)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1105 8**  
Original Event: Chain of Custody #1668 (22-4-1105 8)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1106 2**  
Original Event: Chain of Custody #1669 (22-4-1106 2)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1107 0**  
Original Event: Chain of Custody #1670 (22-4-1107 0)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1108 9**  
Original Event: Chain of Custody #1671 (22-4-1108 9)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1109 1**  
Original Event: Chain of Custody #1672 (22-4-1109 1)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1110 1**  
Original Event: Chain of Custody #1673 (22-4-1110 1)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1111 7**  
Original Event: Chain of Custody #1674 (22-4-1111 7)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1112 9**  
Original Event: Chain of Custody #1675 (22-4-1112 9)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1113 8**  
Original Event: Chain of Custody #1676 (22-4-1113 8)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1114 0**  
Original Event: Chain of Custody #1677 (22-4-1114 0)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters

---

06/08/2022 **Sample 22-4-1115 5**  
Original Event: Chain of Custody #1678 (22-4-1115 5)  
06/08/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:30: Sample Delivered to Vicki Vauters  
06/08/2022 15:30: Delivery Affirmed by Vicki Vauters



This record was generated on **April 6, 2023, 02:01 PM 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 6, 2023, 02:02 PM 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 PS22-0186**

Department	Pesticide
Originated	06/05/2022
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant	<b>William Stuart Mager</b> Rockville, IN 47872
Business	<b>Co Alliance Cooperative Inc</b> Bainbridge, IN 46105
Applicator	<b>Michael Wade Mcguire</b> Bainbridge, IN 46105
Supervisor	<b>Dylon Andrew Miller</b> Bainbridge, IN 46105
-	<b>Co-Alliance Cooperative, Inc.</b> Indianapolis, IN 46214

**Overviews**

11/01/2022 **Investigation Summary**

On June 3, 2022, the complainant reported that Co-Alliance had mistakenly applied a herbicide to his soybean field while they completed an application to the neighboring corn field.

During my on-site investigation, I observed herbicide exposure symptoms along with a pattern of injury consistent with a site error on the complainant's non-target soybean field.

The evidence collected in this investigation found that Co-Alliance had unintentionally applied herbicides to the complainant's non-target field.

Submitted By: James M. Trimble  
Role: Investigator

11/02/2022 **Disposition Summary**

Michael Wade Mcguire was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for applying a restricted use pesticide to the wrong field. 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**

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

Complainant stated Co Alliance sprayed his soybean field by mistake with Corvis and atrazine causing severe injury to the soybeans.

Original Event: Intake Referral (Pesticide) #2532  
Complainant: William Stuart Mager  
Respondent: Co Alliance Cooperative Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

06/05/2022 **Case Created**

Original Event: Case PS22-0186  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

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

On June 6, 2022, I called and spoke with Mr. Mager, who reported Co-Alliance; Bainbridge, had unintentionally applied a herbicide to his soybean field while they were completing an application to the neighboring target corn field. Mr. Mager stated Co-Alliance had begun their application on the correct target corn field, but crossed into his soybean field and sprayed three sides of his field before re-entering the corn field. Mr. Mager stated Co-Alliance's application to his soybean field caused a large amount of injury to his soybean plants.

Mr. Mager stated that he had contacted Co-Alliance, which they advised him they had sprayed the target corn field on May 13, 2022. Mr. Mager stated he first observed the injury to his soybean field on approximately May 30, 2022.

Original Event: Investigation Activity (Pesticide) #4820  
Subject: William Stuart Mager  
Submitted By: James M. Trimble

---

06/07/2022 **Investigator Met with Complainant Photographs**

On June 7, 2022, I met Mr. Mager at his farm, where I then followed Mr. Mager to his soybean field that was affected by the site error by Co-Alliance. I arrived at the soybean field, located at the southwest corner of IN-59 and E. 900 S., to conduct my on-site investigation. Mr. Mager stated that he had not made a pesticide application to his field since last year, which was planted in corn.

While on-site, I observed and photographed Co-Alliance's target corn field in relation to Mr. Mager's non-target soybean field and the herbicide exposure symptoms I observed to the soybean field. I observed the target corn field was located to the east of Mr. Mager's non-target soybean field without a physical boundary that separated the two fields. I observed tire track impressions in the soil of both fields that looked to have started in the northeast corner of the target corn field that led into and around the soybean field before re-entering the corn field at its southwest corner. I observed the north, west, and south ends of Mr. Mager's soybean field to show herbicide exposure symptoms which included stunted growth, yellow & brown leaves, and necrotic leaf spots. I also observed the soybean field edges to have a distinct and even line that separated the healthy soybeans to the exposed soybeans with a width consistent with a crop sprayer.

I then collected multiple soil samples from Mr. Mager's non-target soybean field and a sample from the target corn field for analysis by the OISC Residue Lab.

I also collected soybean samples that exhibited symptoms of herbicide injury from Mr. Mager's field for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

Distinct separation of healthy to exposed soybeans (File 97425)



Soybean injury (File 97428)



Looking west from corn field onto soybean field (File 97435)



Attachments



File 97412



File 97413



File 97414



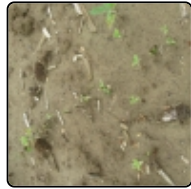
File 97415



File 97426



File 97427



File 97429



File 97430



File 97431



File 97432



File 97433



File 97434



File 97436



File 97437



File 97438



File 97439



File 97440



File 97441



File 97442



File 97443



File 97444



File 97445



File 97446



File 97447



File 97448

Original Event: Investigation Activity (Pesticide) #4799  
Subject: William Stuart Mager  
Submitted By: James M. Trimble

---

06/07/2022 **Residue Samples Collected**

Original Event: Residue Collection #215040 (22-4-1094 8)  
Client: William Stuart Mager  
Submitted By: James M. Trimble  
Sample: 22-4-1094 8 | Soil; Comp; 2-4"; OFF-T, N  
Sample: 22-4-1095 3 | Soil; Comp; 2-4"; OFF-T, W  
Sample: 22-4-1096 9 | Soil; Comp; 2-4"; OFF-T, S  
Sample: 22-4-1097 6 | Soil; Ctrl; 2-4"; OFF-T  
Sample: 22-4-1098 2 | Soil; Comp; 2-4"; Target

---

06/07/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #941  
Client: William Stuart Mager  
Firm Representative: W. Stuart Mager  
Submitted By: James M. Trimble  
Attachments: File 97605; Mager NOI.pdf

---

06/07/2022 **Investigator Met with Business**

## Interaction

On June 7, 2022, after leaving Mr. Mager's soybean field, I arrived at Co-Alliance; Bainbridge, where I met with Branch Manager, Dylon Miller. Mr. Miller advised that their application to Mr. Mager's soybean field was an accident, as the applicator who was treating the target corn field had not previously treated the target field and was unfamiliar with the fields boundaries. Mr. Miller stated the applicator realized his mistake after he had already made one pass around the non-target field. Mr. Miller stated that the soybean field and corn field had been planted around the same time and the applicator didn't see the separation of the two fields.

Later that day, I emailed Mr. Miller a Pesticide Investigation Inquiry (PII) with instructions to have the completed form returned to me within 15 days of my email.

### Attachments

File 97855; PS22-0186-Mager.pdf

Original Event: Investigation Activity (Pesticide) #4821  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

### 06/07/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #947  
Client: Co Alliance Cooperative Inc  
Firm Representative: Dylon Miller  
Submitted By: James M. Trimble  
Attachments: File 97856; CoAlliance NOI.pdf

---

### 06/07/2022 Lab Advised of Target Analytes

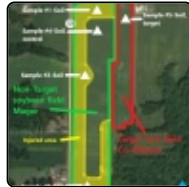
Original Event: Residue Collections Follow Up #605  
Submitted By: James M. Trimble  
Target Analyte: Corvus  
Target Analyte: Atrazine 4L  
PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)  
[000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)

---

### 06/10/2022 Online Investigation Activity Activity

On June 10, 2022, I created a map for my collection from Mr. Mager's field and the target field.

### Attachments



File 97753

Original Event: Investigation Activity (Pesticide) #4819  
Submitted By: James M. Trimble

---

### 06/10/2022 External Lab Sample Collected

Original Event: External Lab Sample Collection #216324 (X22-A188DB)  
Client: William Stuart Mager  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-A188DB | On June 10, 2022, I sent PPDL an online submission of the affected soybeans from Mr. Mager's soybean field.  
Attachments: File 98865; PPDL submission.pdf

---

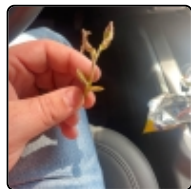
### 06/13/2022 Investigator Received Fax/Email from Complainant Photographs

On June 13, 2022, Mr. Mager emailed me pictures and a video of the injury to his soybean field shortly after he first observed the injury. Mr. Mager also sent me his planting and application information to their field for 2021 when the field was planted in corn to identify any possible carryover. The information was passed on to PPDL.

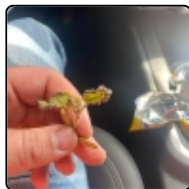
At this time, OCM will not let me upload the video.



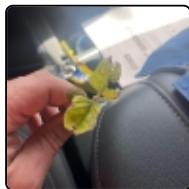
Attachments



File 98798



File 98799



File 98800



File 98801



File 98802

**Attachments**

File 112397; 6-13 email Mager.pdf

Original Event: Investigation Activity (Pesticide) #4902  
Subject: William Stuart Mager  
Submitted By: James M. Trimble

06/14/2022 **Received External Lab Report**

On June 14, 2022, I received the lab report from PPD, which stated, "Injured soybeans show large necrotic spots on older leaves, stunting, and some bleaching of younger leaves. These symptoms are consistent with exposure to atrazine + HPPD herbicides such as isoxaflutole (one of the active ingredients in Corvus). The pattern of injury is also consistent with herbicide overspray. The use rates and application dates of herbicides applied in 2021 suggest no concern for herbicide carryover from last year's corn." It further stated, "The photos show stunted plants and necrotic spotting. Given the consistent pattern associated with a sprayer application, I suspect that this is abiotic in nature, likely associated with an application made, and not associated with a disease."

Original Event: External Lab Report #216363 (X22-A188DB)  
Submitted By: James M. Trimble  
Sample: X22-A188DB  
Attachments: File 98866; FinalReport\_Mitch Trimble.pdf

06/22/2022 **Investigator Received Fax/Email from Business Investigation Inquiry**

On June 22, 2022, I received an email from Co-Alliance that contained the completed PII and other documents pertaining to their application to the target corn field. Co-Alliance provided a "Coverage Map" that showed their application rate to the target corn field which also showed their application onto the outside of the non-target soybean field.

Attachments

File 112399; Application Records.pdf  
File 112400; Coverage Map .pdf  
File 112398; PII PS22-0186.pdf

**Inquiry Overview**

Supervisor: Dylan Miller  
Registered Technician: Michael McGuire  
Company: Co-Alliance  
Application Type: Commercial  
Target Field: 250590

**Tank Mix**

Product	EPA	Rate
Corvus	264-1066	3 oz
Atrazine 4L	1381-158	2 qt

**Application Date**

Date	Start	End
05/13/2022	1:08 PM	3:18 PM

**Air Conditions**

Time	Temp	Direction	Speed
Start	88°F	SSE	9mph
End	88°F	SSE	9mph

Original Event: Investigation Activity (Pesticide) #5549  
Subject: Co Alliance Cooperative Inc  
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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)  
[000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01066-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01066-20201117.pdf)

06/22/2022 **New Respondent Identified**  
**Respondent Identified**

On June 22, 2022, I received the completed PII from Co-Alliance, which identified Michael McGuire as the Registered Technician and Dylon Miller as his supervisor.

Original Event: Investigation Change #271  
Respondent: Michael Wade Mcguire  
Submitted By: James M. Trimble

---

06/22/2022 **New Respondent Identified**  
**Respondent Identified**

On June 22, 2022, I received the completed PII from Co-Alliance, which identified Michael McGuire as the Registered Technician and Dylon Miller as his supervisor.

Original Event: Investigation Change #272  
Respondent: Dylon Andrew Miller  
Submitted By: James M. Trimble

---

09/15/2022 **Received Residue Lab Report**  
**Investigatory Summary**

On September 15, 2022, I received the OISC Residue Lab results which found the analytes of Atrazine and Thien carbazone-methyl in the soil samples I collected from the non-target soybean field. The results from the samples collected from the non-target soybean field was consistent with the sample collected from the target corn field, which also corresponded with the results for the collected control sample.

**First Page of Lab Report**

OCM Collection #	215040	Investigator	TRIMBLEJ			
Collection Date	06/07/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-1094 8	Soil; Comp; 2-4"; OFF-T, N	Soil	Atrazine	13.6 ppb	0.3 ppb	
			Thien carbazone-methyl	0.797 ppb	0.7 ppb	
22-4-1095 3	Soil; Comp; 2-4"; OFF-T, W	Soil	Atrazine	62.4 ppb	0.3 ppb	
			Thien carbazone-methyl	2.57 ppb	0.7 ppb	
22-4-1096 9	Soil; Comp; 2-4"; OFF-T, S	Soil	Atrazine	11.6 ppb	0.3 ppb	
			Thien carbazone-methyl	BQL ppb	0.7 ppb	
22-4-1097 6	Soil; Ctrl; 2-4"; OFF-T	Soil	Atrazine	2.73 ppb	0.3 ppb	
			Thien carbazone-methyl	BDL ppb	0.7 ppb	
22-4-1098 2	Soil; Comp; 2-4"; Target	Soil	Atrazine	30.7 ppb	0.3 ppb	
			Thien carbazone-methyl	BQL ppb	0.7 ppb	

Original Event: Residue Lab Report #243257 (215040-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 215040-R644.pdf

---

11/01/2022 **Investigator Called Technician**  
**Interaction**

On November 1, 2022, I called and spoke with Mr. McGuire about his application to the target corn field and site error to the non-target soybean field. Mr. McGuire stated that he received the required material from Co-Alliance and Dylon Miller to make his application to the correct field and took responsibility for his application to the incorrect, non-target soybean field. Mr. McGuire stated that both the fields had been worked and he didn't observe the difference in the fields until he was on the back (south) side of the non-target field.

Original Event: Investigation Activity (Pesticide) #5550  
Subject: Michael Wade Mcguire  
Submitted By: James M. Trimble

---

11/01/2022 **Online Investigation Activity**  
**Activity**

Using the evidence I collected in this investigation, which included my on-site observations, the OISC Residue Lab results, the PPDL results, and the admission by Co-Alliance and Mr. McGuire of their error, I found that on May 13, 2022, Mr. McGuire had unintentionally applied **Corvus (RUP)** (EPA Reg. #264-1066, active ingredients of Isoxafutole & Thien carbazone-methyl) and **Atrazine 4L (RUP)** (EPA Reg. #1381-158, active ingredient of Atrazine) to Mr. Mager's non-target soybean field while applying the above herbicides to the correct target corn field.

Attachments

File 112404; AGRISOLUTIONS ATRAZINE 4L.pdf  
File 112405; CORVUS HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5551  
Subject: Michael Wade Mcguire  
Submitted By: James M. Trimble

---

11/02/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Michael Wade Mcguire was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for applying a restricted use pesticide to the wrong field. 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 #1396  
Primary: Michael Wade Mcguire  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(5)  
Penalty Amount: 1000

---

01/06/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1690  
To: Michael Wade Mcguire  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9473  
Enclosed: Notice of Enforcement  
Attachments: File 115515; PS22-0186EL CIT-CP ~ Michael Wade McGuire.docx

---

01/17/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1891  
Subject: Michael Wade Mcguire  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9473  
Received: 01/17/2023  
Attachments: File 118049; CM 7021 0950 0000 0607 9473 - Michael McGuire - Recd. 1-17-23 - PS22-0186.pdf

---

01/17/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1892  
Subject: Michael Wade Mcguire  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 118051; PS22-0186 Michael W. McGuire - Co Alliance Cooperative ~ CP Received 1-23-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1929  
To: William Stuart Mager  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118303; PS22-0186 - William S. Mager - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1930  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118304; PS22-0186 - Co-Alliance Cooperative, Inc. - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1931  
To: Dylon Andrew Miller  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118306; PS22-0186 - Dylon A. Miller - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1932  
To: Michael Wade Mcguire  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118308; PS22-0186 - Michael W. McGuire - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Document Request 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 #1933  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Jacob A. Hatfield  
Enclosed: Document Request  
Attachments: File 118309; PS22-0186 - Co-Alliance Cooperative, Inc. - Case Closed Letter 2-17-2023.docx

## Chain of Custody

---

06/07/2022 **Sample 22-4-1094 8**

Original Event: Chain of Custody #1649 (22-4-1094 8)  
06/07/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:29: Sample Delivered to Vicki Vauters  
06/08/2022 15:29: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-1095 3**

Original Event: Chain of Custody #1650 (22-4-1095 3)  
06/07/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:29: Sample Delivered to Vicki Vauters  
06/08/2022 15:29: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-1096 9**

Original Event: Chain of Custody #1651 (22-4-1096 9)  
06/07/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:29: Sample Delivered to Vicki Vauters  
06/08/2022 15:29: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-1097 6**

Original Event: Chain of Custody #1652 (22-4-1097 6)  
06/07/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:29: Sample Delivered to Vicki Vauters  
06/08/2022 15:29: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-1098 2**

Original Event: Chain of Custody #1653 (22-4-1098 2)  
06/07/2022 10:00: Sample Collected by James M. Trimble  
06/08/2022 15:29: Sample Delivered to Vicki Vauters  
06/08/2022 15:29: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:02 PM 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 6, 2023, 02:02 PM 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 PS22-0188**

Department	Pesticide
Originated	06/06/2022
Assigned To	Aaron P. Kreider
Status	Closed

**Involved Parties**

Complainant	<b>Mary Ellen Gadski</b> Indianapolis, IN 46208	
Respondent	<b>North Indy Mosquito Squad</b> Indianapolis, IN 46205	Business
Respondent	<b>Tommy Lee McClure</b> Indianapolis, IN 46205	Supervisor
Involved	<b>Jeff Becker</b> Indianapolis, IN 46208	Home Owner

**Overviews**

10/31/2022 **Investigation Summary**

The report from the OISC residue lab shows that significant amounts of ingredients from Mr. Osbey's application were found on Mrs. Gadski's property. Based on the evidence, Mr. Osbey's application moved off target onto Mrs. Gadski's property. Mr. Osbey violated the Bifen I/T label requirements by not wearing all required PPE. Mr. McClure failed to properly supervise Mr. Osbey's application by not remaining on-site.

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

11/03/2022 **Disposition Summary**

North Indy Mosquito Squad and Tommy McClure were warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to continuously provide direct and proper supervision to a non-certified employee.

North Indy Mosquito Squad was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. Consideration was given to the fact there was potential for human harm.

Tommy McClure was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

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

Complainant wrote: June 1, 10 AM, main issue is drift. Attached, two photos of Mosquito Squad applicator fogging our neighbors' yard.  
1) Applicator spraying up into the tree in violation of the regulation to keep the fogger at waist height. 2) Applicator wears no personal protection: no glasses, mask, or gloves. He sprayed high-touch surfaces of play equipment twice.

Original Event: Intake Referral (Pesticide) #2534  
Complainant: Mary Ellen Gadski  
Respondent: North Indy Mosquito Squad  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider  
Attachments: File 96867; Gadski complainant\_form (5).pdf  
Photos:



File 96869

File 96868

---

06/06/2022 **Case Created**

Original Event: Case PS22-0188  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

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

On June 6, 2022, I contacted Mary Ellen Gadski regarding her complaint. She stated that on June 1, 2022, she witness an applicator from Mosquito Squad (MS) making an application to her neighbor's property. Mrs. Gadski stated that she saw the application drifting onto her property. She stated that she stopped the applicator to voice her concerns. Mrs. Gadski stated that she witnessed the applicator spraying the children's play equipment in her neighbor's yard and was concerned. She informed me that she had taken pictures of the application and that the applicator wasn't wearing all of the required Personal Protective Equipment (PPE).

Original Event: Investigation Activity (Pesticide) #4879  
Subject: Mary Ellen Gadski  
Submitted By: Aaron P. Kreider

---

06/06/2022 **Complainant Sent Text Message to Investigator Photographs**

After our initial conversation, Mrs. Gadski sent me these photographs via text message. In some of these photographs, you can see that the applicator is not wearing gloves.

Attachments



File 98648



File 98649



File 98650



File 98651

Original Event: Investigation Activity (Pesticide) #4880  
Subject: Mary Ellen Gadski  
Submitted By: Aaron P. Kreider

---

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

On June 6, 2022, I contacted Capricia Turner of Mosquito Squad (MS) regarding Mrs. Gadski's complaint. Mrs. Turner stated that she and her applicators have had multiple conversations with Mrs. Gadski over her concerns about applications made by MS. She stated that Bruce Osbey was making the application and Tommy McClure was on site supervising.

Original Event: Investigation Activity (Pesticide) #4881  
Subject: North Indy Mosquito Squad  
Submitted By: Aaron P. Kreider

---

06/06/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #979  
Client: North Indy Mosquito Squad  
Firm Representative: Capricia Turner  
Submitted By: Aaron P. Kreider  
Attachments: File 98652; NOI (C. Turner).pdf

---

06/07/2022 **Investigator Met with Complainant**

## Interaction

On June 7, 2022, I met with Mrs. Gadski and her husband at their residence. I had Mrs. Gadski show me around her property and where she believes the application drifted onto her property. Mrs. Gadski informed me that she was on her back porch when she notice MS making an application to her neighbor's property. She stated that she could smell the application as it was being made. Mrs. Gadski pointed out her rhubarb and stated that she and her husband grow it to eat.

Original Event: Investigation Activity (Pesticide) #4882  
Subject: Mary Ellen Gadski  
Submitted By: Aaron P. Kreider

---

## 06/07/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #980  
Client: Mary Ellen Gadski  
Firm Representative: Mary Ellen Gadski  
Submitted By: Aaron P. Kreider  
Attachments: File 98661; NOI (M.E. Gadski).pdf

---

## 06/07/2022 Investigator Collected Photographs

### Photographs

During my on-site investigation I collected the following photographs. Figure 1 shows the property line between Mrs. Gadski's (left) and her neighbor's (right). Figure 2 shows the fence that separates Mrs. Gadski's property (low and left) from her neighbor's (upper right). Figure 3 shows Mrs. Gadski's rhubarb (center) in relation to the fence that separates her property from her neighbor's.

**Figure 1 (File 98662)**



Figure 2 (File 98670)



Figure 3 (File 98675)





Attachments

- File 98663; DSC\_0002.JPG
- File 98664; DSC\_0003.JPG
- File 98665; DSC\_0004.JPG
- File 98666; DSC\_0005.JPG
- File 98667; DSC\_0006.JPG
- File 98668; DSC\_0007.JPG
- File 98669; DSC\_0008.JPG
- File 98671; DSC\_0010.JPG
- File 98672; DSC\_0011.JPG
- File 98673; DSC\_0012.JPG
- File 98674; DSC\_0013.JPG
- File 98676; DSC\_0015.JPG
- File 98677; DSC\_0016.JPG
- File 98678; DSC\_0017.JPG
- File 98680; DSC\_0018.JPG
- File 98681; DSC\_0019.JPG

Original Event: Investigation Activity (Pesticide) #4883  
 Submitted By: Aaron P. Kreider

06/07/2022 **Residue Samples Collected**

Original Event: Residue Collection #215028 (22-4-0442 9)  
 Client: Mary Ellen Gadski  
 Submitted By: Aaron P. Kreider  
 Sample: 22-4-0442 9 | Veg; Grab; Rhubarb; OFF-T, Back Yard  
 Sample: 22-4-0443 8 | Swab (Acetone); Grab; Fence; OFF-T, Back Yard  
 Sample: 22-4-0444 0 | Swab (Acetone); Grab; Porch Door; OFF-T, Back Yard  
 Sample: 22-4-0445 5 | Swab (Acetone); Grab; Bird Feeder; OFF-T, Back Yard  
 Sample: 22-4-0446 4 | Swab (Acetone); Ctrl; Window; OFF-T, Front Yard, N  
 Sample: 22-4-0447 2 | Swab (Acetone); Trip Blank

06/07/2022 **Sample Collection Diagram Activity**

This diagram shows the locations where samples were collected.

**Sample Collection Diagram (File 98682)**



Original Event: Investigation Activity (Pesticide) #4884  
 Submitted By: Aaron P. Kreider

06/07/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #604  
Submitted By: Aaron P. Kreider  
Target Analyte: Bifen I/T  
Target Analyte: Suspend PolyZone  
PPLS Labels: [000432-01514-20160920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01514-20160920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf)  
[053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)

---

06/08/2022 **Target Called Investigator Communication**

On June 8, 2022, Mrs. Turner contacted me to inform me the applicator, Mr. Osbey, went back to the target property to make a video recreating how he made his application. During this conversation, Mrs. Turner informed me that the certified supervisor, Mr. McClure, was not on site and was 4 houses away at the time Mr. Osbey was making his application.

Original Event: Investigation Activity (Pesticide) #5542  
Subject: North Indy Mosquito Squad  
Submitted By: Aaron P. Kreider

---

06/14/2022 **Investigator Received Fax/Email from Target Investigation Inquiry**

On June 14, 2022, I received a Pesticide Investigation Inquiry (PII) from Mrs. Turner. Mrs. Turner indicated that the wind direction during the application was unknown. Mrs. Turner also included labels from the products used during the application, a work order from the application, a statement from the customer, and a statement from her.

**Attachments**

File 98640; Bifen\_I\_T\_Label.pdf  
File 112229; Customer Work Order (Redacted).pdf  
File 112230; Email From Customer (Redacted).pdf  
File 112231; OSIC letter.pdf  
File 98639; PS22-0188 PII (Mosquito Squad).pdf  
File 98641; Suspend\_Polyzone\_Label.pdf

**Inquiry Overview**

Supervisor Tommy McClure (F267529)  
Non-Certified Applicator Bruce Osbey  
Company Mosquito Squad  
Application Type Commercial  
Target Field Target Property

**Tank Mix**

Product	EPA	Rate
Bifen I/T	53883-118	0.5 oz/gal
Suspend PolyZone	432-1514	0.5 oz/gal

**Application Date**

Date	Start	End
06/01/2022	9:17 AM	9:27 PM

**Air Conditions**

Time	Temp	Speed
Start	76°F	8mph
End	76°F	8mph

Original Event: Investigation Activity (Pesticide) #4878  
Subject: North Indy Mosquito Squad  
Submitted By: Aaron P. Kreider  
PPLS Labels: [000432-01514-20160920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01514-20160920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf)  
[053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)

---

06/17/2022 **Wind Data Researched**

I collected the following weather data from the time of MS's application. This data does not conclusively show that winds were blowing towards Mr. Gadski's property during the application.

**Eagle Creek Airport (KEYE)***Indianapolis, Indiana (7.33 miles W of site)*

Time	Direction	Speed (mph)	Gust (mph)
9:15 AM	W	8	0
9:20 AM	WSW	8	0
9:25 AM	W	9	0
9:30 AM	W	8	0

**Indianapolis Metropolitan Airport (KUMP)***Fishers, Indiana (9.22 miles NE of site)*

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
9:14 AM	82	W	9	0
9:34 AM	80	W	8	0

**Indianapolis Regional Airport (KMQJ)***Greenfield, Indiana (14.07 miles E of site)*

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
9:15 AM	79	SW	12	0
9:35 AM	79	SSW	9	0

**Attachments**

File 98658; ISUM Data 6.1.22 (KEYE).pdf  
File 98660; ISUM Data 6.1.22 (KMQJ).pdf  
File 98659; ISUM Data 6.1.22 (KUMP).pdf

Original Event: Wind Data #114  
Submitted By: Aaron P. Kreider  
Date of Weather: 06/01/2022

---

**06/17/2022 Investigator Called Subject  
Communication**

On June 17, 2022, I contacted Jeff Becker who owns the property where MS's application took place. I informed him of Mrs. Gadski's complaint and asked if he had any concerns with the application. Mr. Becker stated he had no concerns about the application. I asked Mr. Becker to email me a statement as a record of his approval of MS's application.

Original Event: Investigation Activity (Pesticide) #5534  
Subject: Jeff Becker  
Submitted By: Aaron P. Kreider

---

**06/17/2022 Investigator Called Target  
Communication**

On June 17, 2021, I spoke with Mr. Osbey regarding his use of PPE. Mr. Osbey stated that MS provides all his required PPE. He stated that when he stopped to speak with Mrs. Gadski, he removed his gloves and forgot to put them back on when he continued his application.

Original Event: Investigation Activity (Pesticide) #5543  
Subject: North Indy Mosquito Squad  
Submitted By: Aaron P. Kreider

---

**07/01/2022 Received Residue Lab Report**

**First Page of Lab Report**

OCM Collection #	215028	Investigator	KREIDERA		
Collection Date	06/07/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0442 9	Veg; Grab; Rhubarb; OFF-T, Back Yard	Veg	Bifenthrin	38.5 ppb	1 ppb
			Deltamethrin	30.5 ppb	16 ppb
22-4-0443 8	Swab (Acetone); Grab; Fence; OFF-T, Back Yard	Swab (Acetone)	Bifenthrin	867 ng/swab	10 ng/swab
			Deltamethrin	BDL ng/swab	50 ng/swab
22-4-0444 0	Swab (Acetone); Grab; Porch Door; OFF-T, Back Yard	Swab (Acetone)	Bifenthrin	BDL ng/swab	10 ng/swab
			Deltamethrin	BDL ng/swab	50 ng/swab
22-4-0445 5	Swab (Acetone); Grab; Bird Feeder; OFF-T, Back Yard	Swab (Acetone)	Bifenthrin	BDL ng/swab	10 ng/swab
			Deltamethrin	BDL ng/swab	50 ng/swab
22-4-0446 4	Swab (Acetone); Ctrl; Window; OFF-T, Front Yard, N	Swab (Acetone)	Bifenthrin	BDL ng/swab	10 ng/swab
			Deltamethrin	BDL ng/swab	50 ng/swab
22-4-0447 2	Swab (Acetone); Trip Blank	Swab (Acetone)	Bifenthrin	BDL ng/swab	10 ng/swab
			Deltamethrin	BDL ng/swab	50 ng/swab

Original Event: Residue Lab Report #217785 (215028-R591)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 215028-R591.pdf

09/01/2022 **Investigator Received Fax/Email from Subject Communication**

On September 1, 2022, I received a statement from Mr. Becker regarding his approval of MS's application.

**Screenshots**

The following is a screenshot of Mr. Becker's statement.

## Attachments

File 112235; Becker Statement (Redacted).PNG

Original Event: Investigation Activity (Pesticide) #5535  
 Subject: Jeff Becker  
 Submitted By: Aaron P. Kreider

09/02/2022 **Investigation Activity Bifen I/T**

The Bifen I/T label stats, "All pesticide handlers (mixers, loaders, and applicators) must wear long-sleeved shirt and long pants, socks, shoes, and chemical resistant gloves."

## Attachments

File 98683; Bifen IT Label.pdf

Original Event: Investigation Activity (Pesticide) #4885  
 Submitted By: Aaron P. Kreider  
 PPLS Labels: [053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/053883-00118-20180222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/053883-00118-20180222.pdf)

11/03/2022 **Judgement; Civil Penalty Assessed Warning**

North Indy Mosquito Squad and Tommy McClure were warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-5, for failure to continuously provide direct and proper supervision to a non-certified employee.

**Citation**

North Indy Mosquito Squad was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. Consideration was given to the fact there was potential for human harm.

## Civil Penalty

Tommy McClure was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by allowing a pesticide application to contact the neighbor's edible produce. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Original Event: Judgement #1398  
Primary: North Indy Mosquito Squad  
Secondary: Tommy Lee McClure  
Submitted By: George Saxton  
Legal Citations: 355 IAC 4-2-5; IC 15-16-5-65(5)  
Penalty Amount: 1000

---

### 01/04/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1681  
To: North Indy Mosquito Squad  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9299  
Enclosed: Notice of Enforcement  
Attachments: File 115270; PS22-0188EL~WRN-CIT~North Indy Mosquito Squad.docx

---

### 01/04/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1682  
To: Tommy Lee McClure  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9305  
Enclosed: Notice of Enforcement  
Attachments: File 115271; PS22-0188EL~WRN-CIT-CP~Tommy Lee McClure.docx

---

### 02/09/2023 Received Penalty Payment for Target

Original Event: Compliance Receipt #1860  
Subject: Tommy Lee McClure  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117808; PS22-0188 - Tommy L. McClure - CP Received 2-9-2023.pdf

---

### 02/16/2023 Mail Service Returned for Target

According to USPS tracking Certified Mail was unclaimed and is being returned to sender on 2/16/2023.

Original Event: Compliance Receipt #1986  
Subject: North Indy Mosquito Squad  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9299  
Returned: 02/16/2023  
Attachments: File 121068; CM 7021 0950 0000 0607 9299 - North Indy Mosquito Squad - CM Returned 3-24-2023.pdf  
File 119706; CM 7021 0950 0000 0607 9299 - PS22-0188 - North Indy Mosquito Squad - Unclaimed 2-16-2023.pdf

---

### 02/16/2023 Mail Service Returned for Target

According to USPS tracking Certified Mail was unclaimed and is being returned to sender on 2/16/2023.

Original Event: Compliance Receipt #1987  
Subject: Tommy Lee McClure  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9305  
Returned: 02/16/2023  
Attachments: File 119707; CM 7021 0950 0000 0607 9305 - PS22-0188 - Tommy Lee McClure - Unclaimed 2-16-2023.pdf  
File 121067; CM 7021 0950 0000 0607 9305 - Tommy L. McClure - CM Returned 3-24-2023.pdf

---

### 03/09/2023 Mail Confirmation Assumed for Target

As of March 9, 2023 regular mail has not been returned to OISC. It is assumed to have been received due to respondent having paid the civil penalty on 2/9/2023.

Original Event: Compliance Receipt #1988  
Subject: North Indy Mosquito Squad  
Submitted By: Jacob A. Hatfield

---

### 03/09/2023 Mail Confirmation Assumed for Target

As of March 9, 2023 regular mail has not been returned to OISC. It is assumed to have been received due to respondent having paid the civil penalty on 2/9/2023.

Original Event: Compliance Receipt #1989  
Subject: Tommy Lee McClure  
Submitted By: Jacob A. Hatfield

---

03/09/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2052  
To: Mary Ellen Gadski  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119781; PS22-0188 - Mary E. Gadski - Case Closed Letter 3-9-2023.docx

---

03/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2053  
To: North Indy Mosquito Squad  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119782; PS22-0188 - North Indy Mosquito Squad - Case Closed Letter 3-9-2023.docx

---

03/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2054  
To: Tommy Lee McClure  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119783; PS22-0188 - Tommy L. McClure - Case Closed Letter 3-9-2023.docx

---

03/09/2023 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #2055  
To: Jeff Becker  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119784; PS22-0188 - Jeff Becker - Case Closed Letter 3-9-2023.docx

---

### Chain of Custody

---

06/07/2022 **Sample 22-4-0442 9**

Original Event: Chain of Custody #1643 (22-4-0442 9)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-0443 8**

Original Event: Chain of Custody #1644 (22-4-0443 8)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-0444 0**

Original Event: Chain of Custody #1645 (22-4-0444 0)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-0445 5**

Original Event: Chain of Custody #1646 (22-4-0445 5)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-0446 4**

Original Event: Chain of Custody #1647 (22-4-0446 4)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki Vauters

---

06/07/2022 **Sample 22-4-0447 2**

Original Event: Chain of Custody #1648 (22-4-0447 2)  
06/07/2022 09:30: Sample Collected by Aaron P. Kreider  
06/07/2022 15:20: Sample Delivered to 218  
06/08/2022 09:39: Delivery Affirmed by Vicki 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 6, 2023, 02:03 PM 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 PS22-0197**

Department	Pesticide
Originated	06/09/2022
Assigned To	Nathan J. Davis
Status	Closed

**Involved Parties**

Complainant	<b>Marion F Jochim</b> Owensville, IN 47665	
Respondent	<b>Superior Ag Resources Co Op</b> Owensville, IN 47665	Licensed Business
Respondent	<b>Jack W Graham</b> Owensville, IN 47665	Certified Applicator

**Overviews**

09/27/2022 **Investigation Summary**

The complainant advised on or around June 8, 2022, he noticed what he believed to be dicamba injury symptoms to his non-DT soybeans. During my on-site investigation I found one potential source of pesticide application in the area. The target field is located to the east of the complainant's non-DT soybean field. PPDL confirmed injury symptoms were characteristic of exposure to dicamba. OISC residue lab confirmed dicamba in the off target gradient samples. The wind data from the Evansville Regional Airport (KEVV) ASOS, indicate the wind speed during the application was between 9 and 13 mph with no gusts out of the east. According to the application record the wind speed during the application was 10 mph with no gusts out of the east blowing towards the complainant's non-DT soybean field.

Submitted By: Nathan J. Davis  
Role: Investigator

09/27/2022 **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 to non-target vegetation. Consideration was given to the fact this was their second violation of similar nature. See case number 2018/0574.

Jack Graham 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 vegetation. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0574. A restricted use pesticide was also involved with adverse effect.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

06/08/2022 **Intake Referral Filed**

Complainant stated an application of dicamba by Superior Ag to a neighboring field injured his Enlist soybeans.

Original Event: Intake Referral (Pesticide) #2543  
Complainant: Marion F Jochim  
Respondent: Superior Ag Resources Co Op  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

**06/09/2022 Case Created**

Original Event: Case PS22-0197  
 Submitted By: Joseph D. Becovitz  
 Assigned To: Nathan J. Davis

---

**06/13/2022 Notice of Inspection Issued**

Original Event: Notice of Inspection #973  
 Client: Superior Ag Resources Co Op  
 Firm Representative: Philip Garrett  
 Submitted By: Nathan J. Davis

---

**06/13/2022 Investigator Called Business****Communication**

On June 13, 2022 I contacted Superior Ag Resources located in Owensville, Indiana. I spoke with branch manager Philip Garrett. I advised Mr. Garrett I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Garrett advised Superior Ag Resources made a pesticide application to the field to the east of the complainant's field. I advised Mr. Garrett I would be sending him via email a pesticide investigation inquiry to complete for the application and return to me.

Original Event: Investigation Activity (Pesticide) #4872  
 Subject: Superior Ag Resources Co Op  
 Submitted By: Nathan J. Davis

---

**06/13/2022 Investigator Received Fax/Email from Business****Investigation Inquiry**

On June 13, 2022 I received a completed pesticide investigation inquiry from Mr. Garrett for the application which indicated the following:

**Attachments**

File 98545; PII Superior Ag Completed 6-13-2022.pdf

**Inquiry Overview**

Certified Applicator Jack Graham  
 Company Superior Ag Resources  
 Target Field CR 75 S and CR 400 W in Gibson County, Indiana

**Tank Mix**

Product	EPA	Rate
Xtendimax	524-617	22oz/acre
Roundup Powermax	524-659	32oz/acre
Anthem Maxx	279-3468	4oz/acre
Volt Edge VGX Agent		20oz/acre
On Target		10oz/acre
Class Act Ridion		10oz/acre

**Application Date**

Date	Start	End
05/24/2022	8:00am	8:40am

**Air Conditions**

Time	Temp	Direction	Speed
Start	62°F	E	10mph
End	62°F	E	10mph

Original Event: Investigation Activity (Pesticide) #4873  
 Subject: Superior Ag Resources Co Op  
 Submitted By: Nathan J. Davis  
 PPLS Labels: [000279-03468-20200320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03468-20200320.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03468-20200320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03468-20200320.pdf)  
[000524-00617-20181105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181105.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00617-20181105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181105.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)

---

**06/13/2022 New Respondent Identified**

Original Event: Investigation Change #187  
 Respondent: Jack W Graham  
 Submitted By: Nathan J. Davis

---



06/15/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #971  
Client: Marion F Jochim  
Firm Representative: Marion Jochim  
Submitted By: Nathan J. Davis  
Attachments: File 98373; NOI-Complainant 6-15-2022.pdf

06/15/2022 **Investigator Met with Complainant Interaction**

On June 15, 2022, I met with the complainant at his soybean fields located near the intersection of CR 75 S and CR 400 W in Gibson County, Indiana. The complainant advised on or around June 8, 2022 he noticed what he believed to be dicamba injury symptoms to his non-DT soybeans.

During my on-site investigation I did the following:

Looked for and found one potential source of pesticide application in the area. The target field is located to the east of the complainant's non-DT soybean field.

Observed and photographed mostly uniform cupping of leaves and whitish/yellow leaf tips on non-DT soybean plants across the complainant's non-DT soybean field. Symptoms were notably more severe on the east end of the complainant's field.

Collected samples of injured soybean plants from the complainant's non-DT soybean fields for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL)

Collected a composite soil sample from the target field. Collected gradient vegetation samples from the complainant's non-DT soybean fields. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #4868  
Subject: Marion F Jochim  
Submitted By: Nathan J. Davis

06/15/2022 **Investigator Met with Complainant Photographs**

Photographs taken during the on-site investigation.

Attachments



File 98381



File 98382



File 98374



File 98375



File 98376



File 98377



File 98378



File 98379



File 98380

Original Event: Investigation Activity (Pesticide) #4869  
Subject: Marion F Jochim  
Submitted By: Nathan J. Davis

06/15/2022 **Residue Samples Collected**

Original Event: Residue Collection #216039 (22-4-0048 4)  
Client: Marion F Jochim  
Submitted By: Nathan J. Davis  
Sample: 22-4-0048 4 | Soil; Comp; 2-4"; Target, E  
Sample: 22-4-0049 7 | Veg; Grab; Soybean; OFF-T, Grad1, W  
Sample: 22-4-0050 6 | Veg; Grab; Soybean; OFF-T, Grad2, W  
Sample: 22-4-0051 0 | Veg; Grab; Soybean; OFF-T, Grad3, W  
Sample: 22-4-0052 3 | Veg; Ctrl; Soybean; OFF-T, Grad4, W

06/15/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #216046 (X22-884AF5)  
 Client: Marion F Jochim  
 Submitted By: Nathan J. Davis  
 Lab: Purdue Plant and Pest Diagnostic Laboratory  
 Sample: X22-884AF5 | Enlist Soybean

06/15/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #611  
 Submitted By: Nathan J. Davis  
 Target Analyte: Xtendimax  
 Target Analyte: Roundup Powermax  
 Target Analyte: Anthem Maxx  
 PPLS Labels: [000279-03468-20200320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03468-20200320.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000279-03468-20200320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000279-03468-20200320.pdf)  
[000524-00617-20181105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181105.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00617-20181105.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00617-20181105.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)

06/16/2022 **Received External Lab Report**

Final Report  
 Diagnosis and Recommendations  
 Host/Habitat Soybean: (Glycine max)  
 List of Diagnosis/ID(s): Suspected for Herbicide injury; Exposure (Abiotic disorder)

6-16-22  
 Soybean plants show cupping/strapping of newer leaves.  
 These symptoms are characteristic of exposure to dicamba in sensitive soybeans.  
 The pattern of injury is also consistent with herbicide drift.

Plants show leaf deformation which is suggestive of exposure to a growth regulator. No significant disease.

Original Event: External Lab Report #216137 (X22-884AF5)  
 Submitted By: Nathan J. Davis  
 Sample: X22-884AF5  
 Attachments: File 98552; FinalReport\_Nathan Davis.pdf

08/23/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The OISC Residue Laboratory analyzed the off target gradient vegetation samples collected for the active ingredients dicamba and pyroxasulfone and reported the following laboratory report. It is noted, the active ingredient pyroxasulfone was applied to both the target field and off target field and the detection of the pyroxasulfone does not indicate off target movement and therefore those results have been omitted from the investigation. The OISC Residue Laboratory analysis detected the active ingredient dicamba in the off target gradient 1,2,and 4 vegetation samples. The active ingredient dicamba was detected in the off target gradient 3 vegetation sample, but was below quantification limits.

**First Page of Lab Report**

OCM Collection #	216039	Investigator	DAVISN		
Collection Date	06/15/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0048 4	Soil; Comp; 2-4"; Target, E	Soil	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	3.48 ppb	0.4 ppb
			Dicamba	BDL ppb	2 ppb
			Pyroxasulfone	11.6 ppb	0.07 ppb
22-4-0049 7	Veg; Grab; Soybean; OFF-T, Grad1, W	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.7 ppb
			Dicamba	3.67 ppb	3 ppb
			Pyroxasulfone	3550 ppb	0.3 ppb
22-4-0050 6	Veg; Grab; Soybean; OFF-T, Grad2, W	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.7 ppb
			Dicamba	5.01 ppb	3 ppb
			Pyroxasulfone	1830 ppb	0.3 ppb

Original Event: Residue Lab Report #241248 (216039-R623)  
Submitted By: SYSTEM  
Lab Report: Lab Report 216039-R623.pdf

09/27/2022 **Wind Data Researched**

The wind data from the Evansville Regional Airport (KEVV) ASOS, indicate the wind speed during the application was between 9 and 13 mph with no gusts out of the east.

According to the application record the wind speed during the application was 10 mph with no gusts out of the east blowing towards the complainant's non-DT soybean field.

**Evansville Regional Airport**

Evansville, Indiana (22 miles SSW of site)

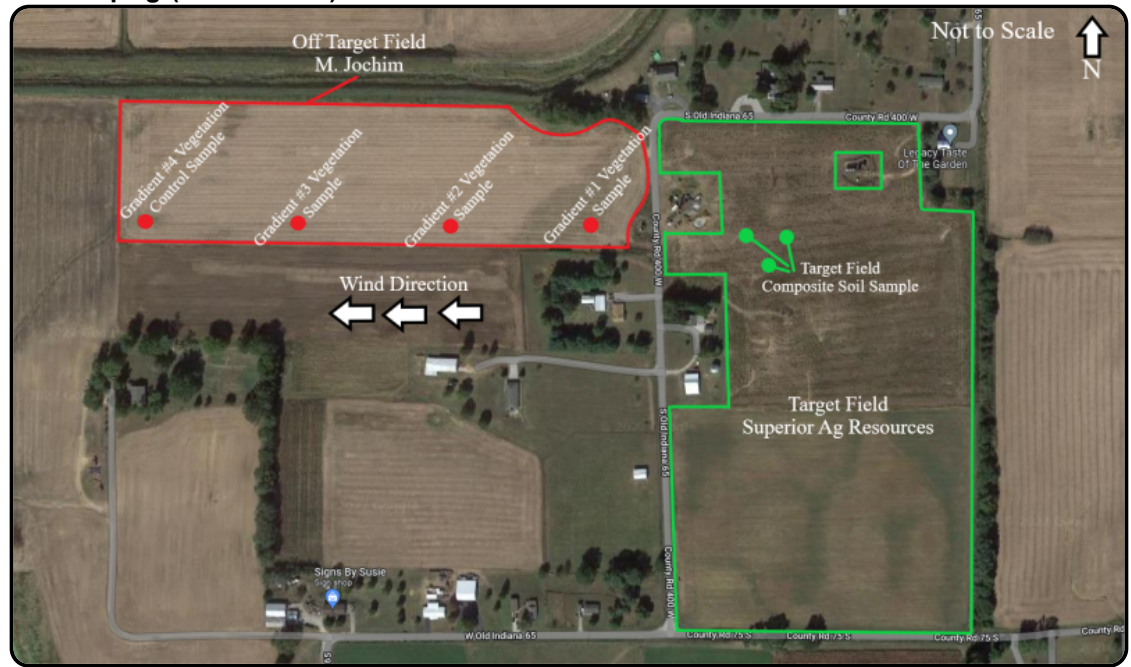
Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
7:54am	60	E	9	0
8:54am	60	E	13	0

Original Event: Wind Data #127  
Submitted By: Nathan J. Davis  
Date of Weather: 05/24/2022

09/27/2022 **Investigation Activity Photographs**

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

**PS22-0197.png (File 110222)**



Original Event: Investigation Activity (Pesticide) #5440  
Submitted By: Nathan J. Davis

09/27/2022 **Investigation Activity Activity**

The application record and confirmed by the wind data indicate the wind was out of the east blowing towards the complainants non-DT soybean field. The label for *Xtendimax*, EPA Reg.# 524-617, Active Ingredient = dicamba states: **"Do not apply this product when wind is blowing toward adjacent non-dicamba tolerant susceptible crops; this includes non-dicamba tolerant soybeans and cotton"**.

Original Event: Investigation Activity (Pesticide) #5442  
Submitted By: Nathan J. Davis

09/27/2022 **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 to non-target vegetation. Consideration was given to the fact this was their second violation of similar nature. See case number 2018/0574.

## Civil Penalty

Jack Graham 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 vegetation. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2018/0574. A restricted use pesticide was also involved with adverse effect.

Original Event: Judgement #1368  
Primary: Superior Ag Resources Co Op  
Secondary: Jack W Graham  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

### 10/07/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1422  
To: Jack W Graham  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8711  
Enclosed: Notice of Enforcement  
Attachments: File 111085; PS22-0197EL\_CP\_Jack W. Graham.docx

---

### 10/07/2022 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1423  
To: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8704  
Enclosed: Notice of Enforcement  
Attachments: File 111086; PS22-0197EL CIT \_ Superior Ag Resources Co Op.docx

---

### 10/14/2022 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1769  
Subject: Jack W Graham  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8711  
Received: 10/14/2022  
Attachments: File 111929; CM 7021 0950 0000 0607 8711 - PS22-0197 - 10-14-2022.pdf

---

### 10/14/2022 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1770  
Subject: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8704  
Received: 10/14/2022  
Attachments: File 111930; CM 7021 0950 0000 0607 8704 - PS22-0197 - 10-14-2022.pdf

---

### 03/24/2023 Compliance Activity

Spoke to "Phil" who said they overlooked the civil penalty and will send it in immediately. His CP payment was extended to March 31, 2023

Original Event: Compliance Activity #1759  
Primary: Superior Ag Resources Co Op  
Submitted By: George Saxton

---

### 03/30/2023 Received Penalty Payment for Target

Civil penalty payment was made by Superior AG Resources Co Op, employer of Mr. Graham.

Original Event: Compliance Receipt #2030  
Subject: Jack W Graham  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 121256; PS22-0197 - Superior Ag - CP Received 3-30-2023.pdf

---

### 04/03/2023 Notice of Case Closure Mailed to Complainant

Original Event: Outgoing Mail #2114  
To: Marion F Jochim  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121422; PS22-0197 - Marion F. Jochim - Case Closed Letter 4-3-2023.docx

---

### 04/03/2023 Notice of Case Closure Mailed to Target

Original Event: Outgoing Mail #2115  
To: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121423; PS22-0197 - Superior Ag Resources Co Op - Case Closed Letter 4-3-2023.docx

---

04/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2116  
To: Jack W Graham  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121424; PS22-0197 - Jack W. Graham - Case Closed Letter 4-3-2023.docx

---

**Chain of Custody**

---

06/15/2022 **Sample 22-4-0048 4**

Original Event: Chain of Custody #1743 (22-4-0048 4)  
06/15/2022 11:00: Sample Collected by Nathan J. Davis  
06/16/2022 08:39: Sample Delivered to 218  
06/16/2022 10:49: Delivery Affirmed by Vicki Vauters

---

06/15/2022 **Sample 22-4-0049 7**

Original Event: Chain of Custody #1744 (22-4-0049 7)  
06/15/2022 11:00: Sample Collected by Nathan J. Davis  
06/16/2022 08:39: Sample Delivered to 218  
06/16/2022 10:49: Delivery Affirmed by Vicki Vauters

---

06/15/2022 **Sample 22-4-0050 6**

Original Event: Chain of Custody #1745 (22-4-0050 6)  
06/15/2022 11:00: Sample Collected by Nathan J. Davis  
06/16/2022 08:39: Sample Delivered to 218  
06/16/2022 10:49: Delivery Affirmed by Vicki Vauters

---

06/15/2022 **Sample 22-4-0051 0**

Original Event: Chain of Custody #1746 (22-4-0051 0)  
06/15/2022 11:00: Sample Collected by Nathan J. Davis  
06/16/2022 08:39: Sample Delivered to 218  
06/16/2022 10:49: Delivery Affirmed by Vicki Vauters

---

06/15/2022 **Sample 22-4-0052 3**

Original Event: Chain of Custody #1747 (22-4-0052 3)  
06/15/2022 11:00: Sample Collected by Nathan J. Davis  
06/16/2022 08:39: Sample Delivered to 218  
06/16/2022 10:49: Delivery Affirmed by Vicki Vauters

---

This record was generated on **April 6, 2023, 02:03 PM 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 6, 2023, 02:04 PM 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 PS22-0198**

Department	Pesticide
Originated	06/09/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>Richard Asher</b> Greenfield, IN 46140
Respondent	<b>Unknown</b>
-	<b>Amy Thompson</b> Bloomington, IN 47401
Respondent	<b>Jimmie Seabolt</b> Indianapolis, IN 46203
Respondent	<b>Amber Seabolt</b> Indianapolis, IN 46203
Agency	<b>Purdue Receivables &amp; Collections</b> West Lafayette, IN 47907
Respondent	<b>Hancock County Prosecutor's Office</b> Greenfield, IN 46140

**Overviews**

11/29/2022 **Investigation Summary**

On June 8, 2022, OISC received information that Jimmie Seabolt and Oak Strong made pesticide application on Richard Asher's property in Greenfield, Indiana without a license from OISC.

On June 13, 2022, I went to the Asher residence to investigate the claim.

On June 13, 2022, I was met by Brent Brown, Chief Investigator, Hancock County Prosecutor's Office.

On June 13, 2022, I observed 7 larger Bur Oak trees in the rear of the Asher property.

Two (2) trees had pesticide treatment plugs that had been inserted into the tree via drill hole.

One plug was removed for lab sampling and swab of the drill hole was performed.

OISC's Residue lab reported the detection of acephate in the plug and swab. Acephate is the active ingredient in the product, AceCap (EPA Reg. #37979-1).

Records collected from the complainant show records or "Statement" that document "Oak tree treatment", "final injection", "Treatment plan", "Tree fertilizer package application", and "applications completed".

Phone conversation with individual reported to be Jimmie Seabolt stated he and his partner applied pesticides to the trees.

Records show 3 invoices or "Statement" with cashed checks to Jimmie Seabolt.

Records show 2 invoices or "Statements with cashed checks to Amber Seabolt.

Submitted By: Paul Jay Kelley  
Role: Investigator

---

11/29/2022 **Disposition Summary**

Jimmie Seabolt was cited for three (3) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

Amber Seabolt was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

Submitted By: George Saxton  
Role: Compliance Officer

---

**Chronology of Events**

---

06/08/2022 **Intake Referral Filed**

Lynn Langenberg, the daughter of the complainant, stated her elderly parents were defrauded by Jimmie Seabolt of Oak Strong Tree Service. Oak Strong allegedly made numerous pesticide applications to burr oak trees on the complainant's property over the course of six months resulting in charges of \$11,000. Neither Jimmie Seabolt nor Oak Strong Tree Service appear to have the required pesticide licenses.

Original Event: Intake Referral (Pesticide) #2544  
Complainant: Richard Asher  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley  
Attachments: File 97551; Oak Strong\_Word\_doc\_receipt summary.docx  
Photos:



File 97552



File 97553



File 97554

---

06/09/2022 **Case Created**

Original Event: Case PS22-0198  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

06/13/2022 **Investigator Called Complainant Communication**

On June 13, 2022, I spoke with Lynn Langenberg. Ms. Langenberg represents the Asher's in this investigation. Ms. Langenberg re-summarized the information reported in the intake information. I requested to have access to the property today, which was granted.

**Records**

Invoices and checks provided by complainant.

Attachments

File 97998; Oak Strong\_Receipts\_Checks\_Richard Asher.pdf

Original Event: Investigation Activity (Pesticide) #4837  
Subject: Richard Asher  
Submitted By: Paul Jay Kelley

---

06/13/2022 **Investigator Met with Complainant Photographs**

On June 13, 2022, I photographed seven (7) bur-oak trees on Richard Asher's property. I observed holes in several of the trees. Holes appeared to be holes similarly made by carpenter ants. Large black and red ants were observed in the vicinity of the holes similar to carpenter ants. I observed a capsule implant in two (2) trees. On implant capsule was collected for lab testing. Furthermore, I attempted to swab the holes where I removed the implant capsule.

Attachments



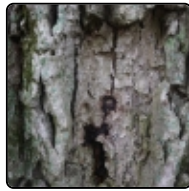
File 98009



File 98010



File 98011



File 98012



File 98013



File 98014



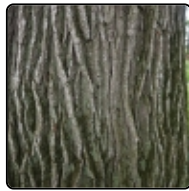
File 98015



File 98016



File 98017



File 98018



File 98019



File 98020



File 98021



File 98022



File 98023



File 98024



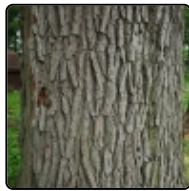
File 98025



File 98026



File 98027



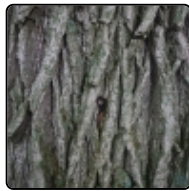
File 98028



File 98029



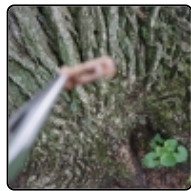
File 98030



File 98031



File 98032



File 98033

Original Event: Investigation Activity (Pesticide) #4845  
Subject: Richard Asher  
Submitted By: Paul Jay Kelley

---

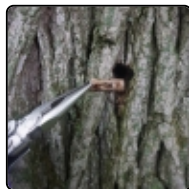
06/13/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #957  
Client: Richard Asher  
Firm Representative: Richard Asher  
Submitted By: Paul Jay Kelley  
Attachments: File 98034; noi.pdf

---

06/13/2022 **Residue Samples Collected**

Original Event: Residue Collection #215584 (22-4-0259 2)  
Client: Richard Asher  
Submitted By: Paul Jay Kelley  
Sample: 22-4-0259 2 | Article; Grab; Back Yard  
Sample: 22-4-0260 3 | Swab (Acetone); Grab; Back Yard  
Sample: 22-4-0261 9 | Swab (Acetone); Trip Blank  
Photos:



File 98035

---

06/13/2022 **Lab Advised of Target Analytes**



Original Event: Residue Collections Follow Up #608  
Submitted By: Paul Jay Kelley  
Target Analyte: ACECAP SYSTEMIC INSECTICIDE IMPLANTS  
PPLS Labels: [037979-00001-20100504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/037979-00001-20100504.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/037979-00001-20100504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/037979-00001-20100504.pdf)

Attachments: File 98036; LABEL-ACECAP Label - Front & Back.pdf

06/21/2022 **Subject Called Investigator Affidavit**

On June 21, 2022, I spoke with Amy Thompson, Purdue Extension Monroe Co. Ms. Thompson stated she had spoke with Richard Asher (complainant). Ms. Thompson stated she told Mr. Asher the extension office does not sell or supply pesticide products. Ms. Thompson stated she does not know or has not spoken to, any company by the name of "Oak Tree" or person named Jimmie Seabolt. Ms. Thompson provide a signed affidavit.

Attachments  
File 99334; Affid. thompson.pdf

Original Event: Investigation Activity (Pesticide) #4944  
Subject: Amy Thompson  
Submitted By: Paul Jay Kelley

06/23/2022 **Received Residue Lab Report Investigatory Summary**

On June 24, 2022, I received a lab report from OISC's Residue Lab. Results detected the plug removed from the tree and the swab or the hole left by the plug indicated Acephate. Acephate is the active ingredient of a homeowner type of pesticide plug available for purchase at many box stores for public use. A common store bought product similar in look and active ingredient is AceCap (EPA Reg. #37979-1).

**First Page of Lab Report**

OCM Collection #	215584	Investigator	KELLEYJ		
Collection Date	06/13/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0259 2	Article; Grab; Back Yard	Article	Acephate	265 ng/article	0.3 ng/article
22-4-0260 3	Swab (Acetone); Grab; Back Yard	Swab (Acetone)	Acephate	23900 ng/swab	0.5 ng/swab
22-4-0261 9	Swab (Acetone); Trip Blank	Swab (Acetone)	Acephate	BDL ng/swab	0.5 ng/swab

Original Event: Residue Lab Report #216901 (215584-R590)  
Submitted By: SYSTEM  
Lab Report: Lab Report 215584-R590.pdf

08/10/2022 **Investigation Activity Activity**

On August 10, Brent Brown, Investigator with the Hancock county Prosecutor's Office met with a 93 year old possible second victim of Jimmie Seabolt's, Oak Strong Tree Service. The individual stated Mr. Seabolt showed up at her residence claiming he would remove tree limbs hanging over her roof. The client was not satisfied and asked Mr. Seabolt to leave her property. Client stated she paid Mr. Seabolt \$250.00 dollars for his bad service. No pesticide or treatment discussed or applied.

Original Event: Investigation Activity (Pesticide) #5221  
Submitted By: Paul Jay Kelley

09/12/2022 **Investigator Called Target Communication**

On September 12, 2022, I called and left a voice message with "Oak Strong" tree company from the telephone number on a business card. I received a return call from an individual claiming to be Jimmie Seabolt. Mr. Seabolt confirmed he did tree work and "treatment" for Richard Asher in Greenfield, Indiana. Mr. Seabolt stated he and his partner applied insecticide to the trees. I requested a meeting with Mr. Seabolt, which he stated he was busy and would need to check his schedule and would call me back.

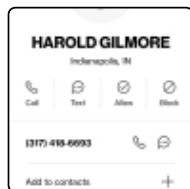
I attempted to get an address from Mr. Seabolt but was unsuccessful. Mr. Seabolt stated he works on cars out of Wanamaker, Indiana and does tree jobs on the side. Mr. Seabolt's return call came from a telephone number that came up as "Harold Gilmore, 317-418-6693".

On September 23, 2022, I called the telephone number thought to be Jimmie Seabolt. The person who answered and I spoke with stated his name as Ron Pruett. Mr. Pruett stated he was the father-in-law of Jimmie Seabolt and was estranged from Mr. Seabolt. Mr. Pruett stated he did not have contact information for Jimmie Seabolt nor would give me any helpful information finding Mr. Seabolt.

**Activity**

Screenshot of callback number.

Attachments



File 108917

Original Event: Investigation Activity (Pesticide) #5351  
Subject: Jimmie Seabolt  
Submitted By: Paul Jay Kelley

---

11/28/2022 **New Respondent Identified**  
**Respondent Identified**

Invoices "Statement" from Oakstrong indicating "Tree Treatment" with a corresponding cashed check was made in the name of "Amber Seabolt" for the sum of \$1440.00. and a second "Statement" and corresponding cashed check was made out to "Amber Seabolt" in the amount of \$1960.00 listing "tree fertilization", "All applications...", and "2 free treatments".

Attachments

File 113656; Oak Strong\_Receipts\_Checks\_Richard Asher.pdf

Original Event: Investigation Change #288  
Respondent: Amber Seabolt  
Submitted By: Paul Jay Kelley

---

11/29/2022 **Investigation Activity**  
**Activity**

Evidence collected from Ms. Langeberg shows Oak Strong issued "Statement" referencing "2 final injections" with corresponding cashed check for \$2800.00.

Another "Statement" references "4 treatment plan" for \$3900.00 with corresponding cashed check issued to Jimmie Seabolt. Lastly, a "Statement" dated December 13, 2021, states "Final treatment" for \$3200.00 with corresponding cashed check.

Attachments

File 113675; Oak Strong\_Receipts\_Checks\_Richard Asher.pdf

Original Event: Investigation Activity (Pesticide) #5647  
Subject: Jimmie Seabolt  
Submitted By: Paul Jay Kelley

---

11/29/2022 **Investigation Activity**  
**Activity**

A review of OISC's database indicates Oak Strong and Jimmie Seabolt are not licensed to apply pesticide for hire in Indiana.

Original Event: Investigation Activity (Pesticide) #5648  
Subject: Jimmie Seabolt  
Submitted By: Paul Jay Kelley

---

11/29/2022 **Investigation Activity**  
**Activity**

A review of OISC's database indicates Oak Strong and Amber Seabolt are not licensed to apply pesticide for hire in Indiana.

Original Event: Investigation Activity (Pesticide) #5650  
Subject: Amber Seabolt  
Submitted By: Paul Jay Kelley

---

11/29/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Jimmie Seabolt was cited for three (3) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed.

**Civil Penalty**

Amber Seabolt was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed.

Original Event: Judgement #1413  
Primary: Jimmie Seabolt  
Secondary: Amber Seabolt  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 2500

---

01/10/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1705  
To: Jimmie Seabolt  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9596  
Enclosed: Notice of Enforcement  
Attachments: File 115533; PS22-0198EL~CIT-CP~Jimmie Seabolt.docx

---

01/10/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1706  
To: Amber Seabolt  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9602  
Enclosed: Notice of Enforcement  
Attachments: File 115534; PS22-0198EL~CIT-CP~Amber Seabolt.docx

---

01/27/2023 **Mail Service Returned for Target**

On January 27, 2023 Regular Mail letter was returned to OISC.

Original Event: Compliance Receipt #1843  
Subject: Jimmie Seabolt  
Submitted By: Jacob A. Hatfield  
Returned: 01/27/2023  
Attachments: File 117662; CM 7021 0950 0000 0607 9596 - Jimmie Seabolt - Regular Mail Returned 1-27-2023.pdf

---

01/27/2023 **Mail Service Returned for Target**

On January 27, 2023 Regular Mail letter was returned to OISC.

Original Event: Compliance Receipt #1845  
Subject: Amber Seabolt  
Submitted By: Jacob A. Hatfield  
Returned: 01/27/2023  
Attachments: File 117664; CM 7021 0950 0000 0607 9602 - Amber Seabolt - Regular Mail Returned 1-27-2023.pdf

---

01/31/2023 **Mail Service Returned for Target**

On January 31, 2023 Certified Mail letter was returned to OISC.

Original Event: Compliance Receipt #1842  
Subject: Jimmie Seabolt  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9596  
Returned: 01/31/2023  
Attachments: File 117661; CM 7021 0950 0000 0607 9596 - Jimmie Seabolt - Certified Mail Returned 1-31-2023.pdf

---

01/31/2023 **Mail Service Returned for Target**

On January 31, 2023 Certified Mail letter was returned to OISC.

Original Event: Compliance Receipt #1844  
Subject: Amber Seabolt  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9602  
Returned: 01/31/2023  
Attachments: File 117663; CM 7021 0950 0000 0607 9602 - Amber Seabolt - Certified Mail Returned 1-31-2023.pdf

---

02/06/2023 **Case Closed; Referred for Criminal Prosecution**

This case was forwarded to the Hancock County Prosecutor's Office for criminal review. Address is 27 American Legion Place, Greenfield, Indiana 46140

Original Event: Compliance Activity #1687  
Primary: Jimmie Seabolt  
Secondary: Amber Seabolt  
Submitted By: George Saxton

---

02/17/2023 **Penalty Payment Not Received for Target**

As of February 17, 2023, Jimmie Seabolt has not paid the \$1,500.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1954  
Subject: Jimmie Seabolt  
Submitted By: Joni D. Herman  
Payment Expected: \$1,500.00  
Payment Received: 0

---

02/17/2023 **Penalty Payment Not Received for Target**

As of February 17, 2023, Amber Seabolt has not paid the \$1,000.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1955  
Subject: Amber Seabolt  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: 0

---

02/17/2023 **Sent to Collections**

As of February 17, 2023, Jimmie Seabolt had not paid the \$1,500.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1694  
Primary: Jimmie Seabolt  
Agency: Purdue Receivables & Collections  
Submitted By: Joni D. Herman

---

02/17/2023 **Sent to Collections**

As of February 17, 2023, Amber Seabolt had not paid the \$1,000.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #1695  
Primary: Amber Seabolt  
Agency: Purdue Receivables & Collections  
Submitted By: Joni D. Herman

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1947  
To: Jimmie Seabolt  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 118335; PS22-0198 - Jimmie Seabolt - Case Closed Letter - CP Fwd to Collections 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1948  
To: Amber Seabolt  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 118336; PS22-0198 - Amber Seabolt - Case Closed Letter - CP Fwd to Collections 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1949  
To: Richard Asher  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 118337; PS22-0198 - Richard Asher - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #1950  
To: Hancock County Prosecutor's Office  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 118338; PS22-0198 - Hancock Co. Prosecutors Ofc. - Case Closed Letter - Fwd. for Criminal Review 2-17-2023.docx

---

02/17/2023 **Compliance Activity**

As requested information for accessing the case report was sent to Richard Asher's daughter, Lynn Langenberg, via email.

Original Event: Compliance Activity #1696  
Submitted By: Joni D. Herman  
Attachments: File 118340; PS22-0198 - Email Delivery Rpt. for Lynn Langenberg.pdf  
File 118339; PS22-0198 - Email to Lynn Langenberg - Case Closed 2-17-2023.pdf

---

03/08/2023 **Collections Referral Mailed to Collections Agency**

A copy of the case report, enforcement letters, certified mail documentation, and case closure letters was sent via email to the Business Office.

Original Event: Outgoing Mail #2046  
To: Purdue Receivables & Collections  
Submitted By: Joni D. Herman  
Enclosed: Collections Referral  
Attachments: File 119691; Email to BioChem Bus. Ofc. ~ RE\_Collections Help on PS22-0198 Jimmie-Amber Seabolt.pdf

---

03/15/2023 **Compliance Activity**

Received notification from US Postal Service of a new address for Hancock County Prosecutor's Office

Original Event: Compliance Activity #1754  
Primary: Hancock County Prosecutor's Office  
Entered By: Joni D. Herman  
Submitted By: George Saxton  
Attachments: File 120528; PS22-0198 USPS Notice of New Address for Hancock Co. Prosecutor Office  
3.15.2023.pdf

## Chain of Custody

---

06/13/2022 **Sample 22-4-0259 2**

Original Event: Chain of Custody #1717 (22-4-0259 2)  
06/13/2022 10:10: Sample Collected by Paul Jay Kelley  
06/14/2022 09:53: Sample Delivered to Vicki Vauters  
06/14/2022 09:53: Delivery Affirmed by Vicki Vauters

---

06/13/2022 **Sample 22-4-0260 3**

Original Event: Chain of Custody #1718 (22-4-0260 3)  
06/13/2022 00:00: Sample Collected by Paul Jay Kelley  
06/14/2022 09:53: Sample Delivered to Vicki Vauters  
06/14/2022 09:53: Delivery Affirmed by Vicki Vauters

---

06/13/2022 **Sample 22-4-0261 9**

Original Event: Chain of Custody #1719 (22-4-0261 9)  
06/13/2022 00:00: Sample Collected by Paul Jay Kelley  
06/14/2022 09:53: Sample Delivered to Vicki Vauters  
06/14/2022 09:53: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:04 PM 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 6, 2023, 02:05 PM 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 PS22-0218**

Department	Pesticide
Originated	06/21/2022
Assigned To	Adam Brockman
Status	Closed

**Involved Parties**

Complainant	<b>Adam Carr Hartley</b> Elwood, IN 46036
Respondent	<b>HD Machines LLC</b> Meridian, MS 39301
Respondent	<b>Michael James</b> Meridian, MS 39301

**Overviews**

11/07/2022 **Investigation Summary**

After reviewing the lab results in this case two active ingredients were found off target, Indaziflam and Sulfometuron Methyl. These products were found in quantities significantly higher than should be found off target. The label on Indaziflam states 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: Adam Brockman  
Role: Investigator

11/15/2022 **Disposition Summary**

HD Machines 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 to non-target vegetation. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved.

Michael James 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 vegetation. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. James cooperated during the investigation. Consideration was also given to the fact this was his first violation of similar nature and no restricted use pesticides were involved.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

06/20/2022 **Intake Referral Filed**

Complainant stated drift from a right-of-way application made on June 1, 2022, when the wind was from the southwest at 10 mph, injured his corn.

Original Event: Intake Referral (Pesticide) #2564  
Complainant: Adam Carr Hartley  
Respondent: HD Machines LLC  
Submitted By: Joseph D. Becovitz  
Assigned To: Adam Brockman

06/21/2022 **Case Created**

Original Event: Case PS22-0218  
Submitted By: Joseph D. Becovitz  
Assigned To: Adam Brockman

---

06/23/2022 **Investigator Met with Farmer Communication**

On June 23, 2022 I spoke with Hartley who advised that he first noticed the damage to his corn on June 8, 2022. Hartley also advised the Co-Alliance in Tipton treats his fields.

Original Event: Investigation Activity (Pesticide) #4946  
Subject: Adam Carr Hartley  
Submitted By: Adam Brockman

---

06/23/2022 **Notice of Inspection Issued**

I provided Hartley with the NOI in this case.

Original Event: Notice of Inspection #999  
Client: Adam Carr Hartley  
Firm Representative: Adam Hartley  
Submitted By: Adam Brockman  
Attachments: File 99339; Scan from 2022-06-23 03\_21\_29 PM.pdf

---

06/23/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #216906 (X22-63ED3E)  
Client: Adam Carr Hartley  
Submitted By: Adam Brockman  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-63ED3E | Various plants samples and corn collected and submitted to PPDL.  
Attachments: File 99340; PS22-2018 ppdl.pdf

---

06/23/2022 **Residue Samples Collected**

Original Event: Residue Collection #216964 (22-4-1247 7)  
Client: Adam Carr Hartley  
Submitted By: Adam Brockman  
Sample: 22-4-1247 7 | Soil; Comp; 2-4"; Target  
Sample: 22-4-1248 3 | Veg; Grab; Target  
Sample: 22-4-1249 6 | Soil; Comp; 2-4"; OFF-T  
Sample: 22-4-1250 5 | Veg; Grab; OFF-T  
Sample: 22-4-1251 4 | Soil; Comp; 2-4"; OFF-T  
Sample: 22-4-1252 2 | Veg; Grab; OFF-T

---

06/24/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #618  
Submitted By: Adam Brockman  
Target Analyte: ROUNDUP PRO  
Target Analyte: SPYDER EXTRA  
Target Analyte: ESPLANADE 200 SC  
Target Analyte: METHOD 240SL  
PPLS Labels: [000100-01282-20161215.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01282-20161215.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000228-00690-20181119.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000228-00690-20181119.pdf)  
[000432-01516-20200615.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01516-20200615.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000432-01565-20200928.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01565-20200928.pdf)  
[000524-00529-20131107.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00529-20131107.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00529-20131107.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00529-20131107.pdf)  
Attachments: File 112393; PII HD Machines.pdf  
File 112394; PII PS22-0218.pdf

---

06/27/2022 **Received External Lab Report**

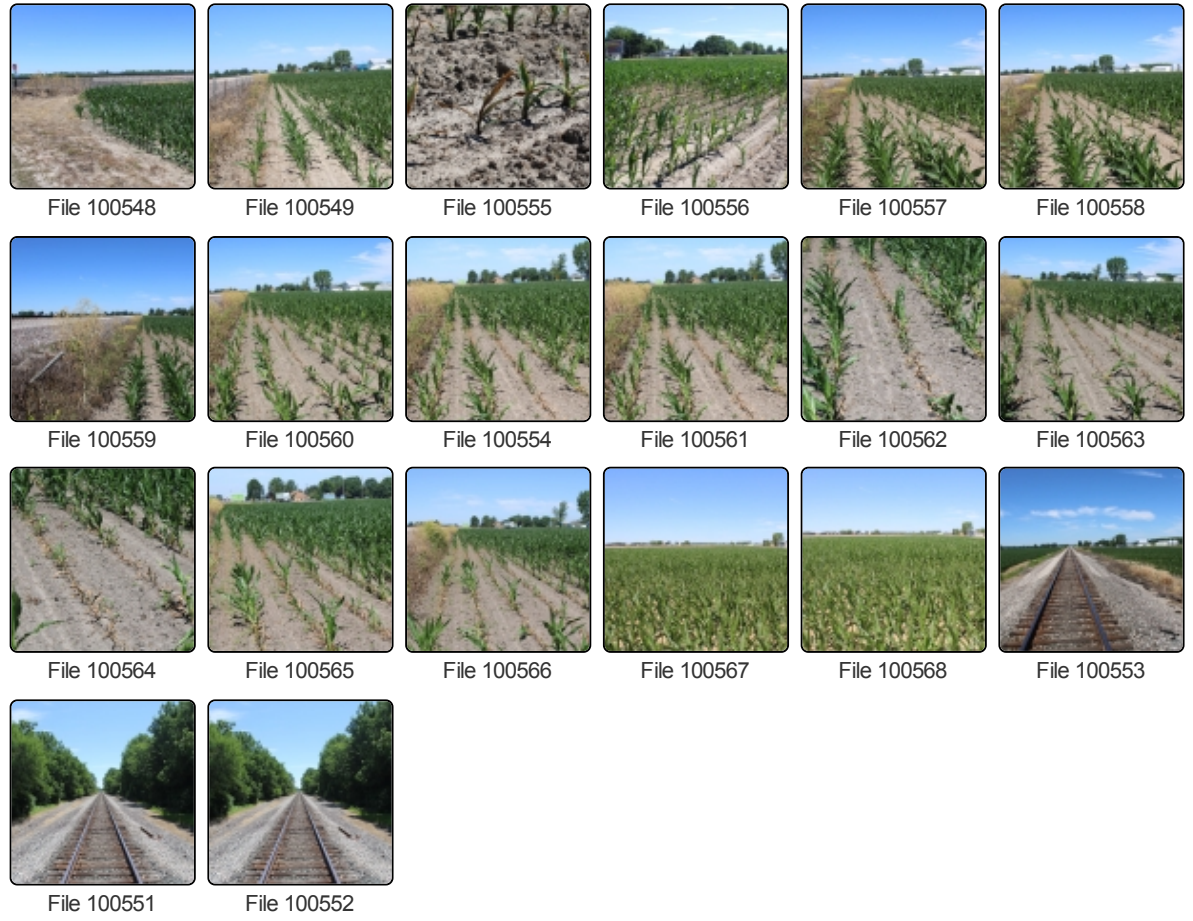
I received that PPDL lab report which stated that Corn stems of heavily affected plants are rotten inside when stems are split open. These symptoms are consistent with exposure to ACCase inhibiting herbicides.

Original Event: External Lab Report #217228 (X22-63ED3E)  
Submitted By: Adam Brockman  
Sample: X22-63ED3E  
Attachments: File 99830; PS22-0218 PPD final report.pdf

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

Photographs from 2701 S 700 E Elwood, IN 46036.

Attachments



Original Event: Investigation Activity (Pesticide) #5022  
Subject: Adam Carr Hartley  
Submitted By: Adam Brockman

07/05/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1032  
Client: Adam Carr Hartley  
Firm Representative: Adam Hartley  
Submitted By: Adam Brockman  
Attachments: File 100579; Scan from 2022-07-08 12\_13\_53 PM.pdf

10/27/2022 **Received Residue Lab Report**



**First Page of Lab Report**

OCM Collection #	216964	Investigator	BROCKMANA		
Collection Date	06/23/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1247 7	Soil; Comp; 2-4"; Target	Soil	Indaziflam	10.1 ppb	0.1 ppb
			Metsulfuron-methyl	2.56 ppb	0.1 ppb
			Sulfometuron-methyl	11.2 ppb	0.1 ppb
22-4-1248 3	Veg; Grab; Target	Veg	Indaziflam	2390 ppb * Estimated Amount	0.7 ppb
			Metsulfuron-methyl	636 ppb * Estimated Amount	0.7 ppb
			Sulfometuron-methyl	1540 ppb * Estimated Amount	1 ppb
22-4-1249 6	Soil; Comp; 2-4"; OFF-T	Soil	Indaziflam	0.163 ppb	0.1 ppb
			Metsulfuron-methyl	BDL ppb	0.1 ppb
			Sulfometuron-methyl	0.180 ppb	0.1 ppb
22-4-1250 5	Veg; Grab; OFF-T	Veg	Indaziflam	3.31 ppb	0.7 ppb
			Metsulfuron-methyl	BDL ppb	0.7 ppb
			Sulfometuron-methyl	4.76 ppb	1 ppb

Original Event: Residue Lab Report #246962 (216964-R682)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 216964-R682.pdf

**10/31/2022 Wind Data Researched**

Wind data in this case did not substantiate any violation.

**MZZ**

Marion, Indiana (20 miles NNE of site)

**Time Direction Speed (mph)**  
 10:00 AM SW 5

**OKK**

Kokomo, Indiana (35 miles NNW of site)

**Time Direction Speed (mph)**  
 10:00 AM SSW 11.5

**AID**

Anderson, Indiana (20 miles SSW of site)

**Time Direction Speed (mph)**  
 10:00 AM SSW 4.6

**Attachments**

File 112667; asos anderson.txt  
 File 112666; asos kokomo.txt  
 File 112369; asos marion.txt

Original Event: Wind Data #139  
 Submitted By: Adam Brockman  
 Date of Weather: 06/01/2022

**11/07/2022 Investigation Activity Records**

Diagram of sample collection and site map.

Attachments  
 File 112668; PS22-0218 diagram final.png

Original Event: Investigation Activity (Pesticide) #5572  
 Submitted By: Adam Brockman

**11/14/2022 Investigation Activity**

## Activity

After reviewing the lab results in this case two active ingredients were found off target, Indaziflam and Sulfometuron Methyl. These products were found in quantities significantly higher than should be found off target. The label on Indaziflam states 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."

### Attachments

File 112961; 000432-01516-20200615.pdf

Original Event: Investigation Activity (Pesticide) #5595  
Subject: HD Machines LLC  
Submitted By: Adam Brockman

---

11/14/2022 **New Respondent Identified**  
**Respondent Identified**

I spoke with HD machine Manager who advised that she spoke with Michael James who advised that he was with Josh Clark in the truck while this application took place.

Original Event: Investigation Change #282  
Respondent: Michael James  
Submitted By: Adam Brockman

---

11/15/2022 **Judgement; Civil Penalty Assessed**  
**Citation**

HD Machines 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 to non-target vegetation. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved.

### Civil Penalty

Michael James 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 vegetation. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was an adverse effect. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact Mr. James cooperated during the investigation. Consideration was also given to the fact this was his first violation of similar nature and no restricted use pesticides were involved.

Original Event: Judgement #1404  
Primary: HD Machines LLC  
Secondary: Michael James  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

01/09/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1698  
To: HD Machines LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9558  
Enclosed: Notice of Enforcement  
Attachments: File 115526; PS22-0218EL CIT ~ HD Machines LLC.docx

---

01/09/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1699  
To: Michael James  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9565  
Enclosed: Notice of Enforcement  
Attachments: File 115527; PS22-0218EL CIT-CP Mitigated ~ Michael James - HD Machines LLC.docx

---

02/07/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1859  
Subject: Michael James  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 117760; PS22-0218 - Michael James - CP Received 2-7-2023.pdf

---

02/28/2023 **Mail Confirmation Assumed for Target**

As of February 28, 2023, the green card has not been returned to OISC. According USPS tracking there was a delivery attempt January 22, 2023. It is assumed to have been received because the Respondent paid the civil penalty on February 7, 2023.

Original Event: Compliance Receipt #1966  
Subject: HD Machines LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9558  
Attachments:

---

02/28/2023 **Mail Confirmation Assumed for Target**

As of February 28, 2023, the green card has not been returned to OISC. According USPS tracking there was a delivery attempt January 22, 2023. It is assumed to have been received because the Respondent paid the civil penalty on February 7, 2023.

Original Event: Compliance Receipt #1967  
Subject: Michael James  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9565  
Attachments: File 118853; CM 7021 0950 0000 0607 9565 - PS22-0218 - Michael James - Assumed 2-28-2023.pdf

---

02/28/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1990  
To: Adam Carr Hartley  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118861; PS22-0218 - Adam C. Hartley - Case Closed Letter 2-28-2023.docx

---

02/28/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1991  
To: HD Machines LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118862; PS22-0218 - HD Machines LLC - Case Closed Letter 2-28-2023.docx

---

02/28/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1992  
To: Michael James  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118863; PS22-0218 - Michael James - Case Closed Letter 2-28-2023.docx

---

## Chain of Custody

---

06/24/2022 **Sample 22-4-1247 7**

Original Event: Chain of Custody #1833 (22-4-1247 7)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

---

06/24/2022 **Sample 22-4-1248 3**

Original Event: Chain of Custody #1834 (22-4-1248 3)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

---

06/24/2022 **Sample 22-4-1249 6**

Original Event: Chain of Custody #1835 (22-4-1249 6)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

---

06/24/2022 **Sample 22-4-1250 5**

Original Event: Chain of Custody #1836 (22-4-1250 5)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

---

06/24/2022 **Sample 22-4-1251 4**

Original Event: Chain of Custody #1837 (22-4-1251 4)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

---

06/24/2022 **Sample 22-4-1252 2**

Original Event: Chain of Custody #1838 (22-4-1252 2)  
06/23/2022 12:00: Sample Collected by Adam Brockman  
06/24/2022 09:27: Sample Delivered to Kylo  
06/24/2022 10:56: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:05 PM 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 6, 2023, 02:06 PM 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 PS22-0228

Department	Pesticide
Originated	06/27/2022
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Complainant	<b>Lora Scott</b> Roachdale, IN 46172
Applicator	<b>Abe B Hodgen</b> Roachdale, IN 46172

### Overviews

#### 01/11/2023 Investigation Summary

On May 25, 2022, the complainant reported herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

On May 31, 2022, I conducted my on-site investigation, where I observed multiple types of injury to the complainant's trees within a large woodlot. I collected several samples for analysis by the OISC Residue Lab. I later identified four target fields around the complainant's woodlot and collected their application records.

The OISC Residue Lab results were not consistent with direct spray drift and did not confirm drift from Field #4. A label violation was found for the applicator's use of Engenia without first attending the annual mandatory dicamba training.

Submitted By: James M. Trimble  
Role: Investigator

#### 01/11/2023 Disposition Summary

Abe B Hodgen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding annual training. 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. Hodgen cooperated during the investigation. It should be noted a restricted use pesticide was involved.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 05/25/2022 Intake Referral Filed

Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

Original Event: Intake Referral (Pesticide) #2510  
Complainant: Lora Scott  
Respondent: Co Alliance Cooperative Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble  
Attachments: File 95719; Lora Scott complaint.pdf

05/26/2022 **Investigator Called Complainant**

**Communication**

On May 26, 2022, I called and spoke with Mrs. Scott, who reported that she owns in whole or in part approximately 550 acres of mixed agricultural fields and woodlots. Mrs. Scott stated that they had contracted with Co-Alliance; Bainbridge, to complete the pesticide applications to their fields. Mrs. Scott stated that soon after Co-Alliance's applications, she observed widespread herbicide exposure symptoms to multiple varieties of trees on her property, which included cupped leaves and some defoliation.

Original Event: Investigation Activity (Pesticide) #4786  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

05/26/2022 **Case Created**

Original Event: Case PS22-0164  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

05/31/2022 **Investigator Met with Complainant**

**Photographs**

On May 31, 2022, I met with Mrs. Scott at her residence to conduct my on-site investigation, where she provided me with documents that helped identify many of the fields and/or applicators that surrounded the woodlots where she observed the herbicide exposure symptoms. Mrs. Scott then transported me around her approximately 550 acre farm, which included the woodlots and agricultural fields, where she identified the areas of concern. Due to the large amount of land, the multiple surrounding target fields, and the separation and/or boundaries of the woodlots, Mrs. Scott and I split her property into four separate parcels to help identify a clear source of any possible off-target pesticide movement. The four original case numbers assigned to the separate parcels were #PS22-0164, #PS22-0171, #PS22-0172, & #PS22-0173.

During my on-site investigation, I observed and photographed what I believed to be growth regulator exposure symptoms to the multiple varieties of trees throughout Mrs. Scott's woodlot by the cupped and/or curled leaves on the trees. I also observed insect and disease injury on the tree's leaves by the shotholing, lesions, blisters, discoloration, jagged edges, and curling. I found both types of injury to be evenly distributed throughout the woodlot with no patterns of injury that I identified to be consistent with herbicide drift. I observed the vegetation along the ground of the woodlot to not show symptoms of herbicide exposure symptoms. Lastly, the borders of the woodlot did not show more or less herbicide exposure symptoms to help identify a source of herbicide drift.

I then looked for potential sources of herbicide drift. I observed five agricultural fields surrounding Mrs. Scott's woodlot with four of them that showed signs of a herbicide applications (burndown), which included fields located to the east (Field #2, case #PS23-0040), to the south (Field #3, case #PS22-0164), to the west (Field #4, case #PS22-0228), and the near southeast (Field #5, case #PS23-0041) by the dead and/or dying vegetation throughout the fields. I observed the north field (Field #1) showed no signs of herbicide activity (no case number, later found there to be no pesticide applications within timeline). I observed the borders of the four fields that shared property lines with Mrs. Scott's woodlot to have even spray lines without obvious signs of drift coming from any of the fields. My observations led me to believe the herbicide exposure symptoms to the trees within the woodlot was possibly caused by herbicide volatility and/or an inversion.

I then collected multiple gradient vegetation samples and a vegetation control sample from Mrs. Scott's woodlot, along with soil samples from Fields #1, #2, #3, #4, and #5 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mrs. Scott's woodlot for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

Leaf curling, shotholing, and blisters. (File 96642)



Leaf curling, shotholing, and discoloration. (File 96651)



Attachments



File 96631



File 96632



File 96633



File 96634



File 96635



File 96636



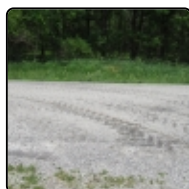
File 96637



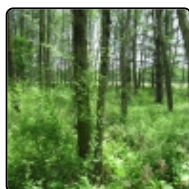
File 96638



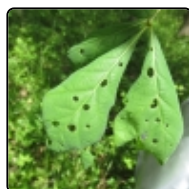
File 96639



File 96640



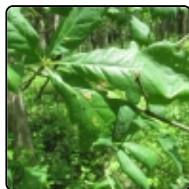
File 96641



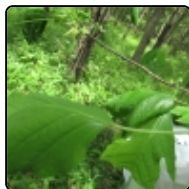
File 96643



File 96644



File 96645



File 96646



File 96647



File 96648



File 96649



File 96650



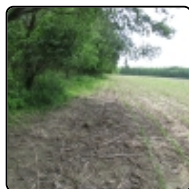
File 96652



File 96653



File 96654



File 96655

Original Event: Investigation Activity (Pesticide) #4766  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

05/31/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #934  
Client: Lora Scott  
Firm Representative: Lora Scott  
Submitted By: James M. Trimble  
Attachments: File 97066; Scott NOI.pdf

---

05/31/2022 **Residue Samples Collected**

Original Event: Residue Collection #214381 (22-4-1036 5)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Sample: 22-4-1036 5 | Veg; Comp; OFF-T, Grad1, N  
Sample: 22-4-1037 7 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1038 3 | Veg; Comp; OFF-T, Grad3, S  
Sample: 22-4-1039 6 | Veg; Comp; OFF-T, Grad1, E  
Sample: 22-4-1040 1 | Veg; Comp; OFF-T, Grad2  
Sample: 22-4-1041 7 | Veg; Comp; OFF-T, Grad3, W  
Sample: 22-4-1042 9 | Veg; Ctrl; OFF-T  
Sample: 22-4-1043 8 | Soil; Comp; 2-4"; Target, N, Field 1  
Sample: 22-4-1044 0 | Soil; Comp; 2-4"; Target, E, Field 2  
Sample: 22-4-1045 5 | Soil; Comp; 0-2"; Target, S, Field 3  
Sample: 22-4-1046 4 | Soil; Comp; 2-4"; Target, W, Field 4  
Sample: 22-4-1047 2 | Soil; Comp; 2-4"; Target, Field 5

---

05/31/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214879 (X22-42D3C8)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-42D3C8 | On June 1, 2022, I submitted the vegetation samples I collected from Mrs. Scott's property on May 31, 2022.  
Attachments: File 97104; PPDL Submission 164.pdf

---



06/01/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #597  
Submitted By: James M. Trimble  
Target Analyte: Roundup Powermax 3  
Target Analyte: 2,4-D LV6  
Target Analyte: Resicore  
Target Analyte: Atrazine 4L  
Target Analyte: Roundup Powermax 3  
Target Analyte: Engenia  
Target Analyte: AgSaver Glyphosate  
Target Analyte: Roundup Powermax 3  
Target Analyte: 2,4-D LV6  
Target Analyte: Sonic  
Target Analyte: 2,4-D LV6  
Target Analyte: Crossbow  
PPLS Labels: [001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)  
  
[000524-00659-20200317.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
  
[062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
  
[062719-00680-20220107.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00680-20220107.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00680-20220107.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00680-20220107.pdf)  
  
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
  
[007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

---

06/02/2022 **Received External Lab Report**

On June 2, 2022, I received the report from PDDL, which stated, *"Most of the damage to the oaks in this set of photos and physical sample was caused by insect feeding. However, image #5 shows significant damage to one plant. Symptoms include leaf curling and dead meristems. These symptoms are characteristic of exposure to synthetic auxin herbicides such as 2,4-D."* It further stated, *"The oak had injury from shothole leaf miner insects, dieback due to old cicada injury and some anthracnose (small leaf spots). The tulip poplar had leaf curl, the cause of which often can't be pinpointed."*

Original Event: External Lab Report #214883 (X22-42D3C8)  
Submitted By: James M. Trimble  
Sample: X22-42D3C8  
Attachments: File 97129; FinalReport\_Mitch Trimble 164.pdf

---

06/02/2022 **Online Investigation Activity**  
**Activity**

On June 2, 2022, I created a map of my sample collection for this investigation.

Attachments



File 100578

Original Event: Investigation Activity (Pesticide) #5029  
Submitted By: James M. Trimble

---

06/09/2022 **Investigator Called Applicator**  
**Interaction**

On June 9, 2022, I called and spoke with Abe Hodgen, who confirmed he was responsible for the pesticide applications to Field #4 for case #PS22-0228 & Field #1 for case #PS22-0171. Mr. Hodgen requested I mail him the Pesticide Investigation Inquiry (PII) to his residence.

Original Event: Investigation Activity (Pesticide) #4827  
Subject: Abe B Hodgen  
Submitted By: James M. Trimble

---

06/09/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #954  
Client: Abe B Hodgen  
Firm Representative: Abe Hodgen  
Submitted By: James M. Trimble  
Attachments: File 97953; HodgenNOI.pdf

---

06/10/2022 **Investigator Sent Mail to Applicator Activity**

On June 10, 2022, I mailed Mr. Hodgen the PII for PS22-0171 & PS22-0164.

Original Event: Investigation Activity (Pesticide) #4840  
Subject: Abe B Hodgen  
Submitted By: James M. Trimble

---

06/23/2022 **Investigator Received Mail from Applicator Investigation Inquiry**

On June 23, 2022, I received Mr. Hodgen's completed Pesticide Investigation Inquiry (PII), which listed he had applied **Engenia** (EPA Reg. #7969-472, active ingredient of Dicamba) and **AgSaver Glyphosate** (EPA Reg. #83772-12, active ingredient of Glyphosate) to Field #4.

In order to legally use Engenia, an annual mandatory dicamba training must be completed. #27(f) on the PII asks the applicator to provide verification of their attendance to the annual dicamba training. Mr. Hodgen did not provide verification and listed "4-H 2019 Rockville" on the PII.

Attachments  
File 99567; Hodgen PII.pdf

**Inquiry Overview**

Certified Applicator Abe Hodgen  
Application Type Farmer  
Target Field southwest of Roachdale by 2 mi

**Tank Mix**

Product	EPA	Rate
Engenia	7969-472	5.11 fl oz/ac
AgSaver Glyphosate	83772-12	24.5 fl oz/ac

**Application Date**

Date	Start	End
05/11/2022	12:50 PM	2:15 PM

**Air Conditions**

Time	Temp	Direction	Speed
Start	80°F	SE	3.9mph
End	86.5°F	SE	10mph

Original Event: Investigation Activity (Pesticide) #4951  
Subject: Abe B Hodgen  
Submitted By: James M. Trimble  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

---

06/23/2022 **New Respondent Identified Respondent Identified**

On June 23, 2022, I received the PII from Mr. Hodgen, which confirmed he was the applicator to Field #4.

Original Event: Investigation Change #196  
Respondent: Abe B Hodgen  
Submitted By: James M. Trimble

---

06/24/2022 **Intake Referral Filed**

While investigating case #PS22-0164, I received a completed Pesticide Investigation Inquiry (PII) from Mr. Hodgen for a field where he had applied Engenia (EPA Reg. #7969-472, active ingredient of Dicamba). I observed on the PII that he may not have completed the annual mandatory dicamba training for 2022. I later spoke with Mr. Hodgen, who confirmed that he had not completed the training for 2022 before applying Engenia.

Original Event: Intake Referral (Pesticide) #2574  
Complainant: Office of Indiana State Chemist  
Respondent: Abe B Hodgen  
Entered By: James M. Trimble  
Submitted By: Joseph D. Becovitz

06/24/2022 **Investigator Called Applicator Interaction**

On June 24, 2022, I called and spoke with Mr. Hodgen regarding the annual dicamba training. Mr. Hodgen stated that he had not completed the mandatory training for 2022. Mr. Hodgen stated that he believed the last time he completed the training was in 2019 but was not certain. Mr. Hodgen stated he received notifications, via mail, in past years that would notify him of the dicamba trainings but that he hadn't received a notification in a few years. Mr. Hodgen stated since the notifications had stopped, he was unaware that he still needed to attend the training to apply dicamba.

I advised Mr. Hodgen that the training mandate is located on Engenia's label and that the training for applicators had been the responsibility of the registrant over the past few years.

Original Event: Investigation Activity (Pesticide) #4965  
Subject: Abe B Hodgen  
Submitted By: James M. Trimble

06/27/2022 **Case Created**

Original Event: Case PS22-0228  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

09/15/2022 **Received Residue Lab Report Investigatory Summary**

On September 15, 2022, I received the OISC Residue Lab results, which detected low amounts of 2,4-D and Atrazine in all of the samples collected from the Scott property. When the levels of 2,4-D & Atrazine were compared to their environmental baselines (10 ppb-2,4-D & 20 ppb-Atrazine) and taking into account the multiple agricultural fields surrounding the Scott property along with their pesticide applications in the same time period (environmental loading), the amounts listed were insignificant and did not indicate direct pesticide drift. Lastly, the gradients from the collected samples did not show a pattern of pesticide drift coming from any of the five target fields.

**First Page of Lab Report**

OCM Collection #	214381	Investigator	TRIMBLEJ		
Collection Date	05/31/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1036 5	Veg; Comp; OFF-T, Grad1, N	Veg	2,4-D	18.7 ppb	0.3 ppb
			5OH-Dicamba	BDL ppb	0.7 ppb
			Clopyralid	BDL ppb	3 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb
			Acetochlor	BDL ppb	1 ppb
			Atrazine	17.3 ppb	0.3 ppb
			Cloransulam-methyl	BDL ppb	1 ppb
			Mesotrione	BDL ppb	3 ppb
			Sulfentrazone	BDL ppb	3 ppb

Original Event: Residue Lab Report #243256 (214381-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 214381-R644.pdf

01/05/2023 **Case Created**

Original Event: Case PS23-0040  
Submitted By: George Saxton  
Assigned To: James M. Trimble

01/05/2023 **Case Created**

Original Event: Case PS23-0041  
Submitted By: George Saxton  
Assigned To: James M. Trimble

01/11/2023 **Judgement; Civil Penalty Assessed**

## Civil Penalty

Abe B Hodgen was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding annual training. 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. Hodgen cooperated during the investigation. It should be noted a restricted use pesticide was involved.

Original Event: Judgement #1437  
Primary: Abe B Hodgen  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

## 01/11/2023 Online Investigation Activity

### Label Use

On January 11, 2023, I reviewed the labels for the pesticides used by Mr. Hodgen on his May 11, 2022 application to Field #4, which included **Engenia** (EPA Reg. #7969-472, active ingredient of Dicamba) and **AgSaver Glyphosate** (EPA Reg. #83772-12, active ingredient of Glyphosate).

Due to Mr. Hodgen's use of Engenia without first completing the mandatory dicamba training, I found the following label violation;

### Engenia- Restricted Use Pesticide

- "Prior to applying this product, all applicators must complete dicamba-specific training on an annual basis; NOT to be used by uncertified persons working under the supervision of a certified applicator, except that uncertified persons may transport containers. If training is available and required by the state where the applicator intends to apply this product, the applicator must complete that training before applying this product in-crop. If your state does not require dicamba-specific training, then the applicator must complete dicamba specific training provided by one of the following sources: a) a registrant of a dicamba product approved for in-crop use with dicamba-tolerant crops, or b) a state or state-authorized provider."
- "Mandatory Training: Prior to applying, applicator must complete dicamba-specific training. Only certified applicators may apply this product."

Although the above label violation was documented, the fact that the wind was blowing away from the Scott property during Mr. Hodgen's application and Dicamba & Glyphosate was not found in the residue samples, drift from Mr. Hodgen's application to Field #4 was not confirmed.

#### Attachments

File 114967; AGSAVER.pdf  
File 114966; Engenia.pdf

Original Event: Investigation Activity (Pesticide) #4963  
Subject: Abe B Hodgen  
Submitted By: James M. Trimble  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)

---

## 01/13/2023 Case Created

Original Event: Case PS23-0048  
Submitted By: George Saxton  
Assigned To: James M. Trimble

---

## 01/17/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1740  
To: Abe B Hodgen  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9848  
Enclosed: Notice of Enforcement  
Attachments: File 116951; PS22-0228EL CIT-CP Mitigated ~ Abe B. Hodgen.docx

---

## 01/25/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1906  
Subject: Abe B Hodgen  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9848  
Received: 01/25/2023  
Attachments: File 118122; CM 7021 0950 0000 0607 9848 - Abe Hodgen - Recd. 1-25-23 - PS22-0228.pdf

---

## 01/31/2023 Received Penalty Payment for Target

Original Event: Compliance Receipt #1846  
Subject: Abe B Hodgen  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 117665; PS22-0228 - Abe B. Hodgen - CP Received 1-31-2023.pdf

---

02/27/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1981  
To: Lora Scott  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118837; PS22-0228 - Lora Scott - Case Closed Letter 2-27-2023.docx

---

02/27/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1982  
To: Abe B Hodgen  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118838; PS22-0228 - Abe B. Hodgen - Case Closed Letter 2-27-2023.docx

---

03/23/2023 **Mail Service Returned for Complainant**

On March 23, 2023, case closed letter was returned to OISC.

Original Event: Compliance Receipt #2020  
Subject: Lora Scott  
Submitted By: Jacob A. Hatfield  
Returned: 03/23/2023  
Attachments: File 120749; PS22-0228 - Lora Scott - Case Closed Letter Returned 3-23-2023.pdf

---

## Chain of Custody

---

06/01/2022 **Sample 22-4-1036 5**

Original Event: Chain of Custody #1498 (22-4-1036 5)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1037 7**

Original Event: Chain of Custody #1499 (22-4-1037 7)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1038 3**

Original Event: Chain of Custody #1500 (22-4-1038 3)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1039 6**

Original Event: Chain of Custody #1501 (22-4-1039 6)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1040 1**

Original Event: Chain of Custody #1502 (22-4-1040 1)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1041 7**

Original Event: Chain of Custody #1503 (22-4-1041 7)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1042 9**

Original Event: Chain of Custody #1504 (22-4-1042 9)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1043 8**  
Original Event: Chain of Custody #1505 (22-4-1043 8)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1044 0**  
Original Event: Chain of Custody #1506 (22-4-1044 0)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1045 5**  
Original Event: Chain of Custody #1507 (22-4-1045 5)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1046 4**  
Original Event: Chain of Custody #1508 (22-4-1046 4)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

---

06/01/2022 **Sample 22-4-1047 2**  
Original Event: Chain of Custody #1509 (22-4-1047 2)  
05/31/2022 13:00: Sample Collected by James M. Trimble  
06/01/2022 15:02: Sample Delivered to Kylo  
06/02/2022 11:51: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:06 PM 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 6, 2023, 02:07 PM 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 PS22-0230**

Department	Pesticide
Originated	06/27/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Issued To	<b>FBN Inputs LLC</b> Whitestown, IN 46075
Respondent Registrant	<b>Agsaver LLC</b> McGehee, AR 71654

**Overviews**

06/27/2022 **Investigation Summary**  
Routine RUP records inspection at FBN.  
Found 2 X 275 gals of Mepit, EPA Reg. #82070-2-83772 at FBN location.  
Mepit is not a registered pesticide in Indiana.  
Stop Sale Order issued.  
Agsaver, reistrant for Mepit submitted application for registration.  
Stop sale order lifted.  
See case summary PS22-0063 for complete details.  
Submitted By: Paul Jay Kelley  
Role: Investigator

06/29/2022 **Product Registration Summary**  
Unregistered product located, complete label review was unable to be conducted. Product has since been registered.  
Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

06/29/2022 **Disposition Summary**  
Agsaver LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation.  
However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Agsaver LLC does not commit further violations of the Indiana Pesticide Registration Law for a period of two (2) years from the date of this notice.  
Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

03/14/2022 **Intake Referral Filed**

On February 24, 2022, I conducting a routine Restricted Use Pesticide(RUP)sales inspection I observed many pesticide mini bulk shuttles stacked in FBN's warehouse. Upon further inspection and questioning of Mark Pauli, General Manager, the warehouse did not appear to have secondary containment for liquid pesticides over 55 gallons. After email correspondence with Eric Carnell, Chief Legal Officer for FBN, did it appear that the FBN warehouse did not have secondary containment.

On March 15, 2022, I spoke with Eric Carnel from FBN. I requested that he send me records with dates of individual inbound and corresponding dates for outbound shuttles. In addition, I informed Mr. Carnel that two (2) products (Mepit, EPA Reg. #82070-2-83772 and Setup 6L, EPA Reg. #66222-136) were not registered in Indiana.

Original Event: Intake Referral (Pesticide) #2576  
Complainant: Office of Indiana State Chemist  
Location: FBN Inputs LLC  
Respondent: Agsaver LLC  
Entered By: Paul Jay Kelley  
Submitted By: Joseph D. Becovitz  
Attachments: File 99795; Whitestown 55gal All Shipped+Received as of 3-4-22 1.xlsx

---

03/16/2022 **Investigator Met with Target  
Photographs**

On March 16, 2022, I issued Mark Pauli, (FBN) a Stop, Sale, or Remove order for Mepit (EPA Reg. #82070-2-83772, 2X275gal)

Attachments



File 99798



File 99799



File 99800

Original Event: Investigation Activity (Pesticide) #4959  
Subject: FBN Inputs LLC  
Submitted By: Paul Jay Kelley

---

03/16/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1004  
Client: FBN Inputs LLC  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley  
Attachments: File 99803; noi.pdf

---

03/16/2022 **Stop Sale Order Issued**

Unregistered 275 gallons X 2.

Original Event: Action Order #263  
Issued To: FBN Inputs LLC  
Registrant: Agsaver LLC  
Firm Representative: Mark Pauli  
Submitted By: Paul Jay Kelley  
Attachments: File 99805; SAO.pdf  
Photos:



File 99806



File 99807



File 99808

03/25/2022 **Investigator Sent Fax/Email to Registrant  
Communication**

Notification of SSURO was provided via email to registrant's contact information on file.

Attachments

File 99812; SSO 241 Notification of Stop Sale\_ AGSAVER LLC.pdf

Original Event: Investigation Activity (Pesticide) #4961  
Subject: Agsaver LLC  
Submitted By: Paul Jay Kelley

---

04/13/2022 **Investigator Sent Fax/Email to Registrant**



## Communication

Application for Mepit was received by OISC. The letter for the release of the SSURO was emailed to Mark Pauli - mpauli@farmersbusinessnetwork.com

### Attachments

File 99816; SSO 241 Release of SSURO\_AGSAVER LLC.pdf

Original Event: Investigation Activity (Pesticide) #4962  
Subject: Agsaver LLC  
Submitted By: Paul Jay Kelley

---

### 04/13/2022 **Stop Sale Released for Sale Mepit**

4/13/22: release notification for the Stop Sale Order that was placed on AgSaver LLC's Mepit product (EPA Reg No 83772-13) on 3/16/22. The product is now registered in the state of Indiana.

Original Event: Stop Sale Release (PS) #28  
Issued To: FBN Inputs LLC  
Registrant: Agsaver LLC  
Submitted By: Sarah K. Caffery

---

### 06/27/2022 **Case Created**

Original Event: Case PS22-0230  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 06/29/2022 **Notice of Stop Sale Sent**

Notification of updated SSURO was provided via email to registrant's contact information on file. The product has already been registered and the initial stop sale # 241 case #22-0063 has already been released

Original Event: Pesticide Products Activity #13  
Primary: Agsaver LLC  
Submitted By: Victoria J. Matsumura

---

### 06/29/2022 **Judgement; Civil Penalty Assessed Civil Penalty**

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

#### **Abeyance**

However, the \$500.00 civil penalty will be held in abeyance and not assessed provided Agsaver LLC does not commit further violations of the Indiana Pesticide Registration Law for a period of two (2) years from the date of this notice.

Original Event: Judgement #1321  
Primary: Agsaver LLC  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(1)  
Penalty Amount: 500

---

### 08/04/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1165  
To: Agsaver LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3653  
Enclosed: Notice of Enforcement  
Attachments: File 104794; PS22-0230EL CP Abeyance ~ Agsaver LLC.docx

---

### 09/15/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1669  
Subject: Agsaver LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7022 0410 0001 2745 3653  
Received: 08/15/2022  
Attachments: File 107538; CM 7022 0410 0001 2745 3653 - PS22-0230 - 8-15-2022.pdf

---

### 03/02/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2010  
To: FBN Inputs LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118991; PS22-0230 - FBN Inputs LLC - Case Closed Letter 3-2-2023.docx

---

### 03/02/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2011  
To: Agsaver LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118992; PS22-0230 - Agsaver LLC - Case Closed Letter 3-2-2023.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 6, 2023, 02:07 PM 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 6, 2023, 02:08 PM 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 PS22-0238

Department	Pesticide
Originated	06/30/2022
Assigned To	Adam Brockman
Status	Closed

### Involved Parties

Complainant	<b>Anah Branham</b> Markle, IN 46770
Respondent	<b>Unknown</b>
Respondent	<b>Jason Alan Worster</b> Warren, IN 46792

### Overviews

#### 11/18/2022 Investigation Summary

Complainant stated a herbicide application made to an adjacent farm field injured oaks and other trees on her property. Trees and shrubs on the complainant's property had cupped and curled leaves. The Purdue Plant and Pest Diagnostic Lab confirmed growth regulator injury symptoms to vegetation samples taken from the complainant's property. The respondent, Jason Worster, applied 2, 4-d and acetochlor to a field adjacent to the west side of the complainant's property on May 4, 2022. Available wind data indicates the wind was blowing from the north, parallel to the complainant's property, at the time of the application. However, acetochlor was detected in residue samples taken in a gradient from the complainant's property at 476ppb, 98.2ppb and 12.9ppb respectively. These results represent 17%, 3.6% and 0.5% of the amount of acetochlor found in the target vegetation sample (2670ppb). The first two amounts of 17% and 3.6% far exceed the 1% target that constitutes prima facie evidence of drift.

Submitted By: Adam Brockman  
Role: Investigator

#### 11/23/2022 Disposition Summary

Jason Alan Worster 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 \$500.00 was assessed for this violation.

The Private Applicator permit issued to Jason Alan Worster was suspended for a period of six (6) months beginning April 1, 2023, and ending September 30, 2023. Consideration was given to the fact this was his fifth (5th) violation of similar nature. See case numbers PS19-0427, PS19-0446, PS21-0217 and PS21-0218.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 06/29/2022 Intake Referral Filed

Complainant stated a herbicide application made to an adjacent farm field injured oaks and other trees on her property.

Original Event: Intake Referral (Pesticide) #2584  
Complainant: Anah Branham  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Adam Brockman

Photos:



File 99998

---

06/30/2022 **Case Created**

Original Event: Case PS22-0238  
Submitted By: Joseph D. Becovitz  
Assigned To: Adam Brockman

---

07/06/2022 **Residue Samples Collected**

Original Event: Residue Collection #217920 (22-4-1259 8)  
Client: Anah Branham  
Submitted By: Adam Brockman  
Sample: 22-4-1259 8 | Soil; Comp; 2-4"; Target  
Sample: 22-4-1260 7 | Veg; Grab; Target  
Sample: 22-4-1261 1 | Veg; Ctrl; OFF-T  
Sample: 22-4-1262 4 | Veg; Grab; OFF-T, Grad1, 10ft  
Sample: 22-4-1263 0 | Veg; Grab; OFF-T, Grad2, 50yd  
Sample: 22-4-1264 8 | Veg; Grab; OFF-T, Grad3, 90yd  
Sample: 22-4-1265 3 | Air; Trip Blank  
Sample: 22-4-1266 9 | Swab (Acetone); Comp; OFF-T  
Sample: 22-4-1267 6 | Swab (Acetone); Comp; OFF-T

---

07/06/2022 **Investigator Met with Complainant**

**Photographs**

Photographs taken from on and around 4797 EAST 300 SOUTH Markle, IN. While walking the property, I observed that there was injury to the leaves on the western property line. I also noticed that there was injury to trees and vegetation directly next to the house on the west side of the house. It appeared that the injury to plants and trees seemed to lessen as I got further from the western property line.

Attachments



File 100649



File 100650



File 100651



File 100652



File 100653



File 100654



File 100655



File 100656



File 100657



File 100658



File 100659



File 100660



File 100661



File 100662



File 100663



File 100664



File 100665



File 100666



File 100667



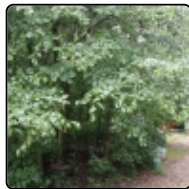
File 100668



File 100669



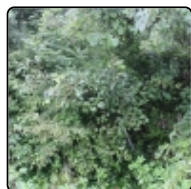
File 100670



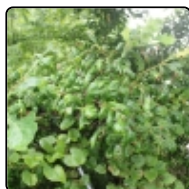
File 100671



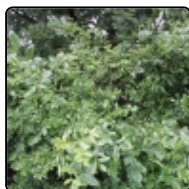
File 100672



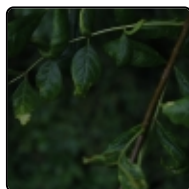
File 100673



File 100674



File 100675



File 100676



File 100677



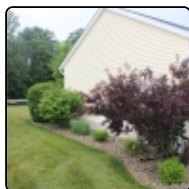
File 100678



File 100679



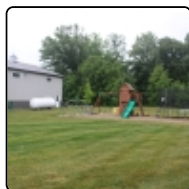
File 100680



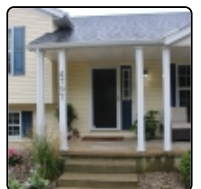
File 100681



File 100682



File 100683



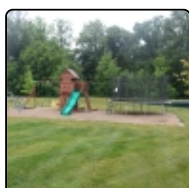
File 100684



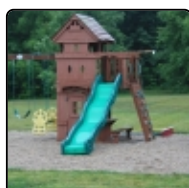
File 100685



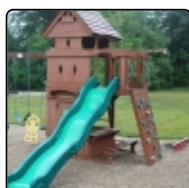
File 100686



File 100687



File 100688



File 100689

Original Event: Investigation Activity (Pesticide) #5031  
Subject: Anah Branham  
Submitted By: Adam Brockman

07/06/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1034  
Client: Anah Branham  
Firm Representative: Anah Branham  
Submitted By: Adam Brockman  
Attachments: File 100690; Scan from 2022-07-08 12\_15\_01 PM.pdf

07/06/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #218351 (X22-A12812)  
 Client: Anah Branham  
 Submitted By: Adam Brockman  
 Lab: Purdue Plant and Pest Diagnostic Laboratory  
 Sample: X22-A12812 | Various samples taken showing injury.  
 Attachments: File 101162; PPDL 238.pdf

07/06/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #625  
 Submitted By: Adam Brockman  
 Target Analyte: 2-4-D  
 Target Analyte: Warrant  
 Target Analyte: RUP3  
 Target Analyte: Extendimax  
 Target Analyte: Liberty  
 Target Analyte: Radiate  
 PPLS Labels: [000264-01210-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01210-20220315.pdf)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01210-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01210-20220315.pdf)

[034704-00124-20091030.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00124-20091030.pdf)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00124-20091030.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00124-20091030.pdf)

[034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)

[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00909-20210305.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00909-20210305.pdf)

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

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

[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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)

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

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

Attachments: File 103664; PII worster july 4.pdf  
 File 103665; PII worster june 19.pdf  
 File 103667; PII worster may 10.pdf  
 File 103668; PII worster may 17.pdf  
 File 103666; PII worster may 4.pdf

07/08/2022 **Received External Lab Report**

I received the lab report from PPDL which stated, Several different tree species in the landscape have distorted/cupped leaves. These symptoms are characteristic of exposure to synthetic auxin herbicides such as 2,4-D or dicamba. The leaves of multiple plant species show significant deformation, suggestive of growth regulator exposure. No significant disease observed.

Original Event: External Lab Report #218352 (X22-A12812)  
 Submitted By: Adam Brockman  
 Sample: X22-A12812  
 Attachments: File 101164; PPDL final report 238.pdf

10/12/2022 **Received Residue Lab Report**

**First Page of Lab Report**

OCM Collection #	217920	Investigator	BROCKMANA		
Collection Date	07/06/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1259 8	Soil; Comp; 2-4"; Target	Soil	2,4-D	3.74 ppb	0.2 ppb
			5OH-Dicamba	BDL ppb	2 ppb
			DCSA	9.86 ppb	0.2 ppb
			Dicamba	BDL ppb	2 ppb
			Acetochlor	1660 ppb * Estimated amount	1 ppb
22-4-1260 7	Veg; Grab; Target	Veg	2,4-D	22.5 ppb	0.3 ppb
			5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	1.18 ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb
			Acetochlor	2670 ppb * Estimated amount	3 ppb

Original Event: Residue Lab Report #246051 (217920-R669)  
Submitted By: SYSTEM  
Lab Report: Lab Report 217920-R669.pdf

---

11/15/2022 **New Respondent Identified**

Original Event: Investigation Change #285  
Respondent: Jason Alan Worster  
Submitted By: Adam Brockman

---

11/15/2022 **Wind Data Researched**

Wind data collected from this date of application is accurate with report from applicator.

**HHG**

*Huntington, Indiana (10 miles NW of site)*

Time	Direction	Speed (mph)
11:00 AM	N	8

**FWA**

*Fort Wayne, Indiana (20 miles NNW of site)*

Time	Direction	Speed (mph)
11:00 AM	N	11.5

**Attachments**

File 113043; asos may 4 FWA.txt  
File 113044; asos may 4 HHG.txt  
File 113045; asos may 4 pld.txt

Original Event: Wind Data #154  
Submitted By: Adam Brockman  
Date of Weather: 05/04/2022

---

11/15/2022 **Wind Data Researched**

Wind data collected from this date of application is accurate with report from applicator.

**HHG**

*Huntington, Indiana (10 miles NW of site)*

Time	Direction
11:00 AM	CALM

**FWA**

*Fort Wayne, Indiana (20 miles NNW of site)*

Time	Direction
11:00 AM	CALM

**Attachments**

File 113046; asos june 19 fwa.txt  
File 113047; asos june 19 hhg.txt  
File 113048; asos may 4 pld.txt

Original Event: Wind Data #155  
Submitted By: Adam Brockman  
Date of Weather: 07/19/2022

---

11/15/2022 **Wind Data Researched**

Wind data collected from this date of application is accurate with report from applicator. I attempted to collect wind data from the application on July 4, 2022 but the stations were not recording or not operational.

**HHG**

*Huntington, Indiana (10 miles NW of site)*

Time	Direction	Speed (mph)
5:00 PM	S	9.2

**FWA**

*Fort Wayne, Indiana (20 miles NW of site)*

Time	Direction	Speed (mph)	Gust (mph)
5:00 PM	S	13.8	19.5

**Attachments**

File 113050; asos may 10 fwa.txt  
File 113051; asos may 10 hhg.txt  
File 113052; asos may 10 pld.txt

Original Event: Wind Data #156  
Submitted By: Adam Brockman  
Date of Weather: 05/10/2022

---

11/18/2022 **Investigation Activity  
Records**

Diagram of the effected property.

Attachments

File 113558; PS22-0238 diagram final.png

Original Event: Investigation Activity (Pesticide) #5632  
Submitted By: Adam Brockman

---

11/21/2022 **Investigation Activity  
Records**

Low Vol 4 label. Warrant label

Attachments

File 113441; Low\_Vol\_4\_Label4.pdf

File 113571; Warrant\_Ultra1c\_Label.pdf

Original Event: Investigation Activity (Pesticide) #5634  
Submitted By: Adam Brockman

---

11/23/2022 **Judgement; License Suspension  
Civil Penalty**

Jason Alan Worster 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 \$500.00 was assessed for this violation.

**License Suspension**

The Private Applicator permit issued to Jason Alan Worster was suspended for a period of six (6) months beginning April 1, 2023, and ending September 30, 2023. Consideration was given to the fact this was his fifth (5th) violation of similar nature. See case numbers PS19-0427, PS19-0446, PS21-0217 and PS21-0218.

Original Event: Judgement #1412  
Primary: Jason Alan Worster  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-12-2  
Penalty Amount: 500

---

12/07/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1648  
To: Jason Alan Worster  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9046  
Enclosed: Notice of Enforcement  
Attachments: File 114015; PS22-0238EL ~ CP-License Suspension - Jason A. Worster.docx

---

12/15/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1871  
Subject: Jason Alan Worster  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9046  
Received: 12/15/2022  
Attachments: File 117828; CM 7021 0950 0000 0607 9046 - Jason Worster - Recd. 12-15-22 - PS22-0238.pdf

---

03/07/2023 **Compliance Activity**

I left a voice mail for Mr. Worster advising him he was delinquent on his civil penalty.

Original Event: Compliance Activity #1738  
Primary: Jason Alan Worster  
Submitted By: George Saxton

---

03/08/2023 **Informal Review Occurred**

Mr. Worster called wanting to know the amount of civil penalty he had been assessed. He was advised it was \$500.00. He said he would put a check in the mail immediately.

Original Event: Compliance Activity #1740  
Primary: Jason Alan Worster  
Submitted By: George Saxton  
Stage: Informal Review

---

03/14/2023 **Received Penalty Payment for Target**



Original Event: Compliance Receipt #2007  
Subject: Jason Alan Worster  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 120086; PS22-0238 - Jason A. Worster - CP Received 3-14-2023.pdf

---

03/29/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2107  
To: Anah Branham  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121166; PS22-0238 - Anah Branham - Case Closed Letter 3-29-2023.docx

---

03/29/2023 **Notice Regarding Licensing Status Mailed to Target**

PA license will be suspended from April 1, 2023 through September 30, 2023. License will be reinstated effective October 1, 2023.

Original Event: Outgoing Mail #2108  
To: Jason Alan Worster  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice Regarding Licensing Status  
Attachments: File 121167; PS22-0238 - Jason A. Worster - Case Closed - License Suspension Letter - 3-29-2023.docx

---

### Chain of Custody

---

07/06/2022 **Sample 22-4-1259 8**

Original Event: Chain of Custody #1954 (22-4-1259 8)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1260 7**

Original Event: Chain of Custody #1955 (22-4-1260 7)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1261 1**

Original Event: Chain of Custody #1956 (22-4-1261 1)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1262 4**

Original Event: Chain of Custody #1957 (22-4-1262 4)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1263 0**

Original Event: Chain of Custody #1958 (22-4-1263 0)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1264 8**

Original Event: Chain of Custody #1959 (22-4-1264 8)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1265 3**

Original Event: Chain of Custody #1960 (22-4-1265 3)  
07/06/2022 10:00: Sample Collected by Adam Brockman  
07/06/2022 13:05: Sample Delivered to Kylo  
07/08/2022 09:55: Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1266 9**

Original Event:	Chain of Custody #1961 (22-4-1266 9)
07/06/2022 10:00:	Sample Collected by Adam Brockman
07/06/2022 13:05:	Sample Delivered to Kyo
07/08/2022 09:55:	Delivery Affirmed by Vicki Vauters

---

07/06/2022 **Sample 22-4-1267 6**

Original Event:	Chain of Custody #1962 (22-4-1267 6)
07/06/2022 10:00:	Sample Collected by Adam Brockman
07/06/2022 13:05:	Sample Delivered to Kyo
07/08/2022 09:55:	Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:08 PM 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 6, 2023, 02:08 PM 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 PS22-0266

Department	Pesticide
Originated	07/12/2022
Assigned To	Paul Jay Kelley
Status	Closed

### Involved Parties

Complainant **Jeremy M Roos**  
Dale, IN 47523

Respondent **Chad Louis Seifert**  
Dale, IN 47523

### Overviews

#### 09/19/2022 Investigation Summary

Complainant alleged a neighboring farmer applied dicamba injuring his Enlist soybeans.

Respondent stated he has not used dicamba in several years and has Enlist soybeans himself.

PPDL reported visual symptoms was that of dicamba exposure.

OISC's Residue Lab did not detect dicamba but found atrazine.

Atrazine was applied by respondent and wind was documented as blowing toward complainants field.

Submitted By: Paul Jay Kelley  
Role: Investigator  
Drift: Confirmed

#### 02/23/2023 Disposition Summary

Chad Louis Seifert 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 vegetation. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact Mr. Seifert cooperated during the investigation, this was his first violation of similar nature, and corrective action was taken. It should be noted Mr. Seifert plead "no contest" to the charge.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 07/11/2022 Intake Referral Filed

Complainant stated an application of dicamba made to a neighboring corn field on June 28, 2022 injured his Enlist soybeans.

Original Event: Intake Referral (Pesticide) #2612  
Complainant: Jeremy M Roos  
Respondent: Chad Louis Seifert  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

#### 07/12/2022 Case Created

Original Event: Case PS22-0266  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

07/13/2022 **Investigator Met with Target  
Communication**

On July 13, 2022, I spoke with Chad Seifert. Mr. Seifert stated he made applications to his corn fields on June 27, 2022, and June 28, 2022. Mr. Seifert stated he applied Buccaneer 5 Extra and Atrazine 90DF as a post application. Mr. Seifert stated he did not and has not applied any dicamba products for approximately two (2) years. Mr. Seifert stated he has Enlist soybeans. I emailed Mr. Seifert a copy of OISC's Pesticide Investigation Inquiry (PII) form to complete, sign, and return.

Original Event: Investigation Activity (Pesticide) #5067  
Subject: Chad Louis Seifert  
Submitted By: Paul Jay Kelley

---

07/14/2022 **Investigator Met with Target  
Records**

On July 14, 2022, I met with Chad Seifert to collect his completed PII. Mr. Seifert stated he applied Argos (EPA Reg. #74530-71, active ingredient mesotrione), Buccaneer 5 Plus (EPA Reg. #55467-15, active ingredient glyphosate), and Atrazine 90 DF (EPA Reg. #11773-13, active ingredient atrazine) on June 27 and June 28 of 2022. Mr. Seifert's PII indicated that the June 27, 2022, application was done between 6:00pm-7:30pm. Wind was recorded from the Dubois County Airport. Wind was recorded as out of the north at 5-7mph blowing toward Mr. Roos field #2. The PII indicated the wind on June 28, 2022, was out of the northeast at 7mph blowing toward Mr. Roos field #1.

Attachments



File 101995

File 101996; email correcting epa reg. #.msg.pdf  
File 101947; p11-6-27-22.pdf  
File 101948; p11-6-28-22.pdf

Original Event: Investigation Activity (Pesticide) #5071  
Subject: Chad Louis Seifert  
Submitted By: Paul Jay Kelley

---

07/14/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1048  
Client: Chad Louis Seifert  
Firm Representative: Chad Seifert  
Submitted By: Paul Jay Kelley  
Attachments: File 101949; noi Seifert.pdf

---

07/14/2022 **Investigator Met with Complainant  
Photographs**

On July 14, 2022, I met with Mr. Roos and his seed rep. Mr. Roos showed me a large enlist soybean field to the south that had random swaths of symptomatic soybeans. The swaths did not follow a pattern. Some swaths were on the uphill side of the field, while others were on the downhill side. Some swaths were in the low areas. I did not observe symptoms on the edges near Mr. Seifert's corn field.

On Mr. Roos second enlist soybean field, I observed similar symptomology, no pattern, random swaths. Soybean leaves on both fields had the appearance of the "orange peel" effect. Some leaves were cupped down with faint white tips.

I photographed the fields and collected a vegetation sample from both fields for visual analysis by Purdue's Plant and Pest Diagnostic Lab (PPDL). Furthermore, I collected investigative samples for OISC's Residue Lab.

I did not see the characteristic symptoms of dicamba exposure seen on previous investigations I have conducted.

Attachments



File 101951



File 101952



File 101953



File 101954



File 101955



File 101956



File 101957



File 101958



File 101959



File 101960



File 101961



File 101962



File 101963



File 101964



File 101965



File 101966



File 101967



File 101968



File 101969



File 101970



File 101971



File 101972



File 101973



File 101974



File 101975



File 101976



File 101977



File 101978



File 101979



File 101980



File 101981



File 101982



File 101983



File 101984



File 101985



File 101986



File 101987



File 101988



File 101989



File 101990



File 101991

**Screenshots**

Site Diagram of fields with samples plotted.

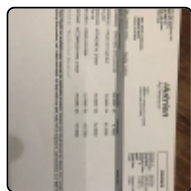
Attachments

File 109564; Site Diagram.pdf

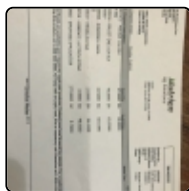
**Records**

Records of products used by Mr. Roos.

Attachments



File 101992



File 101993

Original Event: Investigation Activity (Pesticide) #5072  
 Subject: Jeremy M Roos  
 Submitted By: Paul Jay Kelley

---

07/14/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1049  
 Client: Jeremy M Roos  
 Firm Representative: Jeremy Roos  
 Submitted By: Paul Jay Kelley  
 Attachments: File 101994; noi roos.pdf

---

07/14/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #219084 (X22-19AF3F)  
 Client: Jeremy M Roos  
 Submitted By: Paul Jay Kelley  
 Lab: Purdue Plant and Pest Diagnostic Laboratory  
 Sample: X22-19AF3F | enlist soybeans plants  
 Attachments: File 101997; PPDL form.pdf

---

07/14/2022 **Residue Samples Collected**

Original Event: Residue Collection #219085 (22-4-0272 4)  
 Client: Jeremy M Roos  
 Submitted By: Paul Jay Kelley  
 Sample: 22-4-0272 4 | Soil; Comp; 0-2"; Target  
 Sample: 22-4-0273 0 | Veg; Comp; Target  
 Sample: 22-4-0274 8 | Veg; Ctrl; OFF-T  
 Sample: 22-4-0275 3 | Veg; Comp; OFF-T, Grad1, 100yd  
 Sample: 22-4-0276 9 | Veg; Comp; OFF-T, Grad2, 288yd  
 Sample: 22-4-0277 6 | Veg; Comp; OFF-T, Grad3, 440yd  
 Sample: 22-4-0278 2 | Veg; Ctrl; OFF-T  
 Sample: 22-4-0279 5 | Veg; Comp; OFF-T, Grad1, 20yd  
 Sample: 22-4-0280 5 | Veg; Comp; OFF-T, Grad2, 70yd  
 Sample: 22-4-0281 4 | Veg; Comp; OFF-T, Grad3, 145yd

---

07/14/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #633  
 Submitted By: Paul Jay Kelley  
 Target Analyte: Argos  
 Target Analyte: Atrazine 90Ddf  
 Target Analyte: buccaneer 5 plus  
 PPLS Labels: [011773-00013-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/011773-00013-20211110.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/055467-00015-20180920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf)  
[074530-00071-20170320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/074530-00071-20170320.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/074530-00071-20170320.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/074530-00071-20170320.pdf)

Attachments: File 101998; argos.pdf  
 File 101999; atrazine.pdf  
 File 102000; buccaneer 5 extra.pdf

---

07/16/2022 **Received External Lab Report**

Original Event: External Lab Report #219242 (X22-19AF3F)  
 Submitted By: Paul Jay Kelley  
 Sample: X22-19AF3F  
 Attachments: File 102177; FinalReport\_Jay Kelley.pdf

---

09/15/2022 **Received Residue Lab Report**

Original Event: Residue Lab Report #243261 (219085-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219085-R644.pdf

---

09/19/2022 **Investigation Activity**  
**Activity**

On July 14, 2022, OISC's Residue Lab did not detect dicamba in the samples. However, atrazine was detected. Atrazine was one of the products used by Mr. Seifert in his tank mix.

Label language for Atrazine 90 DF states in part, "Avoid using near adjacent desirable plants or in greenhouses, or injury may occur. Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals."

Original Event: Investigation Activity (Pesticide) #5370  
Subject: Chad Louis Seifert  
Submitted By: Paul Jay Kelley

---

09/19/2022 **Investigation Activity**  
**Activity**

Although PPDL visually identified dicamba as a possible source of symbology on Mr. Roos's soybeans, the source of the dicamba was not determined.

Original Event: Investigation Activity (Pesticide) #5371  
Submitted By: Paul Jay Kelley

---

09/21/2022 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Chad Louis Seifert 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 vegetation. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$400.00. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact Mr. Seifert cooperated during the investigation and this was his first violation of similar nature.

Original Event: Judgement #1361  
Primary: Chad Louis Seifert  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

09/27/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1378  
To: Chad Louis Seifert  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 8568  
Enclosed: Notice of Enforcement  
Attachments: File 110296; PS22-0266EL CP - Mitigated ~ Chad L. Seifert.docx

---

09/30/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1758  
Subject: Chad Louis Seifert  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8568  
Received: 09/30/2022  
Attachments: File 111138; CM 7021 0950 0000 0607 8568 \_ PS22-0266 - 9-30-2022.pdf

---

10/13/2022 **Received Residue Lab Report**

**First Page of Lab Report**

OCM Collection #	219085	Investigator	KELLEYJ		
Collection Date	07/14/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0272 4	Soil; Comp; 0-2"; Target	Soil	5OH-Dicamba	BDL ppb	2 ppb
			DCSA	BQL ppb	2 ppb
			Dicamba	BDL ppb	2 ppb
			Atrazine	461 ppb * Estimated amount	0.3 ppb
			Mesotrione	149 ppb	0.3 ppb
22-4-0273 0	Veg; Comp; Target	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb
			Atrazine	1070 ppb * estimated amount	0.3 ppb
			Mesotrione	3.09 ppb	1 ppb

Original Event: Residue Lab Report #246395 (219085-R673)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 219085-R673.pdf

**10/31/2022 Informal Review Requested**

Mr. Seifert called indicating that he sent a certified letter to OISC requesting a formal hearing. I advised him we would set up an informal conference with him. David E. Scott, Secretary to the IPRB, was notified immediately.

Original Event: Compliance Activity #1559  
 Primary: Chad Louis Seifert  
 Submitted By: George Saxton  
 Stage: Informal Review  
 Attachments: File 112380; PS22-0266 - Chad L. Seifert - Letter Requesting Appeal.pdf

**11/10/2022 Informal Review Scheduled**

I called and left a phone message with Mr. Seifert about scheduling an informal conference on November 17, 2022.

Original Event: Compliance Activity #1576  
 Primary: Chad Louis Seifert  
 Submitted By: George Saxton  
 Stage: Informal Review

**11/14/2022 Informal Review Rescheduled**

I called again on November 14, 2022 and left a phone message with Mr. Seifert about scheduling an informal conference on November 17, 2022.

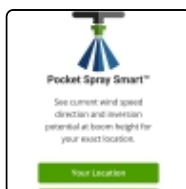
Original Event: Compliance Activity #1578  
 Primary: Chad Louis Seifert  
 Submitted By: George Saxton  
 Stage: Informal Review

**11/17/2022 Informal Review Occurred**

Investigators Jay Kelley, Melissa Rosch and I met with Chad Seifert at Double S Chem Supply in Jasper, Indiana for an informal review. Mr. Seifert was advised of his options for moving forward. He stated he would take some time to think about his options. I advised him I would extend his appeal and civil penalty payment period until January 15, 2023 since the holidays were upon us.

**Informal Review Occurred**

A representative from Small & Small Seed Service LLC sent an email to OISC with an attachment showing the cell phone application which would enter the wind data before each field application. This will help to correct Mr. Seifert's drift problem.

**Attachments**

File 113645

File 113644; Chad Seifert spray smart.pdf



Original Event: Compliance Activity #1588  
Primary: Chad Louis Seifert  
Submitted By: George Saxton  
Stage: Informal Review

---

02/22/2023 **Compliance Activity**

I called Chad Seifert and left a voice message about the outstanding civil penalty.

Original Event: Compliance Activity #1699  
Primary: Chad Louis Seifert  
Submitted By: George Saxton

---

02/23/2023 **Informal Review Occurred**

Mr. Seifert called and stated he no longer wanted a formal hearing. He stated that he bought a pocket anemometer to check the wind speed and direction on site before each application and wanted another 20% deduction for corrective action, which was granted. Mr. Seifert also indicated he was pleading "no contest" to the charges.

Original Event: Compliance Activity #1702  
Primary: Chad Louis Seifert  
Submitted By: George Saxton  
Stage: Informal Review

---

02/23/2023 **Amended Judgement; Civil Penalty Assessed  
Civil Penalty**

Chad Louis Seifert 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 vegetation. A civil penalty in the amount of \$500.00 was assessed. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact Mr. Seifert cooperated during the investigation, this was his first violation of similar nature, and corrective action was taken. It should be noted Mr. Seifert plead "no contest" to the charge.

Original Event: Judgement #1459  
Primary: Chad Louis Seifert  
Submitted By: George Saxton  
Level: Informal Review  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 300

---

02/23/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1996  
To: Chad Louis Seifert  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0707  
Enclosed: Notice of Amended Enforcement  
Attachments: File 118873; PS22-0266EL CP - Mitigated2 ~ Chad L. Seifert.docx

---

03/06/2023 **Compliance Activity**

I received a phone call from Jeremy Roos and he asked for a status update on his case. I advised Mr. Roos the new date of April 4, 2023 is the date in which the respondent has to notify OISC of any changes in or pleadings.

Original Event: Compliance Activity #1732  
Submitted By: Melissa D. Rosch

---

03/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1991  
Subject: Chad Louis Seifert  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0707  
Received: 03/06/2023  
Attachments: File 119992; CM 7021 0950 0000 0608 0707 - PS22-0266 - 3-6-2023.pdf

---

03/10/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1990  
Subject: Chad Louis Seifert  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$300.00  
Payment Received: \$300.00  
Attachments: File 119991; PS22-0266 - Chad L. Seifert - CP Received 3-10-2023.pdf

---

04/04/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2120  
To: Jeremy M Roos  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121496; PS22-0266 - Jeremy M. Roos - Case Closed Letter 4-4-2023.docx

---

04/04/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2121  
To: Chad Louis Seifert  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 121497; PS22-0266 - Chad L. Seifert - Case Closed Letter 4-4-2023.docx

**Chain of Custody**

---

07/14/2022 **Sample 22-4-0272 4**

Original Event: Chain of Custody #2133 (22-4-0272 4)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0273 0**

Original Event: Chain of Custody #2134 (22-4-0273 0)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0274 8**

Original Event: Chain of Custody #2135 (22-4-0274 8)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0275 3**

Original Event: Chain of Custody #2136 (22-4-0275 3)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0276 9**

Original Event: Chain of Custody #2137 (22-4-0276 9)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0277 6**

Original Event: Chain of Custody #2138 (22-4-0277 6)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0278 2**

Original Event: Chain of Custody #2139 (22-4-0278 2)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0279 5**

Original Event: Chain of Custody #2140 (22-4-0279 5)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0280 5**

Original Event: Chain of Custody #2141 (22-4-0280 5)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

---

07/14/2022 **Sample 22-4-0281 4**

Original Event: Chain of Custody #2142 (22-4-0281 4)  
07/14/2022 12:00: Sample Collected by Paul Jay Kelley  
07/15/2022 09:22: Sample Delivered to Vicki Vauters  
07/15/2022 09:50: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:08 PM 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 6, 2023, 02:09 PM 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 PS22-0289

Department	Pesticide
Originated	07/14/2022
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant	<b>Rex A Schipper</b> South Whitley, IN 46787
Respondent	<b>Unknown</b>
Respondent	<b>Cory Eugene Sickafoose</b> South Whitley, IN 46787

### Overviews

#### 10/31/2022 Investigation Summary

I met with Rex Schipper to conduct the on-site investigation for his complaint of off-target movement of dicamba to his non-dicamba-tolerant soybeans. A full investigation was requested for the Schipper "Home Farm". The source of the dicamba was believed to be the field across the road to the south.

Widespread cupping of leaves was observed across the field. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected gradient samples for analysis by the OISC Residue Lab.

I contacted Cory Sickafoose who confirmed he sprayed the adjacent field with a tank mix containing Xtendimax (dicamba). Winds were reported as blowing toward the Schipper soybeans during the application.

The PPDL report indicated the symptoms were characteristic of exposure to dicamba. The OISC Residue Lab report indicated dicamba was detected in weeds from the target field and in the southern-most soybean sample collected from the Schipper field.

The evidence collected in this case and the lab reports suggest dicamba from the Sickafoose application moved off-target to the Schipper sensitive soybeans. The Xtendimax label reads, in part, "DO NOT APPLY THIS PRODUCT IF SENSITIVE CROPS AND CERTAIN PLANTS ARE PLANTED ON AN ADJACENT DOWNWIND FIELD OR AREA.". It further states, "DO NOT SPRAY this product when wind is blowing toward adjacent sensitive crops and certain plants,...".

Submitted By: Andrew R. Roth  
Role: Investigator

#### 10/31/2022 Disposition Summary

Cory Eugene Sickafoose 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 \$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

#### 07/13/2022 Intake Referral Filed

Complainant stated an application of dicamba to a neighboring farm field injured his Enlist soybeans.

Original Event: Intake Referral (Pesticide) #2635  
Complainant: Rex A Schipper  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/14/2022 **Case Created**

Original Event: Case PS22-0289  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/15/2022 **Investigator Called Complainant Communication**

On July 15, I contacted Rex Schipper who reported he had several soybean fields affected by movement from suspected dicamba applications to two fields which were sprayed by a neighboring grower. He indicated the applications appeared to have affected the crops of several other growers in the area. Mr. Schipper indicated he had not decided whether to request a documentary-only or full investigation.

Original Event: Investigation Activity (Pesticide) #5076  
Subject: Rex A Schipper  
Submitted By: Andrew R. Roth

---

07/18/2022 **Investigator Met with Complainant Interaction**

On July 18, I met Mr. Schipper at his farm. He showed me the fields with cupped non-dicamba-tolerant soybean plants at two locations and ultimately requested a full investigation for the "Home Farm" and a Documentary-Only investigation for the "West Farm" (Case PS22-0310). The Home Farm consisted one a large field around his residence and two smaller fields across State Road 5 to the east. All fields had widespread cupping of leaves on soybean plants. The suspected source of the dicamba exposure was a field, farmed by Steve and Cory Sickafoose, across CR 1000S to the south. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the northern edge of the target field, near the road, and gradient soybean samples across the larger Schipper field, from southwest-to-northeast, for analysis by the OISC Residue Lab. Soybeans in the northern portion of the large field had similar symptoms but those were believed to have been affected from a different dicamba application to the north.

**Photographs**

Photos from the Home Farm and an aerial photo of the site.

Attachments



File 102241



File 102230



File 102231



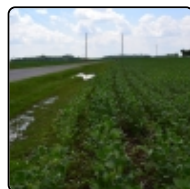
File 102232



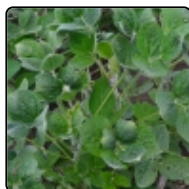
File 102233



File 102234



File 102235



File 102236



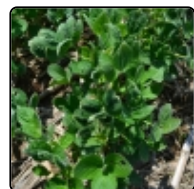
File 102237



File 102238



File 102239



File 102240

Original Event: Investigation Activity (Pesticide) #5081  
Subject: Rex A Schipper  
Submitted By: Andrew R. Roth

---

07/18/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1057  
Client: Rex A Schipper  
Firm Representative: Rex Schipper  
Submitted By: Andrew R. Roth  
Photos:



File 102242

---

07/18/2022 **New Respondent Identified**

**Respondent Identified**

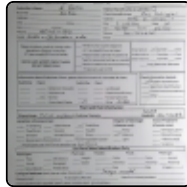
After the on-site investigation, I went to speak with Steve Sickafoose who indicated his son, Cory, sprayed the field south of the Schipper farm and has the application records. On July 19, I spoke with Cory Sickafoose who confirmed he sprayed the field south of the Schipper farm with a tank mix containing Xtendimax (dicamba).

Original Event: Investigation Change #222  
Respondent: Cory Eugene Sickafoose  
Submitted By: Andrew R. Roth

---

07/18/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #219360 (X22-B8E18D)  
Client: Rex A Schipper  
Submitted By: Andrew R. Roth  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-B8E18D | Soybean plant samples were collected for assessment by the PPDL.  
Photos:



File 102243

---

07/18/2022 **Residue Samples Collected**

Original Event: Residue Collection #219361 (22-4-0879 6)  
Client: Rex A Schipper  
Submitted By: Andrew R. Roth  
Sample: 22-4-0879 6 | Veg; Comp; OFF-T, 800ft N  
Sample: 22-4-0880 6 | Veg; Comp; OFF-T, 400ft  
Sample: 22-4-0881 0 | Veg; Comp; OFF-T, S  
Sample: 22-4-0882 3 | Veg; Comp; Target

---

07/19/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #636  
Submitted By: Andrew R. Roth  
Target Analyte: Xtendimax  
Target Analyte: Roundup Powermax  
Target Analyte: Outlook  
Target Analyte: Intensity  
PPLS Labels: [000264-01210-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01210-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01210-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01210-20220315.pdf)  
[034704-00864-20200207.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20200207.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00864-20200207.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00864-20200207.pdf)  
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)  
[007969-00156-20191129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00156-20191129.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00156-20191129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00156-20191129.pdf)

Attachments: File 112373; XtendiMax With VaporGrip Technology,03\_15\_2022 - 000264-01210-20220315.pdf

---

07/21/2022 **Received External Lab Report**

Soybean plants show cupped and/or strapped leaves with whitish/yellowish leaf tips. These symptoms are characteristic of exposure to dicamba.

Marcelo Zimmer

The photos show leaf deformation, including leaf cupping, leaf stunting, and white leaf tips, which is suggestive of growth regulator exposure.

John Bonkowski

Original Event: External Lab Report #220256 (X22-B8E18D)  
Submitted By: Andrew R. Roth  
Sample: X22-B8E18D  
Attachments: File 103492; 22-0289PPDL.pdf

---

07/22/2022 **Investigator Received Fax/Email from Applicator**

## Records

I received application records from Cory Sickafoose which indicated he sprayed the field from 1030am-1230pm on June 19. According to the information provided, a 240-foot buffer was left on the east, north and south sides of the field; those areas were reportedly sprayed with Roundup PowerMax only. Winds were reported as being from the south-southeast, blowing toward the field around the Schipper residence, at 5mph during the application. The information indicated the tank mix contained the following:

Xtendimax EPA Reg#264-1210, active ingredient dicamba  
Roundup PowerMax EPA Reg#524-549, active ingredient glyphosate  
Outlook EPA Reg#7969-156, active ingredient dimethenamid  
Intensity EPA Reg#34704-864, active ingredient clethodim

### Attachments

File 107905; 22-0289extendPI.pdf

Original Event: Investigation Activity (Pesticide) #5314  
Subject: Cory Eugene Sickafoose  
Submitted By: Andrew R. Roth

---

## 08/26/2022 Received Residue Lab Report Investigatory Summary

The OISC Residue Lab analyzed the samples for the dicamba parent compound and its breakdown products DCSA and 5OH-Dicamba. All three analytes were detected in the weeds collected from the corner of the target field near the church and road; this area was within the reported buffer where dicamba was not applied. The dicamba parent compound was also detected in the southern-most sample collected from the Schipper field. It was reported as BQL, meaning it was detected but at a level below the Quantification Limits.

### First Page of Lab Report

OCM Collection #	219361	Investigator	ROTHA			
Collection Date	07/18/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-0879 6	Veg; Comp; OFF-T, 800ft N	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	BDL ppb	3 ppb	
22-4-0880 6	Veg; Comp; OFF-T, 400ft	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	BDL ppb	3 ppb	
22-4-0881 0	Veg; Comp; OFF-T, S	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	BQL ppb	3 ppb	
22-4-0882 3	Veg; Comp; Target	Veg	5OH-Dicamba	BQL ppb	3 ppb	
			DCSA	193 ppb	0.7 ppb	
			Dicamba	8280 ppb * Minimum detected amount reported	3 ppb	

Original Event: Residue Lab Report #241917 (219361-R625)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219361-R625.pdf

---

## 10/31/2022 Judgement; Civil Penalty Assessed Civil Penalty

Cory Eugene Sickafoose 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 \$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 #1394  
Primary: Cory Eugene Sickafoose  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

## 01/06/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1692  
To: Cory Eugene Sickafoose  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9480  
Enclosed: Notice of Enforcement

---

01/20/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1921  
Subject: Cory Eugene Sickafoose  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9480  
Received: 01/20/2023  
Attachments: File 118137; CM 7021 0950 0000 0607 9480 - Cory Sickafoose - Recd. 1-20-23 - PS22-0289.pdf

---

01/30/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1849  
Subject: Cory Eugene Sickafoose  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117668; PS22-0289 - Cory E. Sickafoose - CP Received 1-30-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1934  
To: Rex A Schipper  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118310; PS22-0289 - Rex A. Schipper - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1935  
To: Cory Eugene Sickafoose  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118311; PS22-0289 - Cory E. Sickafoose - Case Closed Letter 2-17-2023.docx

---

**Chain of Custody**

---

07/19/2022 **Sample 22-4-0879 6**

Original Event: Chain of Custody #2184 (22-4-0879 6)  
07/18/2022 15:00: Sample Collected by Andrew R. Roth  
07/19/2022 14:06: Sample Delivered to 218  
07/20/2022 09:26: Delivery Affirmed by Vicki Vauters

---

07/19/2022 **Sample 22-4-0880 6**

Original Event: Chain of Custody #2185 (22-4-0880 6)  
07/18/2022 15:00: Sample Collected by Andrew R. Roth  
07/19/2022 14:06: Sample Delivered to 218  
07/20/2022 09:26: Delivery Affirmed by Vicki Vauters

---

07/19/2022 **Sample 22-4-0881 0**

Original Event: Chain of Custody #2186 (22-4-0881 0)  
07/18/2022 15:00: Sample Collected by Andrew R. Roth  
07/19/2022 14:06: Sample Delivered to 218  
07/20/2022 09:26: Delivery Affirmed by Vicki Vauters

---

07/19/2022 **Sample 22-4-0882 3**

Original Event: Chain of Custody #2187 (22-4-0882 3)  
07/18/2022 15:00: Sample Collected by Andrew R. Roth  
07/19/2022 14:06: Sample Delivered to 218  
07/20/2022 09:26: Delivery Affirmed by Vicki 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 6, 2023, 02:10 PM 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 PS22-0296

Department	Pesticide
Originated	07/14/2022
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant **Jonathan Ryan Bickel**  
Fort Wayne, IN 46816

Respondent **Victor G Fox**  
Fort Wayne, IN 46816

### Overviews

#### 12/05/2022 Investigation Summary

I met with Jon Bickel for the on-site investigation into his complaint of suspected dicamba drift to his soybeans from a neighboring farm field.

Widespread leaf-cupping was observed on non-dicamba-tolerant soybeans across the Bickel field. I collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. Plant samples were also submitted to the OISC Residue Lab for analysis.

I contacted Victor Fox who confirmed he sprayed the adjacent field with Engenia (dicamba) and glyphosate in June. He later provided application information.

The PPDL report indicated the symptoms were characteristic of exposure to dicamba in sensitive soybeans. The OISC Residue Lab detected dicamba in the Bickel soybeans which supports an incident of off-target movement of dicamba from the target field.

Based on the evidence collected in this case, it was determined Mr. Fox violated the Engenia label.

Submitted By: Andrew R. Roth  
Role: Investigator

#### 12/06/2022 Disposition Summary

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and failed to leave a 240' downwind buffer. A civil penalty in the amount of \$1,000.00 was assessed for these violations of the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 07/14/2022 Intake Referral Filed

Complainant stated an application of dicamba to a neighboring farm field injured his soybeans.

Original Event: Intake Referral (Pesticide) #2642  
Complainant: Jonathan Ryan Bickel  
Respondent: Victor G Fox  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

07/14/2022 **Investigator Met with Complainant**

**Interaction**

I spoke with Jon Bickel who reported he noticed Enlist soybeans in his field were stunted and cupped approximately two weeks prior. On July 14, I met Mr. Bickel at his field of non-dicamba-tolerant soybeans on E. Tillman Road in Allen County. Mr. Bickel explained that the small field of soybeans on the north side of E. Tillman Road was also part of the planting but the majority of the acreage was on the south side of the road. The suspected source of the off-target movement was a field, farmed by Victor Fox, which bordered his field to the west. A shared driveway for two residences separated the northern portions of the target and Bickel fields; south of the houses, the fields abutted with no fence line or biological barriers (see aerial photo).

Soybean plants across the Bickel fields, especially the western portions, were stunted with cupped leaves and white leaf tips. Weeds in the adjacent target (Fox) field, including the eastern portion near the Bickel soybeans, were curled and necrotic. I photographed the site and collected impacted soybean plants for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the target field and three gradient soybean samples from west-to-east across the Bickel soybean field. Those samples were submitted to the OISC Residue Lab for analysis.

**Photographs**

Photos of the site. The first three are from the field north of Tillman Road; the rest are from the larger field, south of Tillman Road, which bordered the target field.

Attachments



File 113833



File 102062



File 102063



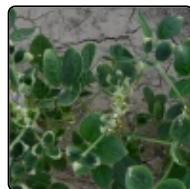
File 102064



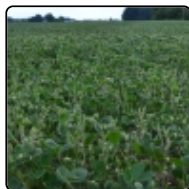
File 102065



File 102066



File 102067



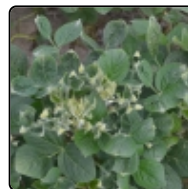
File 102068



File 102069



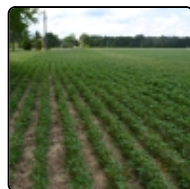
File 102070



File 102071



File 102072



File 102073



File 102074



File 102078



File 102079

Original Event: Investigation Activity (Pesticide) #5074  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth

07/14/2022 **Notice of Inspection Issued**

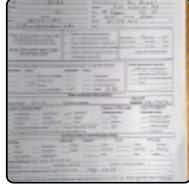
Original Event: Notice of Inspection #1051  
Client: Jonathan Ryan Bickel  
Firm Representative: Jon Bickel  
Submitted By: Andrew R. Roth  
Photos:



File 102080

07/14/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #219145 (X22-E5B95B)  
Client: Jonathan Ryan Bickel  
Submitted By: Andrew R. Roth  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-E5B95B | I collected plant samples for assessment by the PPDL.  
Photos:



File 102085

---

07/14/2022 **Residue Samples Collected**

Original Event: Residue Collection #219146 (22-4-0875 4)  
Client: Jonathan Ryan Bickel  
Submitted By: Andrew R. Roth  
Sample: 22-4-0875 4 | Veg; Comp; OFF-T, 1200ft E  
Sample: 22-4-0876 5 | Veg; Comp; OFF-T, 600ft  
Sample: 22-4-0877 7 | Veg; Comp; OFF-T, W  
Sample: 22-4-0878 3 | Veg; Comp; Target

---

07/14/2022 **Case Created**

Original Event: Case PS22-0296  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/15/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #635  
Submitted By: Andrew R. Roth  
Target Analyte: Engenia  
Target Analyte: Farm General 41% Glyphosate  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[084009-00012-20151028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/084009-00012-20151028.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/084009-00012-20151028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/084009-00012-20151028.pdf)

---

07/19/2022 **Received External Lab Report**

Soybean plants have cupped or strapped leaves with whitish leaf tips. These symptoms are characteristic of exposure to dicamba in sensitive soybeans.

Marcelo Zimmer

Plants show mild to severe leaf deformation with symptoms including leaf cupping, stunting, and white leaf tips which are suggestive of exposure to a growth regulator. No significant disease present that could cause the symptoms observed.

John Bonkowski

Original Event: External Lab Report #219564 (X22-E5B95B)  
Submitted By: Andrew R. Roth  
Sample: X22-E5B95B  
Attachments: File 102361; 22-0296PPDL.pdf

---

08/03/2022 **Investigator Received Fax/Email from Applicator Communication**

On July 14, after the on-site investigation, I left a business card at the home of Mr. Fox. I then sent him a Pesticide Investigation Inquiry via email.

**Records**

On August 3, I received application information from Mr. Fox which indicated he sprayed the field adjacent to the Bickel soybeans with a tank mix containing Engenia EPA Reg#7969-345, active ingredient dicamba, and glyphosate. The EPA registration numbers provided by Mr. Fox were incorrect. He later provided EPA Reg#7969-472 for Engenia and EPA Reg#84009-12 for Farm General 41% Glyphosate Grass & Weed Killer. Mr. Fox reportedly sprayed the field from 945am-1050am on June 18 while winds were from the north at 8mph. A wind from the north would have been blowing toward a wooded area at the south end of the field. Mr. Fox listed "corn field" as the downwind buffer for the application.

Official recorded wind data from the Fort Wayne International Airport confirmed winds were from the north at 8mph at 10am on the reported date of the application.

Attachments

File 113834; 22-0296PI.pdf

Original Event: Investigation Activity (Pesticide) #5663  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth

08/26/2022 **Received Residue Lab Report**  
**Investigatory Summary**

The OISC Residue Lab analyzed the samples for dicamba and its breakdown products DCSA and 5OH-dicamba. Dicamba and DCSA were detected in the weeds from the east side of the target field near the Bickel field. Dicamba was also detected at a quantifiable level in the westernmost sample from the Bickel field. Dicamba was detected in the easternmost sample from the Bickel field and was reported as BQL (Below Quantification Limits). The diminishing levels of dicamba from west-to-east established a gradient pattern of off-target movement from the target field.

**First Page of Lab Report**

OCM Collection #	219146	Investigator	ROTHA			
Collection Date	07/14/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-0875 4	Veg; Comp; OFF-T, 1200ft E	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	BQL ppb	3 ppb	
22-4-0876 5	Veg; Comp; OFF-T, 600ft	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	BDL ppb	3 ppb	
22-4-0877 7	Veg; Comp; OFF-T, W	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BDL ppb	0.7 ppb	
			Dicamba	4.84 ppb * Minimum detected amount reported	3 ppb	
22-4-0878 3	Veg; Comp; Target	Veg	5OH-Dicamba	BDL ppb	3 ppb	
			DCSA	BQL ppb	0.7 ppb	
			Dicamba	9930 ppb * Minimum detected amount reported	3 ppb	

Original Event: Residue Lab Report #241916 (219146-R625)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219146-R625.pdf

11/14/2022 **Investigator Received Fax/Email from Applicator**  
**Communication**

I emailed Mr. Fox a list of questions to clarify some of the information he provided regarding the application. Specifically, I asked for clarity regarding label mandated adjuvants, mandatory dicamba training, incomplete records and the buffer he identified.

On November 14, I received an email from Mr. Fox in which he indicated the following:

- He did not add label mandated adjuvants.
- He did not attend annual dicamba-specific training.
- The application records he provided, which lacked required items, were all that he had.
- He originally claimed the downwind buffer for the application was a corn field. In the email, he clarified the buffer was the wooded area.

**Attachments**

File 113843; Fox-clarifications.pdf

Original Event: Investigation Activity (Pesticide) #5665  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth

12/02/2022 **Online Investigation Activity**

## Engenia

The evidence collected in this investigation suggests dicamba from the application made to the Fox field moved off-target to the sensitive non-dicamba-tolerant soybeans in the Bickel field. It was determined Mr. Fox did not attend mandatory dicamba training, failed to use a required pH buffering adjuvant, applied Engenia with an unapproved glyphosate product and failed to maintain the required in-field downwind buffer. The Engenia label reads:

"Prior to applying this product, all applicators must complete dicamba-specific training on an annual basis."

"For EVERY application of Engenia an approved pH Buffering Adjuvant must be included in the spray mixture."

"Tank mixing: Use only approved tank-mix products found at [www.engeniatankmix.com](http://www.engeniatankmix.com)."

"Spray Buffer Requirement: Applicator must always maintain a 240 foot buffer when applying this product from the downwind outer edges of the field."

### Attachments

File 113844; ENGENIA HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5669  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)

---

## 12/06/2022 **Judgement; License Suspension Civil Penalty**

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and failed to leave a 240' downwind buffer. A civil penalty in the amount of \$1,000.00 was assessed for these violations of the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

### License Suspension

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Original Event: Judgement #1419  
Primary: Victor G Fox  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

## 12/07/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1651  
To: Victor G Fox  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9275  
Enclosed: Notice of Enforcement  
Attachments: File 114032; PS22-0296EL ~ CP-License Suspension - Victor G. Fox.docx

---

## 12/16/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1872  
Subject: Victor G Fox  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9275  
Received: 12/16/2022  
Attachments: File 117829; CM 7021 0950 0000 0607 9275 - Victor Fox - Recd. 12-16-22 - PS22-0296.pdf

---

## 01/13/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1856  
Subject: Victor G Fox  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117684; PS22-0296 Victor G. Fox ~ CP Received 1-13-2023.pdf

---

## 02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1936  
To: Jonathan Ryan Bickel  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118312; PS22-0296 - Jonathan R. Bickel - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1937  
To: Victor G Fox  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118313; PS22-0296 - Victor G. Fox - Case Closed Letter 2-17-2023.docx

---

**Chain of Custody**

---

07/15/2022 **Sample 22-4-0875 4**

Original Event: Chain of Custody #2163 (22-4-0875 4)  
07/14/2022 16:00: Sample Collected by Andrew R. Roth  
07/15/2022 13:12: Sample Delivered to Vicki Vauters  
07/15/2022 13:12: Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0876 5**

Original Event: Chain of Custody #2164 (22-4-0876 5)  
07/14/2022 16:00: Sample Collected by Andrew R. Roth  
07/15/2022 13:12: Sample Delivered to Vicki Vauters  
07/15/2022 13:12: Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0877 7**

Original Event: Chain of Custody #2165 (22-4-0877 7)  
07/14/2022 16:00: Sample Collected by Andrew R. Roth  
07/15/2022 13:12: Sample Delivered to Vicki Vauters  
07/15/2022 13:12: Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0878 3**

Original Event: Chain of Custody #2166 (22-4-0878 3)  
07/14/2022 16:00: Sample Collected by Andrew R. Roth  
07/15/2022 13:12: Sample Delivered to Vicki Vauters  
07/15/2022 13:12: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:10 PM 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 6, 2023, 02:10 PM 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 PS22-0297

Department	Pesticide
Originated	07/14/2022
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant **David A Bulmahn**  
Fort Wayne, IN 46816

Respondent **Victor G Fox**  
Fort Wayne, IN 46816

### Overviews

#### 12/05/2022 Investigation Summary

I met with Dave Bulmahn for the on-site investigation into his complaint of suspected dicamba drift to his soybeans from a neighboring farm field.

Widespread leaf-cupping was observed on non-dicamba-tolerant soybeans across the Bulmahn field. I collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. Plant samples were also submitted to the OISC Residue Lab for analysis.

I contacted Victor Fox who confirmed he sprayed the adjacent field with Engenia (dicamba) and glyphosate in June. He later provided application information.

The PPDL report indicated the symptoms were characteristic of exposure to dicamba in sensitive soybeans. The OISC Residue Lab detected dicamba in the Bulmahn soybeans which supports an incident of off-target movement of dicamba from the target field.

Based on the evidence collected in this case, it was determined Mr. Fox violated the Engenia label.

Submitted By: Andrew R. Roth  
Role: Investigator

#### 12/05/2022 Disposition Summary

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and applying when winds were blowing towards a sensitive area. A civil penalty in the amount of \$1,000.00 was assessed for these violations of the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 07/14/2022 Intake Referral Filed

Complainant stated an application of dicamba to a neighboring farm field injured his Enlist soybeans.

Original Event: Intake Referral (Pesticide) #2643  
Complainant: David A Bulmahn  
Respondent: Victor G Fox  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/14/2022 **Investigator Met with Complainant Interaction**

I spoke with Dave Bulmahn who reported soybean plants in one of his fields became stunted and cupped after an application was made to an adjacent field. I met Mr. Bulmahn and went to his field of non-dicamba-tolerant soybeans on the south side of E. Tillman Road in Allen County. The suspected source of the off-target movement was a field, farmed by Victor Fox, which bordered his field to the west. A narrow grass lane separated the two fields. Mr. Bulmahn reported he has had drift issues from fields farmed by Mr. Fox in the past and, although he was not sure of the spray date, he believed dicamba may have been applied to the field after the June 20 cutoff date. A field planted to corn, south of the Enlist soybeans, was also farmed by Mr. Bulmahn.

Soybean plants across the western and southern portions of the Bulmahn field were stunted with cupped leaves and white leaf tips. Weeds in the adjacent (target) field, including the eastern edge of the field near the Bulmahn field, were curled and necrotic but many were not totally dead. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected weeds from the target field and three gradient soybean samples from west-to-east across the Bulmahn soybean field. Those samples were submitted to the OISC Residue Lab for analysis.

**Photographs**

Photos of the site and an aerial photo.

Attachments



File 113006



File 102050



File 102051



File 102052



File 102053



File 102054



File 102055



File 102056



File 102057

Original Event: Investigation Activity (Pesticide) #5075  
Subject: David A Bulmahn  
Submitted By: Andrew R. Roth

---

07/14/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1052  
Client: David A Bulmahn  
Firm Representative: Dave Bulmahn  
Submitted By: Andrew R. Roth  
Photos:



File 102058

07/14/2022 **Residue Samples Collected**

Original Event: Residue Collection #219137 (22-4-0871 2)  
Client: David A Bulmahn  
Submitted By: Andrew R. Roth  
Sample: 22-4-0871 2 | Veg; Comp; OFF-T, 600ft E  
Sample: 22-4-0872 0 | Veg; Comp; OFF-T, 300ft  
Sample: 22-4-0873 1 | Veg; Comp; OFF-T, W  
Sample: 22-4-0874 9 | Veg; Comp; Target

---

07/14/2022 **Case Created**

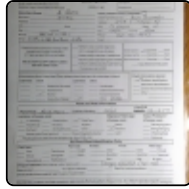


Original Event: Case PS22-0297  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/15/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #219134 (X22-E4F146)  
Client: David A Bulmahn  
Submitted By: Andrew R. Roth  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-E4F146 | I collected plant samples for assessment by the PPDL.  
Photos:



File 102046

---

07/15/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #634  
Submitted By: Andrew R. Roth  
Target Analyte: Engenia  
Target Analyte: Farm General 41% Glyphosate  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[084009-00012-20151028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/084009-00012-20151028.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/084009-00012-20151028.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/084009-00012-20151028.pdf)

---

07/19/2022 **Received External Lab Report**

Soybean plants have cupped or strapped leaves with whitish leaf tips. These symptoms are characteristic of exposure to dicamba in sensitive soybeans.  
Marcelo Zimmer

Plants show mild to severe leaf deformation with symptoms including leaf cupping, stunting, and white leaf tips which are suggestive of exposure to a growth regulator. Weed species also show stem and leaf deformation. No significant disease present that could cause the symptoms observed.  
John Bonkowski

Original Event: External Lab Report #219565 (X22-E4F146)  
Submitted By: Andrew R. Roth  
Sample: X22-E4F146  
Attachments: File 102362; 22-0297PPDL.pdf

---

08/03/2022 **Investigator Received Fax/Email from Applicator Communication**

On July 14, after the on-site investigation, I left a business card at the home of Mr. Fox. I then sent him a Pesticide Investigation Inquiry via email.

**Records**

On August 3, I received application information from Mr. Fox which indicated he sprayed the field adjacent to the Bulmahn soybeans with a tank mix containing Engenia EPA Reg#7969-345, active ingredient dicamba, and glyphosate. The EPA registration numbers provided by Mr. Fox were incorrect. He later provided EPA Reg#7969-472 for Engenia and EPA Reg#84009-12 for Farm General 41% Glyphosate Grass & Weed Killer. Mr. Fox reportedly sprayed the field from 505pm-550pm on June 14 while winds were from the northwest (blowing toward the Bulmahn soybeans) at 6mph.

Attachments  
File 113495; 22-0297PI.pdf

Original Event: Investigation Activity (Pesticide) #5606  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth

---

08/23/2022 **Received Residue Lab Report Investigatory Summary**

The OISC Residue Lab analyzed the samples for dicamba and its breakdown products DCSA and 5OH-dicamba. Dicamba and DCSA were detected in the weeds from the east side of the target field near the Bulmahn field. Dicamba and DCSA were also detected at quantifiable levels in the westernmost sample from the Bulmahn field. Dicamba was detected in the mid-field sample from the Bulmahn field and was reported as BQL (Below Quantification Limits). The diminishing levels of dicamba from west-to-east established a gradient pattern of off-target movement from the target field.

**First Page of Lab Report**

OCM Collection #	219137	Investigator	ROTHA		
Collection Date	07/14/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0871 2	Veg; Comp; OFF-T, 600ft E	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb
22-4-0872 0	Veg; Comp; OFF-T, 300ft	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BQL ppb	3 ppb
22-4-0873 1	Veg; Comp; OFF-T, W	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	1.17 ppb	0.3 ppb
			Dicamba	8.31 ppb	3 ppb
22-4-0874 9	Veg; Comp; Target	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	151 ppb	0.3 ppb
			Dicamba	51600 ppb	3 ppb

Original Event: Residue Lab Report #241243 (219137-R618)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 219137-R618.pdf

11/14/2022 **Investigator Received Fax/Email from Applicator Communication**

I emailed Mr. Fox a list of questions to clarify some of the information he provided regarding the application. Specifically, I asked for clarity regarding label mandated adjuvants, mandatory dicamba training, incomplete records and the buffer he identified.

On November 14, I received an email from Mr. Fox in which he indicated the following:

- He did not add label mandated adjuvants.
- He did not attend annual dicamba-specific training.
- The application records he provided, which lacked required items, were all that he had.
- He originally claimed the wind was from the northwest, blowing toward the Bulmahn field, and the grass lane between the fields was the downwind buffer. In the email, he indicated that the wind was actually from the east and the adjacent ditch and road was the downwind buffer.

The field across the road to the west was also planted to non-dicamba-tolerant soybeans, which were also cupped. Whether the wind was from the northwest or the east, sensitive crops were planted downwind from the target field.

Official recorded wind data from the Fort Wayne International Airport (seven miles from the site) indicated winds were from the west, blowing toward the Bulmahn soybeans, at 6mph at 454pm and 9mph at 554pm on the reported date of the application.

Attachments  
 File 113691; Fox-clarifications.pdf

Original Event: Investigation Activity (Pesticide) #5653  
 Subject: Victor G Fox  
 Submitted By: Andrew R. Roth

11/29/2022 **Online Investigation Activity Engenia**

The evidence collected in this investigation suggests dicamba from the application made to the Fox field moved off-target to the sensitive non-dicamba-tolerant soybeans in the Bulmahn field. It was determined Mr. Fox did not attend mandatory dicamba training, failed to use a required pH buffering adjuvant, applied Engenia with an unapproved glyphosate product and made the application with sensitive crops downwind (making the in-field downwind buffer requirement moot). The Engenia label reads:

"Prior to applying this product, all applicators must complete dicamba-specific training on an annual basis."

"For EVERY application of Engenia an approved pH Buffering Adjuvant must be included in the spray mixture."

"Tank mixing: Use only approved tank-mix products found at [www.engeniatankmix.com](http://www.engeniatankmix.com)."

"DO NOT apply when wind is blowing in the direction of adjacent sensitive crops or residential areas."

Attachments  
 File 113824; ENGENIA HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5662  
Subject: Victor G Fox  
Submitted By: Andrew R. Roth  
PPLS Labels: [007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)

---

12/05/2022 **Judgement; License Suspension  
Civil Penalty**

Based on the evidence collected in this investigation, it has been determined that Mr. Fox failed to comply with both the off-target drift restrictions and the drift management restrictions on the label for the herbicide Engenia by failure to attend mandatory training; failure to use label-mandated adjuvants; failure to include label-approved buffering agent and applying when winds were blowing towards a sensitive area. A civil penalty in the amount of \$1,000.00 was assessed for these violations of the Indiana Pesticide Use and Application Law. Consideration was given to the fact a restricted use pesticide was involved and there was an adverse effect.

**License Suspension**

In addition, Mr. Fox's Private Applicator permit will be suspended from April 1, 2023, through September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Original Event: Judgement #1418  
Primary: Victor G Fox  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 1000

---

12/07/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1652  
To: Victor G Fox  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9053  
Enclosed: Notice of Enforcement  
Attachments: File 114033; PS22-0297EL ~ CP-License Suspension - Victor G. Fox.docx

---

12/28/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1873  
Subject: Victor G Fox  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9053  
Received: 12/28/2022  
Attachments: File 117830; CM 7021 0950 0000 0607 9053 - Victor Fox - Recd. 12-28-22 - PS22-0297.pdf

---

01/13/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1857  
Subject: Victor G Fox  
Submitted By: Joni D. Herman  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 117685; PS22-0297 Victor G. Fox ~ CP Received 1-13-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1938  
To: David A Bulmahn  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118314; PS22-0297 - David A. Bulmahn - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1939  
To: Victor G Fox  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118315; PS22-0297 - Victor G. Fox - Case Closed Letter 2-17-2023.docx

---

**Chain of Custody**

---

07/15/2022 **Sample 22-4-0871 2**

Original Event: Chain of Custody #2158 (22-4-0871 2)  
07/14/2022 15:00: Sample Collected by Andrew R. Roth  
07/15/2022 13:11: Sample Delivered to Vicki Vauters  
07/15/2022 14:51: Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0872 0**

Original Event:	Chain of Custody #2159 (22-4-0872 0)
07/14/2022 15:00:	Sample Collected by Andrew R. Roth
07/15/2022 13:11:	Sample Delivered to Vicki Vauters
07/15/2022 14:51:	Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0873 1**

Original Event:	Chain of Custody #2160 (22-4-0873 1)
07/14/2022 15:00:	Sample Collected by Andrew R. Roth
07/15/2022 13:11:	Sample Delivered to Vicki Vauters
07/15/2022 14:51:	Delivery Affirmed by Vicki Vauters

---

07/15/2022 **Sample 22-4-0874 9**

Original Event:	Chain of Custody #2161 (22-4-0874 9)
07/14/2022 15:00:	Sample Collected by Andrew R. Roth
07/15/2022 13:11:	Sample Delivered to Vicki Vauters
07/15/2022 14:51:	Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:10 PM 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 6, 2023, 02:12 PM 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 PS22-0322

Department	Pesticide
Originated	07/20/2022
Assigned To	Nathan J. Davis
Status	Closed

### Involved Parties

Complainant	<b>Megan Loudermilk</b> Sullivan, IN 47882	
Respondent	<b>Bunker Hill Supply Co Inc</b> Hutsonville, IL 62433	Licensed Business
Respondent	<b>Billyjack Osborn</b> Hutsonville, IL 62433	Certified Applicator

### Overviews

#### 11/10/2022 Investigation Summary

Complainant stated a herbicide application to a neighboring farm field injured trees on her property. During my on-site investigation I found one potential sources of herbicide application in the area located to the south and southwest of the complainant's property. The PPDL report indicated symptoms were consistent with 2,4,-D exposure. The OISC Residue Laboratory confirmed exposure to 2,4,-D. The wind data and application record indicate at the time of the application the wind was blowing towards the complainant's property.

Submitted By: Nathan J. Davis  
Role: Investigator  
Drift: Confirmed

#### 11/14/2022 Disposition Summary

Bunker Hill Supply Co 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. Consideration was given to the fact a general use pesticide was involved and there was adverse effect.

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

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 07/19/2022 Intake Referral Filed

Complainant stated a herbicide application to a neighboring farm field injured trees on her property.

Original Event: Intake Referral (Pesticide) #2668  
Complainant: Megan Loudermilk  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

#### 07/20/2022 Case Created

Original Event: Case PS22-0322  
Submitted By: Joseph D. Becovitz  
Assigned To: Nathan J. Davis

---

07/26/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1085  
Client: Megan Loudermilk  
Firm Representative: Megan Loudermilk  
Submitted By: Nathan J. Davis

---

07/26/2022 **Investigator Met with Complainant Interaction**

On July 26, 2022, I met with complainant's husband at their property. The complainant advised on or around July 16, 2022, after returning from vacation they noticed their line of willow trees along the west side of their property with brown leaves only on the west side of the tree.

During my on-site investigation I did the following:

- a. Looked for and found one potential sources of pesticide application in the area. The target field is located to the west of the complainant's property.
- b. Observed and photographed a line of willow trees with brown leaves on the west side of the trees.
- c. Collected samples of injured Willow trees from the complainant's property for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDDL)
- d. Collected composite soil sample from the target field. Collected composite vegetation sample from the complainant's property. The residue samples were submitted to the OISC Residue Laboratory for analysis.

Original Event: Investigation Activity (Pesticide) #5142  
Subject: Megan Loudermilk  
Submitted By: Nathan J. Davis

---

07/26/2022 **Investigator Met with Complainant Photographs**

Photographs taken during the on-site investigation.



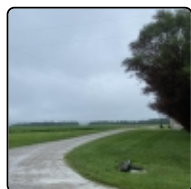








Attachments



File 103612



File 103613



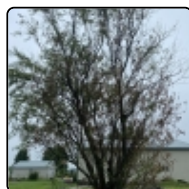
File 103614



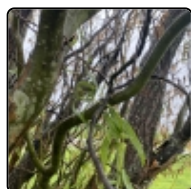
File 103615



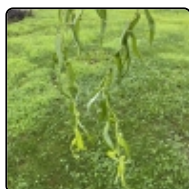
File 103617



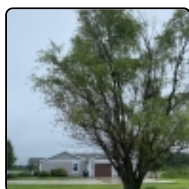
File 103618



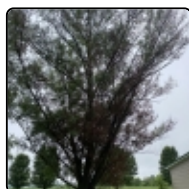
File 103619



File 103620



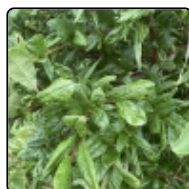
File 103621



File 103622



File 103623



File 103624



File 103625



File 103626



File 103628



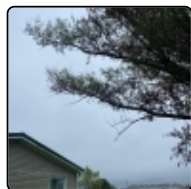
File 103629



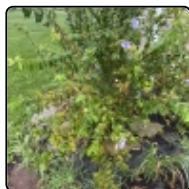
File 103630



File 103631



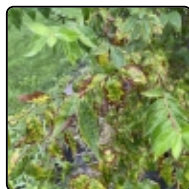
File 103633



File 103604



File 103605



File 103606



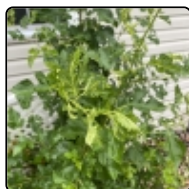
File 103607



File 103608



File 103609



File 103610

Original Event: Investigation Activity (Pesticide) #5143  
Subject: Megan Loudermilk  
Submitted By: Nathan J. Davis

---

07/26/2022 **Residue Samples Collected**

Original Event: Residue Collection #220399 (22-4-0072 7)  
Client: Megan Loudermilk  
Submitted By: Nathan J. Davis  
Sample: 22-4-0072 7 | Soil; Comp; 2-4"; Target, W  
Sample: 22-4-0073 6 | Veg; Comp; OFF-T, E  
Sample: 22-4-0074 3 | Veg; Ctrl; Side Yard; OFF-T, E

---

07/26/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #220404 (X22-EDC42A)  
Client: Megan Loudermilk  
Submitted By: Nathan J. Davis  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-EDC42A | Willow Tree

---

07/26/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #644  
Submitted By: Nathan J. Davis  
Target Analyte: Enlist One  
Target Analyte: Showdown  
Target Analyte: Dual Magnum  
PPLS Labels: [000100-00818-20210326.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-00818-20210326.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-00818-20210326.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-00818-20210326.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)

[071368-00025-20210524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00025-20210524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/071368-00025-20210524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00025-20210524.pdf)

Attachments: File 112957; DUAL II MAGNUM HERBICIDE.pdf  
File 112958; Enlist One.pdf  
File 112959; SHOWDOWN.pdf

---

07/27/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1249  
Client: Bunker Hill Supply Co Inc  
Firm Representative: Josh Adams  
Submitted By: Nathan J. Davis

---

07/27/2022 **Investigator Called Business Communication**

On July 27, 2022 I contacted Bunker Hill Supply Company located in Hutsonville, Illinois and spoke with operations manager Josh Adams. I advised Mr. Adams I was a pesticide investigator for OISC and of the complaint I was investigating. Mr. Adams advised Bunker Hill Supply Company made a pesticide application to the field to the west of the complainant's property. I advised Mr. Adams I would be sending him via email a pesticide investigation inquiry to complete for the application and return to me.

Original Event: Investigation Activity (Pesticide) #5578  
Subject: Bunker Hill Supply Co Inc  
Submitted By: Nathan J. Davis

---

07/28/2022 **Received External Lab Report**

Final Report

Diagnosis and Recommendations  
Host/Habitat: Mixed Plant material (unspecified)  
List of Diagnosis/ID(s): Suspected for Herbicide injury; Exposure (Abiotic disorder)

Looks like it got hit with some kind of a 2,4-D + sharpen or metribuzin mixture from a burndown treatment made to the soybean field.

No significant disease observed that could the symptoms that are present on the sample.

Original Event: External Lab Report #236696 (X22-EDC42A)  
Submitted By: Nathan J. Davis  
Sample: X22-EDC42A  
Attachments: File 104008; FinalReport\_Nathan Davis.pdf

---

08/04/2022 **Investigator Received Fax/Email from Business Investigation Inquiry**

On August 4, 2022 I received a completed pesticide investigation inquiry from Mr. Adams for the application which indicated the following:

Attachments  
File 112834; PII-Bunker Hill Supply 7-27-22 Completed.pdf

**Inquiry Overview**

Certified Applicator Billyjack Osborn  
Company Bunker Hill Supply Company  
Application Type Commercial  
Target Field Green Barn

**Tank Mix**

Product	EPA	Rate
Enlist One	62719-695	32oz/acre
Showdown	71368-25-5905	32oz/acre
Dual Magnum	100-818	20.8oz/acre

**Application Date**

Date	Start	End
07/06/2022	3:35pm	4:45pm

## Air Conditions

### Time Temp Direction Speed

Start 86°F NNW 8mph

End 86°F NNW 6mph

Original Event: Investigation Activity (Pesticide) #5579  
Subject: Bunker Hill Supply Co Inc  
Submitted By: Nathan J. Davis  
PPLS Labels: [000100-00818-20210326.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-00818-20210326.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-00818-20210326.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-00818-20210326.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](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00695-20220329.pdf)  
[071368-00025-20210524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00025-20210524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/071368-00025-20210524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/071368-00025-20210524.pdf)

---

### 08/04/2022 New Respondent Identified

Original Event: Investigation Change #277  
Respondent: Billyjack Osborn  
Submitted By: Nathan J. Davis

---

### 10/06/2022 Received Residue Lab Report Investigatory Summary

The OISC Residue Laboratory analyzed the soil and vegetation samples collected for the active ingredients 2,4-D, metolachlor, and sulfentrazone and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients 2,4-D and metolachlor in the east off target composite vegetation sample.

#### First Page of Lab Report

OCM Collection #	220399	Investigator	DAVISN			
Collection Date	07/26/2022					
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ	
22-4-0072 7	Soil; Comp; 2-4"; Target, W	Soil	2,4-D	3.79 ppb	0.2 ppb	
			Metolachlor	297 ppb	0.3 ppb	
			Sulfentrazone	BDL ppb	1 ppb	
22-4-0073 6	Veg; Comp; OFF-T, E	Veg	2,4-D	251 ppb	0.3 ppb	
			Metolachlor	19.9 ppb	0.1 ppb	
			Sulfentrazone	BDL ppb	3 ppb	
22-4-0074 3	Veg; Ctri; Side Yard; OFF-T, E	Veg	2,4-D	2.60 ppb	0.3 ppb	
			Metolachlor	BQL ppb	0.1 ppb	
			Sulfentrazone	BDL ppb	3 ppb	

Original Event: Residue Lab Report #245646 (220399-R663)  
Submitted By: SYSTEM  
Lab Report: Lab Report 220399-R663.pdf

---

### 11/10/2022 Wind Data Researched

The wind data from the Terre Haute Regional Airport (KHUF) indicate the wind speed during the application was 9 mph with no gusts out of the north and west blowing towards the complainant's property.

According to the application record the wind speed during the application was between 6 and 8 mph with no gusts out of the north and west blowing towards the complainant's property.

#### Terre Haute Regional Airport (KHUF) - ASOS

Terre Haute , Indiana (27 miles N of site)

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

3:53pm 89 NNW 9 0

4:53pm 89 NW 9 0

Original Event: Wind Data #149  
Submitted By: Nathan J. Davis  
Date of Weather: 07/06/2022

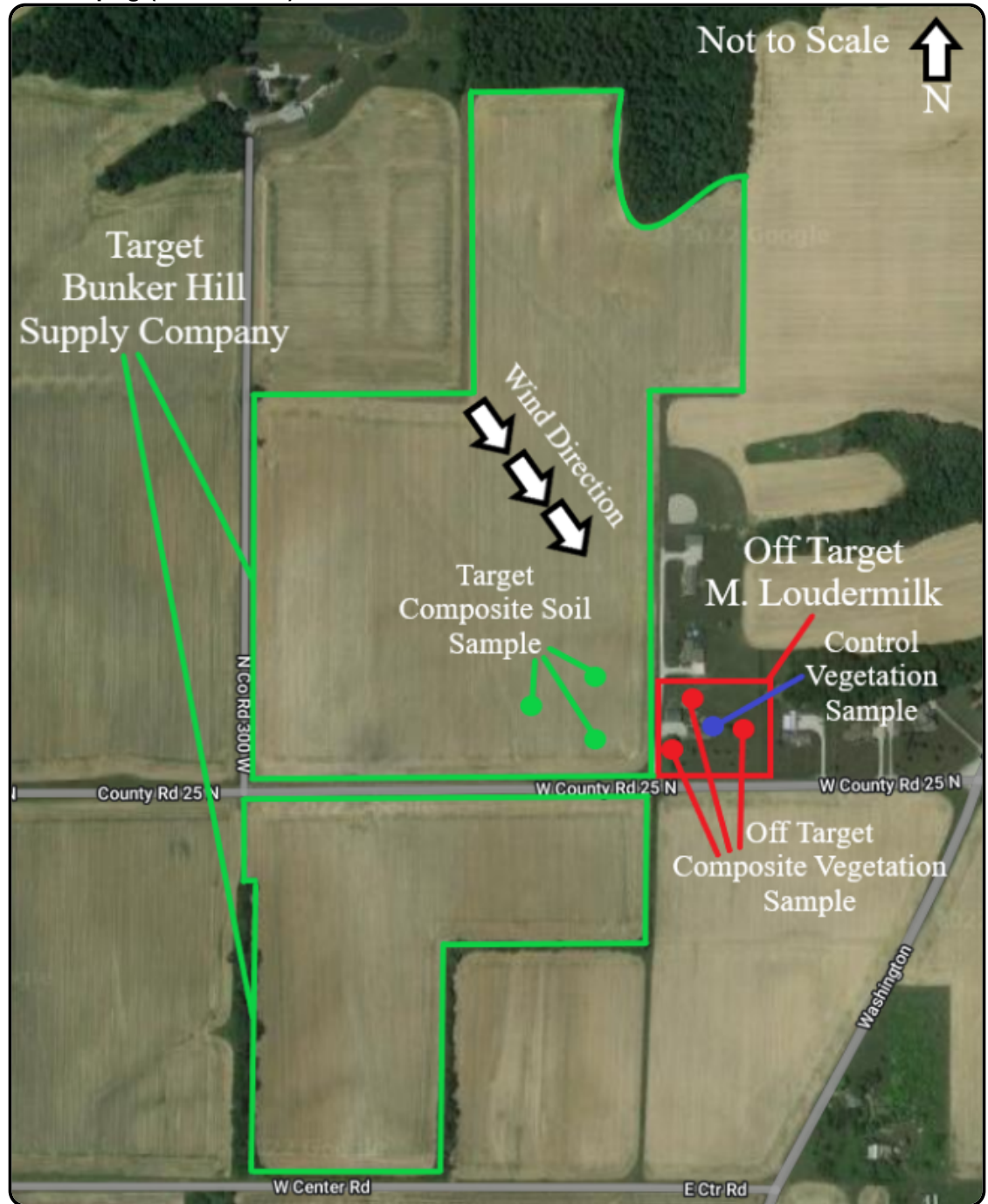
---

### 11/10/2022 Investigation Activity

## Photographs

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

PS22-0322.png (File 112835)



Original Event: Investigation Activity (Pesticide) #5582  
Submitted By: Nathan J. Davis

### 11/10/2022 Investigation Activity Activity

The evidence in this case indicates at the time of the application the pesticides moved off target in sufficient quantity to cause visible injury to the complainant's vegetation. The label for *Enlist One*, EPA Reg.# 62719-695, Active ingredient = 2,4-D states: "**Do not allow contact of herbicide with foliage of desirable plants**". Further, the *Indiana Pesticide Drift Rule* states: "**A person may not apply a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a nontarget site**".

Original Event: Investigation Activity (Pesticide) #5583  
Submitted By: Nathan J. Davis

### 11/14/2022 Judgement; Civil Penalty Assessed

## Citation

Bunker Hill Supply Co 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. Consideration was given to the fact a general use pesticide was involved and there was adverse effect.

## Civil Penalty

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

Original Event: Judgement #1403  
Primary: Bunker Hill Supply Co Inc  
Secondary: Billyjack Osborn  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 400

---

### 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1696  
To: Bunker Hill Supply Co Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9534  
Enclosed: Notice of Enforcement  
Attachments: File 115524; PS22-0322EL CIT ~ Bunker Hill Supply Co..docx

---

### 01/09/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1697  
To: Billyjack Osborn  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9541  
Enclosed: Notice of Enforcement  
Attachments: File 115525; PS22-0322EL CIT-CP Mitigated ~ Billyjack Osborn - Bunker Hill Supply Co..docx

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1888  
Subject: Billyjack Osborn  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9541  
Received: 01/13/2023  
Attachments: File 118041; CM 7021 0950 0000 0607 9541 - Billyjack Osborn - Recd. 1-13-23 - PS22-0322.pdf

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1889  
Subject: Bunker Hill Supply Co Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9534  
Received: 01/13/2023  
Attachments: File 118042; CM 7021 0950 0000 0607 9534 - Bunker Hill Supply - Recd. 1-13-23 - PS22-0322.pdf

---

### 01/20/2023 Received Penalty Payment for Target

Original Event: Compliance Receipt #1890  
Subject: Billyjack Osborn  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$400.00  
Payment Received: \$400.00  
Attachments: File 118043; PS22-0322 CP to Billyjack Osborn-Bunker Hill Supply ~ CP Received 1-20-2023 from Business.pdf

---

### 02/21/2023 Notice of Case Closure Mailed to Complainant

Original Event: Outgoing Mail #1962  
To: Megan Loudermilk  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118456; PS22-0322 - Megan Loudermilk - Case Closed Letter 2-21-2023.docx

---

### 02/21/2023 Notice of Case Closure Mailed to Target

Original Event: Outgoing Mail #1963  
To: Bunker Hill Supply Co Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118457; PS22-0322 - Bunker Hill Supply Co., Inc - Case Closed Letter 2-21-2023.docx

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1964  
To: Billyjack Osborn  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118458; PS22-0322 - Billyjack Osborn - Case Closed Letter 2-21-2023.docx

**Chain of Custody**

---

07/26/2022 **Sample 22-4-0072 7**

Original Event: Chain of Custody #2308 (22-4-0072 7)  
07/26/2022 11:30: Sample Collected by Nathan J. Davis  
07/27/2022 11:32: Sample Delivered to 218  
07/27/2022 13:18: Delivery Affirmed by Vicki Vauters

---

07/26/2022 **Sample 22-4-0073 6**

Original Event: Chain of Custody #2309 (22-4-0073 6)  
07/26/2022 11:30: Sample Collected by Nathan J. Davis  
07/27/2022 11:32: Sample Delivered to 218  
07/27/2022 13:18: Delivery Affirmed by Vicki Vauters

---

07/26/2022 **Sample 22-4-0074 3**

Original Event: Chain of Custody #2310 (22-4-0074 3)  
07/26/2022 11:30: Sample Collected by Nathan J. Davis  
07/27/2022 11:32: Sample Delivered to 218  
07/27/2022 13:18: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:12 PM 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 6, 2023, 02:13 PM 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 PS22-0323

Department	Pesticide
Originated	07/20/2022
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant	<b>Cory Morgan</b> Lohman, MO 65053
Respondent	<b>Unknown</b>
Respondent	<b>Vertical Vegetation Management LLC</b> Darlington, IN 47940
Respondent	<b>Jesse Ray Sadler</b> Darlington, IN 47940

### Overviews

#### 11/01/2022 Investigation Summary

Cory Morgan contacted the OISC to report he was exposed to spray drift when an aerial application was made to a corn field near the intersection where he was installing fiber optic cable the day prior.

The next day, I met Mr. Morgan at the site of the alleged exposure. I photographed the site, collected the shirt Mr. Morgan was wearing when the application was made and collected swab samples from hard surfaces at the intersection. The samples were submitted to the OISC Residue Lab for analysis.

I determined Vertical Vegetation Management, a licensed Indiana pesticide business, made the application. I contacted the company and obtained application information which indicated certified applicator Jess Sadler sprayed the adjacent field with Trivapro Fungicide while winds were blowing toward Mr. Morgan.

The OISC Residue Lab analyzed the samples for the three active ingredients in Trivapro. All analytes were detected in the samples collected from the site with the highest levels being present in the shirt and in the sample collected from the pole on which Mr. Morgan was working.

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."

Submitted By: Andrew R. Roth  
Role: Investigator

#### 11/03/2022 Disposition Summary

Vertical Vegetation Management 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 to people. Consideration was given to the fact there was potential for human harm.

Jess Sadler was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

07/20/2022 **Intake Referral Filed**

Complainant stated he was drifted on by a helicopter making an application to an adjacent corn field.

Original Event: Intake Referral (Pesticide) #2669  
Complainant: Cory Morgan  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/20/2022 **Case Created**

Original Event: Case PS22-0323  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

07/21/2022 **Investigator Met with Complainant Interaction**

On July 20, I spoke with Cory Morgan who reported he was on a ladder installing fiber-optic cable on a pole at CR200 North and CR500 East in Wabash County earlier in the day when a helicopter began spraying the adjacent corn field. He indicated the spray solution drifted onto him while he was on the ladder. On July 21, I met Mr. Morgan at the site where he was working on the same pole. His truck and trailer were parked near the pole along the side of the road, as it was the day prior at the time of the application. He stated he noticed the helicopter was spraying in the area while he was working, but he was surprised the field, which was at the southwest corner of the intersection, was sprayed while he was on-site. I photographed the site and collected the shirt Mr. Morgan was wearing when the application was made. I also collected swab samples from the pole, from a road sign at the intersection and from the back side of the property owner's mailbox as a control. The samples were submitted to the OISC Residue Lab for analysis.

**Photographs**

Photos from the site and an aerial photo of the area.

Attachments



File 102942



File 102927



File 102928



File 102929



File 102930



File 102938



File 102939

Original Event: Investigation Activity (Pesticide) #5104  
Subject: Cory Morgan  
Submitted By: Andrew R. Roth

---

07/21/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1071  
Client: Cory Morgan  
Firm Representative: Cory Morgan  
Submitted By: Andrew R. Roth  
Photos:



File 102970

07/21/2022 **Residue Samples Collected**

Original Event: Residue Collection #219777 (22-4-0883 4)  
Client: Cory Morgan  
Submitted By: Andrew R. Roth  
Sample: 22-4-0883 4 | Swab (Acetone); Trip Blank  
Sample: 22-4-0884 7 | Swab (Acetone); Ctrl; OFF-T  
Sample: 22-4-0885 2 | Swab (Acetone); Grab; OFF-T  
Sample: 22-4-0886 8 | Swab (Acetone); Grab; OFF-T  
Sample: 22-4-0887 5 | Article; Grab; OFF-T

---

07/21/2022 **Investigator Called Business  
Communication**

I later determined the application was made by Vertical Vegetation Management. On July 21, I contacted Amanda Burris, with Vertical Vegetation Management, who confirmed the field in question was sprayed with Trivapro fungicide by Certified Applicator Jesse Sadler the day prior. I forwarded a Pesticide Investigation Inquiry (PII) for the application to Ms. Burris.

**Records**

On August 1, I received the completed PII along with field maps and use report for the application. According to the information provided, Mr. Sadler sprayed multiple fields for a grower, including the field at the site, with Trivapro (EPA Reg#100-1613), active ingredients benzovindiflupyr, azoxystrobin and propiconazole. Winds during the application were reported as blowing from the west-southwest, toward the intersection where Mr. Morgan was working, at 8mph.

Attachments

File 104205; 22-0323PI.pdf

Original Event: Investigation Activity (Pesticide) #5107  
Subject: Vertical Vegetation Management LLC  
Submitted By: Andrew R. Roth

---

07/22/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #641  
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)

Attachments: File 112401; TRIVAPRO FUNGICIDE.pdf

---

08/17/2022 **Received Residue Lab Report  
Investigatory Summary**

The OISC Residue Lab analyzed the samples for the three active ingredients in Trivapro. Benzovindiflupyr, azoxystrobin and propiconazole were detected in all samples collected at the site. The highest levels were detected in the shirt provided by Mr. Morgan and in the swab from the pole on which he was working.

**First Page of Lab Report**

OCM Collection #	219777	Investigator	ROTHA		
Collection Date	07/21/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0883 4	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.4 ng/swab
			Benzovindiflupyr	BDL ng/swab	2 ng/swab
			Propiconazole	BDL ng/swab	2 ng/swab
22-4-0884 7	Swab (Acetone); Ctrl; OFF-T	Swab (Acetone)	Azoxystrobin	17.3 ng/swab	0.4 ng/swab
			Benzovindiflupyr	BQL ng/swab	2 ng/swab
			Propiconazole	22.4 ng/swab	2 ng/swab
22-4-0885 2	Swab (Acetone); Grab; OFF-T	Swab (Acetone)	Azoxystrobin	41300 ng/swab	0.4 ng/swab
			Benzovindiflupyr	7880 ng/swab * Minimum amount detected	2 ng/swab
			Propiconazole	20900 ng/swab	2 ng/swab
22-4-0886 8	Swab (Acetone); Grab; OFF-T	Swab (Acetone)	Azoxystrobin	72300 ng/swab	0.4 ng/swab
			Benzovindiflupyr	19800 ng/swab * Minimum amount detected	2 ng/swab
			Propiconazole	78200 ng/swab	2 ng/swab

Original Event: Residue Lab Report #240464 (219777-R616)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 219777-R616.pdf

11/03/2022 **Judgement; Civil Penalty Assessed Citation**

Vertical Vegetation Management 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 to people. Consideration was given to the fact there was potential for human harm.

**Civil Penalty**

Jess Sadler was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift to people. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Original Event: Judgement #1397  
 Primary: Vertical Vegetation Management LLC  
 Secondary: Jesse Ray Sadler  
 Submitted By: George Saxton  
 Legal Citation: IC 15-16-5-65(2)  
 Penalty Amount: 500

01/06/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1683  
 To: Vertical Vegetation Management LLC  
 Submitted By: Joni D. Herman  
 USPS: 7021 0950 0000 0607 9404  
 Enclosed: Notice of Enforcement  
 Attachments: File 115272; PS22-0323EL CIT ~ Vertical Vegetation Management.docx

01/06/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1684  
 To: Jesse Ray Sadler  
 Submitted By: Joni D. Herman  
 USPS: 7021 0950 0000 0607 9411  
 Enclosed: Notice of Enforcement  
 Attachments: File 115273; PS22-0323EL CIT-CP ~ Jesse Ray Sadler - Vertical Veg. Mgmt..docx

01/18/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1879  
Subject: Vertical Vegetation Management LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9404  
Received: 01/18/2023  
Attachments: File 117960; CM 7021 0950 0000 0607 9404 - Vertical Vegetation Mgmt. - Recd. 1-18-23 - PS22-0323.pdf

---

01/18/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1880  
Subject: Jesse Ray Sadler  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9411  
Received: 01/18/2023  
Attachments: File 117961; CM 7021 0950 0000 0607 9411 - Jesse R. Sadler - Recd. 1-18-23 - PS22-0323.pdf

---

02/14/2023 **Compliance Activity**

Returned a call from 2/13/2023 to Amanda Burris regarding payment of the civil penalty. Her mistake in not getting the payment to us by 2/15/2023 and she will get it in the mail for pickup on 2/15/2023 in Idaho. I got her voicemail and I left a message saying I would extend the payment date for a couple of weeks to allow time for her payment to be received at OISC.

Original Event: Compliance Activity #1693  
Primary: Vertical Vegetation Management LLC  
Submitted By: Joni D. Herman

---

02/23/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1960  
Subject: Jesse Ray Sadler  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 118569; PS22-0323 - Jesse R. Sadler - CP Received 2-23-2023.pdf

---

02/24/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1974  
To: Cory Morgan  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118642; PS22-0323 - Cory Morgan - Case Closed Letter 2-24-2023.docx

---

02/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1975  
To: Vertical Vegetation Management LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118643; PS22-0323 - Vertical Vegetation Management LLC - Case Closed Letter 2-24-2023.docx

---

02/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1976  
To: Jesse Ray Sadler  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118644; PS22-0323 - Jesse R. Sadler - Case Closed Letter 2-24-2023.docx

---

03/30/2023 **Mail Confirmation Not Received for Complainant**

On March 30, 2023, case closed letter was returned to OISC.

Original Event: Compliance Receipt #2031  
Subject: Cory Morgan  
Submitted By: Jacob A. Hatfield  
Attachments: File 121394; PS22-0323 - Cory Morgan - Case Closed Letter Returned 3-30-2023.pdf

---

**Chain of Custody**

---

07/22/2022 **Sample 22-4-0883 4**

Original Event: Chain of Custody #2249 (22-4-0883 4)  
07/21/2022 12:30: Sample Collected by Andrew R. Roth  
07/22/2022 12:35: Sample Delivered to 218  
07/25/2022 13:01: Delivery Affirmed by Vicki Vauters

---

07/22/2022 **Sample 22-4-0884 7**

Original Event: Chain of Custody #2250 (22-4-0884 7)  
07/21/2022 12:30: Sample Collected by Andrew R. Roth  
07/22/2022 12:35: Sample Delivered to 218  
07/25/2022 13:01: Delivery Affirmed by Vicki Vauters

---

07/22/2022 **Sample 22-4-0885 2**

Original Event: Chain of Custody #2251 (22-4-0885 2)  
07/21/2022 12:30: Sample Collected by Andrew R. Roth  
07/22/2022 12:35: Sample Delivered to 218  
07/25/2022 13:01: Delivery Affirmed by Vicki Vauters

---

07/22/2022 **Sample 22-4-0886 8**

Original Event: Chain of Custody #2252 (22-4-0886 8)  
07/21/2022 12:30: Sample Collected by Andrew R. Roth  
07/22/2022 12:35: Sample Delivered to 218  
07/25/2022 13:01: Delivery Affirmed by Vicki Vauters

---

07/22/2022 **Sample 22-4-0887 5**

Original Event: Chain of Custody #2253 (22-4-0887 5)  
07/21/2022 12:30: Sample Collected by Andrew R. Roth  
07/22/2022 12:35: Sample Delivered to 218  
07/25/2022 13:01: Delivery Affirmed by Vicki Vauters

This record was generated on **April 6, 2023, 02:13 PM 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 14, 2023, 08:38 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 PS22-0344

Department	Pesticide
Originated	07/28/2022
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Shay South</b> Marshall, IN 47859
Business	<b>Bi State Air Inc</b> Veedersburg, IN 47987
Applicator	<b>Fielder Perry Lowry</b> Veedersburg, IN 47987

### Overviews

#### 12/02/2022 Investigation Summary

On July 27, 2022, the complainant reported an aerial application made on July 19, 2022, to an adjacent farm field drifted onto him and his property.

On August 4, 2022, I arrived at the complainant's property to conduct my on-site investigation, where I observed fungicide exposure symptoms to an apple tree and showed a pattern of injury coming from the south corn field. I also collected several samples from the South property and the target corn field for analysis by the OISC Residue Lab.

I later identified Mr. Lowry with Bi-State Air, INC. had completed the application to the target corn field while the wind was blowing towards the complainants property.

The OIS Residue Lab confirmed pesticide drift from the corn field had moved off-target and onto the complainants property, causing injury to the apple tree. Label violations were also documented.

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

#### 12/05/2022 Disposition Summary

Bi State Air 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. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

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 applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Fielder Perry Lowry 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 this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Fielder Perry Lowry 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 as to cause harm to a non-target site. A civil penalty in the amount of \$1000.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 07/27/2022 Intake Referral Filed

Complainant stated an aerial application made July 19, 2022, to an adjacent farm field drifted onto him and his property.

Original Event: Intake Referral (Pesticide) #2690  
Complainant: Shay South  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

### 07/28/2022 Investigator Called Complainant Interaction

On July 28, 2022, I called and spoke with Mr. South, who reported on July 19, 2022, at approximately 5:00 PM, he witnessed an airplane applying a liquid substance to the corn field located to the south and east of his property. Mr. South stated he was outside in his garden while the application was occurring and that he was exposed to the liquid substance that the airplane was using. Mr. South stated that he had video of the application and he would email it to me. Mr. South stated that none of the clothes he was wearing at the time of exposure was available for my collection because his wife had already laundered them.

Original Event: Investigation Activity (Pesticide) #5159  
Subject: Shay South  
Submitted By: James M. Trimble

---

### 07/28/2022 Case Created

Original Event: Case PS22-0344  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

### 08/04/2022 Investigator Met with Complainant Photographs

On August 4, 2022, I arrived at the South residence to conduct my on-site investigation. Upon my arrival, I met with Amy South, who showed me their property and the vegetation they believed to be injured by the aerial application to the target corn field, which included Milkweed and an apple tree. Mrs. South identified the corn field located to their property's south and east as the target field. Mrs. South also showed me a few videos on her phone that recorded an aerial application to a corn field and a couple more that documented what they believed to be injury to their vegetation. Mrs. South stated that she would email me the videos and/or pictures to me.

While on-site, I observed and photographed the South property, where I observed one apple tree (unknown variety) on their property to show injury consistent with pesticide exposure. I observed the apple tree to be on the south end of their property, approximately 10 yards away from the target corn field's north end. I observed what I believed to be pesticide injury to the apple tree by the exposure symptoms to the tree's leaves, which included phytotoxicity and defoliation. I observed the entire tree to show the same exposure symptoms but found the south side of the tree, which faced the corn field, showed more severe defoliation and phytotoxicity on its leaves. The pattern of injury I observed on the apple tree was consistent with a drift event coming from the corn field. Due to the apple tree being the only plant that I observed to show pesticide exposure symptoms on the South property, I believed the injury to be consistent with fungicide exposure.

I then collected physical samples of the affected apple tree and the Milkweed for visual inspection by the Purdue Plant and Pest Diagnostic Lab (PPDL).

I also collected several vegetation and swab samples from the South residence, along with a vegetation sample from the corn field for analysis by the OISC Residue Lab.



**Apple tree injury (File 104838)**



**Apple tree leaf defoliation (File 104839)**



Fungicide exposure symptoms (File 104841)



Attachments



File 104810



File 104811



File 104812



File 104813



File 104814



File 104815



File 104816



File 104817



File 104818



File 104823



File 104829



File 104830



File 104831



File 104832



File 104833



File 104834



File 104835



File 104836



File 104837



File 104840



File 104842



File 104843



File 104844



File 104845



File 104846

Original Event: Investigation Activity (Pesticide) #5186  
 Subject: Shay South  
 Submitted By: James M. Trimble

08/04/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1104  
 Client: Shay South  
 Firm Representative: Shay South  
 Submitted By: James M. Trimble  
 Attachments: File 104883; South NOI.pdf

08/04/2022 **Residue Samples Collected**

Original Event: Residue Collection #239122 (22-4-1401 1)  
 Client: Shay South  
 Submitted By: James M. Trimble  
 Sample: 22-4-1401 1 | Veg; Comp; OFF-T, Grad1, 100yd N  
 Sample: 22-4-1402 4 | Veg; Comp; OFF-T, Grad2, 50yd N  
 Sample: 22-4-1403 0 | Veg; Comp; OFF-T, Grad3, 10yd S  
 Sample: 22-4-1404 8 | Veg; Comp; OFF-T, Garden  
 Sample: 22-4-1405 3 | Veg; Ctrl; OFF-T  
 Sample: 22-4-1406 9 | Veg; Comp; Target  
 Sample: 22-4-1407 6 | Swab (Acetone); Grab; Window; OFF-T, Grad1, 70yd N  
 Sample: 22-4-1408 2 | Swab (Acetone); Grab; Post; OFF-T, Grad2, 20yd N  
 Sample: 22-4-1409 5 | Swab (Acetone); Ctrl; Window; OFF-T  
 Sample: 22-4-1410 5 | Swab (Acetone); Trip Blank

08/04/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #239294 (X22-9F5C0E)  
Client: Shay South  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-9F5C0E | On August 4, 2022, I submitted the vegetation samples I collected from the South residence to PPDL.  
Attachments: File 104881; ResponseSummary (45).pdf

---

08/04/2022 **Investigator Called Business Interaction**

On August 4, 2022, I called Co-Alliance; Russelville, who confirmed they had Bi-State Air, Inc. complete a fungicide and insecticide application to the corn field in question.

Original Event: Investigation Activity (Pesticide) #5195  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

08/04/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #649  
Submitted By: James M. Trimble  
Target Analyte: Delta Gold 1.5EC  
Target Analyte: Miravis Neo  
PPLS Labels: [000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)

---

08/04/2022 **New Respondent Identified Respondent Identified**

On August 4, 2022, I confirmed Bi-State Air, Inc. was responsible for the pesticide application made to the corn field in question.

Original Event: Investigation Change #230  
Respondent: Bi State Air Inc  
Submitted By: James M. Trimble

---

08/05/2022 **Online Investigation Activity Activity**

On August 5, 2022, I created a map of my sample collection for this investigation.

Attachments



File 104909

Original Event: Investigation Activity (Pesticide) #5187  
Submitted By: James M. Trimble

---

08/08/2022 **Investigator Sent Fax/Email to Business Interaction**

On August 8, 2022, I emailed Bi-State Air the Pesticide Investigation Inquiry (PII), with instructions to have it completed and returned to me within 15 days of my email.

Attachments  
File 105257; 8-8 email.pdf

Original Event: Investigation Activity (Pesticide) #5194  
Subject: Bi State Air Inc  
Submitted By: James M. Trimble

---

08/08/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1109  
Client: Bi State Air Inc  
Firm Representative: Karen Rice  
Submitted By: James M. Trimble  
Attachments: File 105258; Bi-State NOI.pdf

---

08/12/2022 **Received External Lab Report**

On August 12, 2022, I received the lab report from PPDL, which stated, "Dr. Darcy Telenko indicated that Miravis Neo has a warning that indicates it "is extremely phytotoxic to certain apple varieties. AVOID SPRAY DRIFT. Extreme care must be used to prevent injury to apple trees," and that it is labeled for us on milkweed. Dr. Janna Beckerman indicated that Miravis Neo has azoxystrobin which is highly phytotoxic to specific varieties and that the symptoms look like injury and not frog-eye leaf spot. Dr. Christian Krupke indicated that pyrethroids have not been known to cause this kind of injury on plants. After incubating leaves for three days, the only fungus observed associated with the symptoms were secondary fungi. No pathogens observed."

Original Event: External Lab Report #240235 (X22-9F5C0E)  
Submitted By: James M. Trimble  
Sample: X22-9F5C0E  
Attachments: File 106323; FinalReport\_Mitch Trimble.pdf

---

08/22/2022 **Investigator Received Fax/Email from Business Investigation Inquiry**

On August 22, 2022, I received the PII from Bi-State Air. I found the PII did not list the application's start and end time, the wind direction for the start and end time, and the EPA Registration numbers for Delta Gold and Miravis Neo. I notified Bi-State Air of the missing information, via telephone. I was later emailed the EPA Registration numbers for the above pesticides and was advised that they did not have specific times for the start and end of the application but stated it was in the afternoon. I was also advised that the wind was blowing from the southwest at 5-10 MPH during the application. Karen gave me permission to amend the PII with the information listed.

**Attachments**

File 107122; PII-edit.pdf  
File 107117; St Chemist form.pdf

**Inquiry Overview**

Certified Applicator Fielder Perry Lowry  
Company Bi-State Air Inc.  
Application Type Commercial  
Target Field corn

**Tank Mix**

Product	EPA	Rate
Delta Gold	264-1011-1381	3 oz/acre
Miravis Neo	100-1605	13.7 oz/acre

**Application Date**

Date	Start	End
07/19/2022	afternoon	afternoon

**Air Conditions**

Time	Direction	Speed
Start	SW	10mph
End	SW	10mph

**Attachments**

File 107123; 8-22 email.pdf

Original Event: Investigation Activity (Pesticide) #5266  
Subject: Bi State Air Inc  
Submitted By: James M. Trimble  
PPLS Labels: [000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)

---

08/22/2022 **New Respondent Identified Respondent Identified**

On August 22, 2022, I received the completed PII from Bi-State Air, which listed Fielder Lowry as the certified applicator.

Original Event: Investigation Change #241  
Respondent: Fielder Perry Lowry  
Submitted By: James M. Trimble

---

10/18/2022 **Received Residue Lab Report Investigatory Summary**

On October 18, 2022, I received the lab results from the OISC Residue Lab, which found large amounts of Azoxystrobin, Propiconazole, Prothioconazole, & Pydiflumetofen in every sample collected from the complainant's property. The lab results also identified a south to north gradient of the positive analytes listed. The lab results confirmed Mr. Lowry's aerial application to the target corn field had moved off-target and onto the South's non-target property.

## First Page of Lab Report

OCM Collection #	239122	Investigator	TRIMBLEJ		
Collection Date	08/04/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1401 1	Veg; Comp; OFF-T, Grad1, 100yd N	Veg	Azoxystrobin	643 ppb	0.07 ppb
			Propiconazole	278 ppb	1 ppb
			Prothioconazole	447 ppb * Estimated amount	6 ppb
			Pydiflumetofen	664 ppb	0.7 ppb
22-4-1402 4	Veg; Comp; OFF-T, Grad2, 50yd N	Veg	Azoxystrobin	1390 ppb	0.07 ppb
			Propiconazole	697 ppb	1 ppb
			Prothioconazole	889 ppb * Estimated amount	6 ppb
			Pydiflumetofen	1860 ppb	0.7 ppb
22-4-1403 0	Veg; Comp; OFF-T, Grad3, 10yd S	Veg	Azoxystrobin	1080 ppb	0.07 ppb
			Propiconazole	1920 ppb	1 ppb
			Prothioconazole	597 ppb * Estimated amount	6 ppb
			Pydiflumetofen	1760 ppb	0.7 ppb

Original Event: Residue Lab Report #246785 (239122-R674)  
Submitted By: SYSTEM  
Lab Report: Lab Report 239122-R674.pdf

### 12/02/2022 Wind Data Researched

On December 2, 2022, I reviewed the weather data from three weather stations surrounding the South residence for July 19, 2022 and compared their information to what was listed on Bi-State Air's PII (from the southwest). I found the wind directions reported from Terre Haute International Airport, Purdue University Station, and Indianapolis International Airport to be consistent with what was listed on the PII, which were all blowing towards the South property.

Original Event: Wind Data #166  
Submitted By: James M. Trimble  
Date of Weather: 07/19/2022

### 12/02/2022 Online Investigation Activity

#### Label Use

Based on the evidence collected in this investigation, which included the wind blowing towards the South property during application, the OISC Residue Lab results confirming pesticide drift, and the documented injury to the South's apple tree, I found that on July 19, 2022, Mr. Lowry had applied **Delta Gold (RUP) (EPA Reg. #264-1011-1381, active ingredient of Deltamethrin)** and **Miravis Neo (EPA Reg. #100-1605, active ingredients of Pydiflumetofen, Azoxystrobin, & Propiconazole)** in a manner that allowed it to drift from the target corn field in sufficient quantity to cause harm to a nontarget site.

In addition to the above violation, I found the following label violations for the pesticides used by Mr. Lowry;

#### Delta Gold (RUP)

- "Wind Direction and Speed:"

*"Only apply this product if the wind direction favors on-target deposition."*

#### Miravis Neo

- *Miravis Neo is extremely phytotoxic to certain apple varieties. AVOID SPRAY DRIFT. Extreme care must be used to prevent injury to apple trees (and apple fruit).*
- **DO NOT** spray Miravis Neo where spray drift may reach apple trees.
- *Do not apply when conditions favor drift beyond the target area.*

In regards to Mr. South's report that the pesticides used by Mr. Lowry in his aerial application had contacted him while he was outside in his garden, sufficient evidence (Mr. South's clothing) was unavailable for collection and therefore the claim could not be substantiated.

#### Attachments

File 113845; Delta Gold.pdf  
File 113846; MIRAVIS NEO FUNGICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5666  
Subject: Fielder Perry Lowry  
Submitted By: James M. Trimble  
PPLS Labels: [000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01605-20201002.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01605-20201002.pdf)  
[000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000264-01011-20131216.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000264-01011-20131216.pdf)

---

12/05/2022 **Judgement; Civil Penalty Assessed**

**Citation**

Bi State Air 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. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

**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 applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

**Citation**

Fielder Perry Lowry 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 this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

**Civil Penalty**

Fielder Perry Lowry 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 as to cause harm to a non-target site. A civil penalty in the amount of \$1000.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved and there was adverse effect and potential for human harm and the off-target residues were one percent (1%) or greater of the amount of residue found in the target field.

Original Event: Judgement #1417  
Primary: Bi State Air Inc  
Secondary: Fielder Perry Lowry  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); 357 IAC 1-12-2  
Penalty Amount: 1000

---

01/12/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1729  
To: Bi State Air Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9640  
Enclosed: Notice of Enforcement  
Attachments: File 116918; PS22-0344EL CIT ~ Bi State Air Inc..docx

---

01/12/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1730  
To: Fielder Perry Lowry  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9657  
Enclosed: Notice of Enforcement  
Attachments: File 116919; PS22-0344EL CIT-CP ~ Fielder Perry Lowry.docx

---

02/01/2023 **Mail Service Returned for Target**

On, February 1, 2023, Certified Mail letter was returned to OISC.

Original Event: Compliance Receipt #1841  
Subject: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9657  
Returned: 02/01/2023  
Attachments: File 117660; CM 7021 0950 0000 0607 9657 - Fielder Perry Lowry - Certified Mail Returned on 2-1-2023.pdf

---

02/03/2023 **Mail Service Returned for Target**

On February 3, 2023, Regular Mail letter was returned to OISC.

Original Event: Compliance Receipt #1840  
Subject: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield  
Returned: 02/03/2023  
Attachments: File 117659; CM 7021 0950 0000 0607 9657 - Fielder Perry Lowry - Regular Mail Returned on 2-3-2023.pdf

---

02/03/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1861  
Subject: Bi State Air Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9640  
Received: 02/03/2023  
Attachments: File 117809; CM 7021 0950 0000 0607 9640 - PS22-0344 - 2-3-2023.pdf

---

02/07/2023 **Second Notice of Enforcement Mailed to Target; Second Attempt**

Resend using business mailing address

Original Event: Outgoing Mail #1877  
To: Fielder Perry Lowry  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0554  
Enclosed: Notice of Enforcement  
Attachments: File 117893; PS22-0344EL CIT-CP ~ Fielder Perry Lowry-Bi State Air ~ Corrected Address Resend.docx

---

02/28/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1968  
Subject: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 118926; PS22-0344 - Fielder P. Lowry - CP Received 2-28-2023.pdf

---

03/21/2023 **Mail Service Returned for Target**

On March 21, 2023 Certified Mail was returned to OISC.

Original Event: Compliance Receipt #2017  
Subject: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0554  
Returned: 03/21/2023  
Attachments: File 120635; CM 7021 0950 0608 0554 - Fielder P. Lowry - PS22-0344 - CM Returned 3-21-2023.pdf

---

03/22/2023 **Mail Confirmation Assumed for Target**

As of March 22, 2023, regular mail has not been returned to OISC. It is assumed to have been received due to the civil penalty being paid by Mr. Lowry on February 28, 2023.

Original Event: Compliance Receipt #2018  
Subject: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield

---

03/22/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2089  
To: Shay South  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120636; PS22-0344 - Shay South - Case Closed Letter 3-22-2023.docx

---

03/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2090  
To: Bi State Air Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120637; PS22-0344 - Bi State Air, Inc. - Case Closed Letter 3-22-2023.docx

---

03/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2091  
To: Fielder Perry Lowry  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120639; PS22-0344 - Fielder P. Lowry - Case Closed Letter 3-22-2023.docx



## Chain of Custody

---

08/04/2022 **Sample 22-4-1401 1**  
Original Event: Chain of Custody #2474 (22-4-1401 1)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1402 4**  
Original Event: Chain of Custody #2475 (22-4-1402 4)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1403 0**  
Original Event: Chain of Custody #2476 (22-4-1403 0)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1404 8**  
Original Event: Chain of Custody #2477 (22-4-1404 8)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1405 3**  
Original Event: Chain of Custody #2478 (22-4-1405 3)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1406 9**  
Original Event: Chain of Custody #2479 (22-4-1406 9)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1407 6**  
Original Event: Chain of Custody #2480 (22-4-1407 6)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1408 2**  
Original Event: Chain of Custody #2481 (22-4-1408 2)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1409 5**  
Original Event: Chain of Custody #2482 (22-4-1409 5)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki Vauters

---

08/04/2022 **Sample 22-4-1410 5**  
Original Event: Chain of Custody #2483 (22-4-1410 5)  
08/04/2022 10:00: Sample Collected by James M. Trimble  
08/04/2022 12:50: Sample Delivered to Kylo  
08/05/2022 11:10: Delivery Affirmed by Vicki 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 14, 2023, 08:40 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 PS22-0369

Department	Pesticide
Originated	08/09/2022
Assigned To	Aaron P. Kreider
Status	Closed

### Involved Parties

Complainant	<b>Andrew Denham</b> Delphi, IN 46923
Respondent	<b>Hog Air Aviation Inc</b> Monticello, IN 47960
Respondent	<b>Unknown</b>
Respondent	<b>Jerome L Williams</b> Paragould, AR 72451

### Overviews

#### 12/01/2022 Investigation Summary

The report from the OISC residue lab shows significant levels of ingredients from Mr. Williams's application were found on the common touch surfaces of Mr. Denham's property. The collected wind data, along with data reported on the PII, show that winds were blowing towards Mr. Denham's property during the application. Based on the evidence, Mr. Williams's application moved off-target onto Mr. Denham's property.

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

#### 12/02/2022 Disposition Summary

Hog Air Aviation Inc and Jerome Williams were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions, "Avoid drift". Consideration was given to the fact this was their first violation and no restricted use pesticides were involved.

Hog Air Aviation Inc 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. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

Jerome Williams 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 \$500.00 was assessed for this violation. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 08/08/2022 Intake Referral Filed

Complainant stated an aerial application to a neighboring farm field made on August 7, 2022, between 1:30 pm and 2:00 pm, drifted onto his property.

Original Event: Intake Referral (Pesticide) #2715  
Complainant: Andrew Denham  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

08/09/2022 **Case Created**

Original Event: Case PS22-0369  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

08/09/2022 **Investigator Called Complainant Communication**

On August 9, 2022, I contacted Andrew Dunham regarding his complaint. Mr. Denham stated he observed an aerial application take place to the field south of his property. He stated he saw the application drift onto his pasture. He was concerned that it may have made it further onto his property since the plane was flying over his property. He stated he has videos of the plane flying over his property and could provide them to me. Mr. Denham stated he has small children and they have play equipment in the back yard. He stated he had been in contact with the person responsible for farming the field and that person told him the aerial applicator applied a fungicide.

Original Event: Investigation Activity (Pesticide) #5623  
Subject: Andrew Denham  
Submitted By: Aaron P. Kreider

---

08/09/2022 **Complainant Sent Text Message to Investigator Activity**

On August 9, 2022, after our conversation, Mr. Denham text me a video of the aerial application.

Attachments

File 113253; Complaint Video 1.MP4

Original Event: Investigation Activity (Pesticide) #5624  
Subject: Andrew Denham  
Submitted By: Aaron P. Kreider

---

08/10/2022 **Investigator Met with Complainant Interaction**

On August 10, 2022, I met with Mr. Denham's wife, Nour, at their residence. Mrs. Denham stated she had a video of the plane flying over the property and agreed to send it to me via text message. I had Mrs. Denham show me around the property. There was children's play equipment in the back yard along with a pool.

Attachments

File 113254; Complainant Video 2.mp4

Original Event: Investigation Activity (Pesticide) #5626  
Subject: Andrew Denham  
Submitted By: Aaron P. Kreider

---

08/10/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1257  
Client: Andrew Denham  
Firm Representative: Nour Denham  
Submitted By: Aaron P. Kreider  
Attachments: File 113255; NOI (N. Denham).pdf

---

08/10/2022 **Investigator Collected Photographs Photographs**

During my on-site investigation, I collected the following photographs. Figure 1 shows the target field (right) and the Denham property (left). Figures 2 and 3 show the children's play equipment and pool.

Figure 1 (File 113261)



Figure 2 (File 113272)



Figure 3 (File 113273)



Attachments

- File 113256; DSC\_0001.JPG
- File 113257; DSC\_0002.JPG
- File 113258; DSC\_0003.JPG
- File 113259; DSC\_0004.JPG
- File 113260; DSC\_0005.JPG
- File 113262; DSC\_0007.JPG
- File 113263; DSC\_0008.JPG
- File 113264; DSC\_0009.JPG
- File 113265; DSC\_0010.JPG
- File 113266; DSC\_0011.JPG
- File 113267; DSC\_0012.JPG
- File 113268; DSC\_0013.JPG
- File 113269; DSC\_0014.JPG
- File 113270; DSC\_0015.JPG
- File 113271; DSC\_0016.JPG
- File 113274; DSC\_0019.JPG
- File 113275; DSC\_0020.JPG

Original Event: Investigation Activity (Pesticide) #5627  
Submitted By: Aaron P. Kreider

---

08/10/2022 **Residue Samples Collected**

Original Event: Residue Collection #239808 (22-4-0456 2)  
Client: Andrew Denham  
Submitted By: Aaron P. Kreider  
Sample: 22-4-0456 2 | Swab (Acetone); Grab; Pool Hand Rail; OFF-T, Back Yard  
Sample: 22-4-0457 0 | Swab (Acetone); Grab; Childrens Slide; OFF-T, Back Yard  
Sample: 22-4-0458 9 | Swab (Acetone); Grab; Waste Pile Cabinet; OFF-T, Pasture  
Sample: 22-4-0459 1 | Swab (Acetone); Grab; Corn; Target  
Sample: 22-4-0460 2 | Swab (Acetone); Ctrl; Flag Pole; OFF-T, Front Yard  
Sample: 22-4-0461 8 | Swab (Acetone); Trip Blank

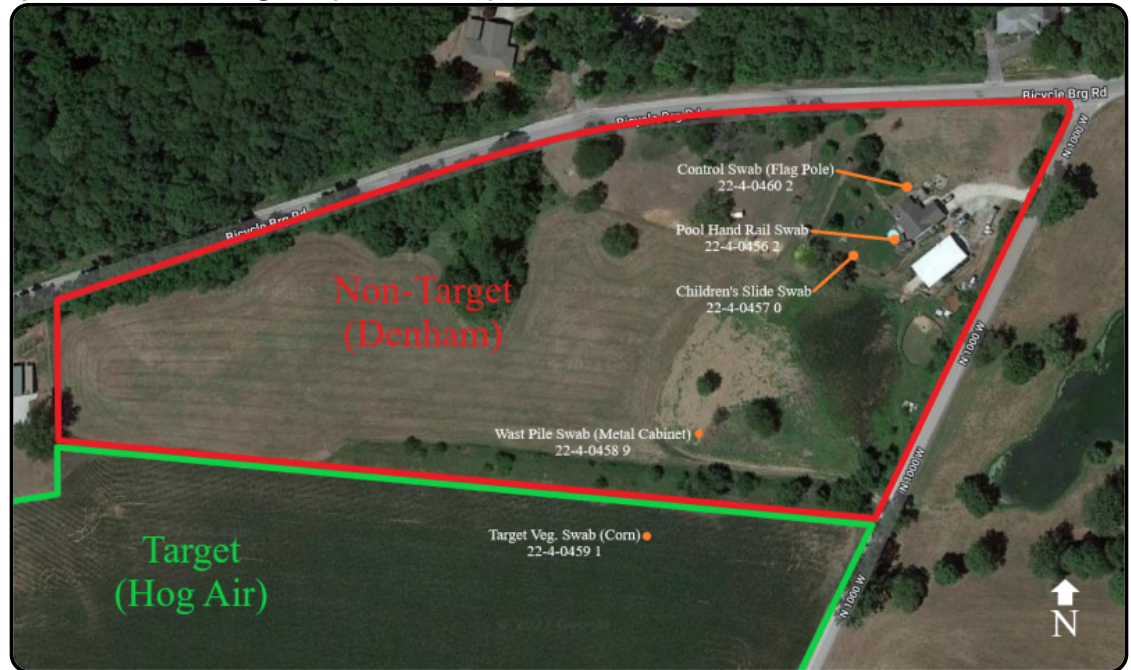
---

08/10/2022 **Sample Collection Diagram**

**Activity**

This diagram shows the locations where samples were collected.

## Sample Collection Diagram (File 113279)



Original Event: Investigation Activity (Pesticide) #5628  
Submitted By: Aaron P. Kreider

---

### 08/10/2022 Investigator Called Target Communication

On August 10, 2022, I contacted Hog Air Aviation (Hog Air) to discuss Mr. Denham's complaint. I was unable to reach a person and left a message.

Original Event: Investigation Activity (Pesticide) #5655  
Subject: Hog Air Aviation Inc  
Submitted By: Aaron P. Kreider

---

### 08/10/2022 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #654  
Submitted By: Aaron P. Kreider  
Target Analyte: AVARIS 2XS

---

### 08/11/2022 Target Called Investigator Communication

On August 11, 2022, I spoke with Derek Shannon of Hog Air. Mr. Shannon confirmed that Hog Air was responsible for the application to the target field. Mr. Shannon stated AVARIS 2XS was applied to the target field.

Original Event: Investigation Activity (Pesticide) #5641  
Subject: Hog Air Aviation Inc  
Submitted By: Aaron P. Kreider

---

### 08/11/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1264  
Client: Hog Air Aviation Inc  
Firm Representative: Derek Shannon  
Submitted By: Aaron P. Kreider  
Attachments: File 113539; NOI (D. Shannon).pdf

---

### 08/17/2022 Investigator Received Fax/Email from Target Investigation Inquiry

On August 17, 2022, I received a Pesticide Investigation Inquiry (PII) from Mr. Shannon. The reported wind data shows winds were blowing towards Mr. Denham's property during the application.

Attachments  
File 113695; AVARIS 2XS Label.pdf  
File 113540; PS22-0369 PII (Hog Air).pdf

## Inquiry Overview

Certified Applicator Jerome Williams (F262721)  
Company Hog Air Aviation Inc  
Application Type Commercial  
Target Field Corn

## Tank Mix

**Product EPA Rate**  
AVARIS 2XS 100-1324-5905 10.5 oz/A

## Application Date

**Date Start End**  
08/07/2022 2:00 PM 2:47 PM

## Air Conditions

**Time Temp Direction Speed**  
Start 88°F SW 10mph  
End 89°F WSW 9mph

Original Event: Investigation Activity (Pesticide) #5642  
Subject: Hog Air Aviation Inc  
Submitted By: Aaron P. Kreider  
PPLS Labels: [000100-01324-20220104.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01324-20220104.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01324-20220104.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01324-20220104.pdf)

## 09/15/2022 Received Residue Lab Report First Page of Lab Report

OCM Collection #	239808	Investigator	KREIDERA		
Collection Date	08/10/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0456 2	Swab (Acetone); Grab; Pool Hand Rail; OFF-T, Back Yard	Swab (Acetone)	Azoxystrobin	18.2 ng/swab	0.2 ng/swab
			Propiconazole	18.9 ng/swab	10 ng/swab
22-4-0457 0	Swab (Acetone); Grab; Childrens Slide; OFF-T, Back Yard	Swab (Acetone)	Azoxystrobin	35.2 ng/swab	0.2 ng/swab
			Propiconazole	30.2 ng/swab	10 ng/swab
22-4-0458 9	Swab (Acetone); Grab; Waste Pile Cabinet; OFF-T, Pasture	Swab (Acetone)	Azoxystrobin	102 ng/swab	0.2 ng/swab
			Propiconazole	53.1 ng/swab	10 ng/swab
22-4-0459 1	Swab (Acetone); Grab; Corn; Target	Swab (Acetone)	Azoxystrobin	17.5 ng/swab	0.2 ng/swab
			Propiconazole	BQL ng/swab	10 ng/swab
22-4-0460 2	Swab (Acetone); Ctrl; Flag Pole; OFF-T, Front Yard	Swab (Acetone)	Azoxystrobin	8.52 ng/swab	0.2 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
22-4-0461 8	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.2 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab

Original Event: Residue Lab Report #243263 (239808-R644)  
Submitted By: SYSTEM  
Lab Report: Lab Report 239808-R644.pdf

## 11/15/2022 Wind Data Researched

This data shows the conditions during Mr. William's application. It confirms what was reported on the PII and that winds were blowing towards Mr. Denham's property during the application.

## White County Airport (KMCX)

Monticello, Indiana (10.2 miles NNW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
1:55 PM	86	SSW	10	0
2:15 PM	88	SSW	10	0
2:55 PM	87	SW	12	0

### Attachments

File 113541; ISUM Data 8.7.22 (KMCX).pdf

Original Event: Wind Data #165  
Submitted By: Aaron P. Kreider  
Date of Weather: 08/07/2022

---

### 12/02/2022 **Judgement; Civil Penalty Assessed**

#### Warning

Hog Air Aviation Inc and Jerome Williams were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions, "Avoid drift". Consideration was given to the fact this was their first violation and no restricted use pesticides were involved.

#### Citation

Hog Air Aviation Inc 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. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

#### Civil Penalty

Jerome Williams 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 \$500.00 was assessed for this violation. Consideration was given to the fact there was drift to children's playground equipment and other common human touch surfaces.

Original Event: Judgement #1415  
Primary: Hog Air Aviation Inc  
Secondary: Jerome L Williams  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); 357 IAC 1-12-2  
Penalty Amount: 500

---

### 01/12/2023 **Notice of Enforcement Mailed to Target**

Enforcement letter sent to the Paragould, Arkansas address.

Original Event: Outgoing Mail #1724  
To: Hog Air Aviation Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9695  
Enclosed: Notice of Enforcement  
Attachments: File 116898; PS22-0369EL WRN-CIT ~ Hog Air Aviation.docx

---

### 01/12/2023 **Notice of Enforcement Mailed to Target**

Enforcement letter sent to the Monticello, Indiana address.

Original Event: Outgoing Mail #1725  
To: Hog Air Aviation Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9701  
Enclosed: Notice of Enforcement  
Attachments: File 116902; PS22-0369EL WRN-CIT ~ Hog Air Aviation-Monticello Address.docx

---

### 01/12/2023 **Notice of Enforcement Mailed to Target**

Sent to Jerome L. Williams in Paragould, Arkansas.

Original Event: Outgoing Mail #1726  
To: Jerome L Williams  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9688  
Enclosed: Notice of Enforcement  
Attachments: File 116905; PS22-0369EL WRN-CIT-CP ~ Jerome L. Williams - Hog Air Aviation.docx

---

### 01/26/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1913  
Subject: Jerome L Williams  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9688  
Received: 01/26/2023  
Attachments: File 118129; CM 7021 0950 0000 0607 9688 - Jerome L. Williams - Recd. 1-26-23 - PS22-0369.pdf



---

**01/31/2023 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1864  
Subject: Hog Air Aviation Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9701  
Received: 01/31/2023  
Attachments: File 117813; CM 7021 0950 0000 0607 9701 - PS22-0369 - 1-31-2023.pdf

---

**02/21/2023 Compliance Activity**

Melissa Carpenter with Hog Air called to express concern over a check she sent in January for a civil penalty payment not having cleared her account. Eszter Crouch forwarded her voice mail to me. I returned Melissa's call after determining OISC had not received any payment. She had already sent out another check before she left the office and was going to stop payment on the original check. She would email me with the new check number on 2/22/2023. The OISC Accounting Team was alerted to the possibility of two checks coming.

Original Event: Compliance Activity #1724  
Submitted By: Joni D. Herman  
Attachments: File 118963; PS22-0369 Email RE Check Number for 2nd Check - from Melissa Carpenter 2-22-2023.pdf  
File 118954; PS22-0369 Email to Accounting Team RE CP Payment Convo with Melissa Carpenter - Hog Air 2-21-2023.pdf  
File 119001; PS22-0369 Melissa Carpenter - Hog Air Aviation - VoiceMessage 2-21-2023.mp3

---

**02/28/2023 Received Penalty Payment for Target**

Check #2334, sent on 1/25/2023, was not received by OISC. If original check comes in DO NOT RECEIVE and please notify Melissa Carpenter at 870-351-6331.

Original Event: Compliance Receipt #1969  
Subject: Jerome L Williams  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 118927; PS22-0369 - Jerome L. Williams - CP Received 2-28-2023.pdf

---

**03/01/2023 Compliance Activity**

Emailed Melissa Carpenter at Hog Air confirming receipt of check #4964 on 2/28/2023 for the civil penalty. As of today, March 1, 2023, the original check (#2334) has not been delivered to OISC.

Original Event: Compliance Activity #1725  
Submitted By: Joni D. Herman  
Attachments: File 118962; PS22-0369 3-1-23 Email to Melissa Carpenter - Hog Air ~ Confirm CP Payment Receipt on 2-28-2023.pdf

---

**03/03/2023 Mail Confirmation Not Received for Target**

As of March 3, 2023 Green Card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since January 29, 2023. It is assumed to have been lost.

Original Event: Compliance Receipt #1976  
Subject: Hog Air Aviation Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9695  
Attachments: File 119093; CM 7021 0950 0000 0607 9695 - Hog Air Aviation Inc - Assumed 3-3-2023.pdf

---

**03/03/2023 Mail Confirmation Assumed for Target**

As of March 3, 2023 regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #1977  
Subject: Hog Air Aviation Inc  
Submitted By: Jacob A. Hatfield

---

**03/03/2023 Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2016  
To: Andrew Denham  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119142; PS22-0369 - Andrew Denham - Case Closed Letter 3-3-2023.docx

---

**03/03/2023 Notice of Case Closure Mailed to Target**

Letter sent to the Monticello, Indiana address.

Original Event: Outgoing Mail #2017  
To: Hog Air Aviation Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments:

---

03/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2018  
To: Jerome L Williams  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119144; PS22-0369 - Jerome L. Williams - Case Closed Letter 3-3-2023.docx

---

03/03/2023 **Compliance Activity**

Email received from Melissa Carpenter @ Hog Air Aviation confirming she did stop payment on the original check (#2334). Her email was forwarded to the Accounting Team to update them.

Original Event: Compliance Activity #1731  
Submitted By: Joni D. Herman  
Attachments: File 119234; PS22-0369~Email Confirming StopPayment of Check~3.3.2023.pdf

---

03/03/2023 **Notice of Case Closure Mailed to Target**

Letter sent to the Paragould, Arkansas address.

Original Event: Outgoing Mail #2020  
To: Hog Air Aviation Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119236; PS22-0369 - Hog Air Aviation, Inc. - Paragould Address - Case Closed Letter 3-3-2023.docx

---

**Chain of Custody**

---

08/10/2022 **Sample 22-4-0456 2**

Original Event: Chain of Custody #2581 (22-4-0456 2)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki Vauters

---

08/10/2022 **Sample 22-4-0457 0**

Original Event: Chain of Custody #2582 (22-4-0457 0)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki Vauters

---

08/10/2022 **Sample 22-4-0458 9**

Original Event: Chain of Custody #2583 (22-4-0458 9)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki Vauters

---

08/10/2022 **Sample 22-4-0459 1**

Original Event: Chain of Custody #2584 (22-4-0459 1)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki Vauters

---

08/10/2022 **Sample 22-4-0460 2**

Original Event: Chain of Custody #2585 (22-4-0460 2)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki Vauters

---

08/10/2022 **Sample 22-4-0461 8**

Original Event: Chain of Custody #2586 (22-4-0461 8)  
08/10/2022 09:30: Sample Collected by Aaron P. Kreider  
08/10/2022 15:20: Sample Delivered to 218  
08/11/2022 09:33: Delivery Affirmed by Vicki 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 14, 2023, 08:41 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0377**

Department	Pesticide
Originated	08/15/2022
Assigned To	Aaron P. Kreider
Status	Closed

**Involved Parties**

Complainant	<b>David Collins</b> Eaton, IN 47338
Respondent	<b>Helena Agri Enterprises LLC</b> Pennville, IN 47369
Respondent	<b>Craig Leon Miller</b> Pennville, IN 47369
Respondent	<b>INCIDENTAL Paul M Russell</b> Eaton, IN 47338
-	<b>INCIDENTAL Erik Wayne Fisher</b> Eaton, IN 47338

**Overviews**

12/02/2022 **Investigation Summary**

The results from the OISC residue lab show significant levels of ingredients from Mr. Miller's application were found on common touch surfaces of Mr. Collins's property. Based on the evidence, Mr. Miller violated label directions by allowing his application to move off-target onto Mr. Collins's property.

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

12/05/2022 **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 this was their first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Helena Agri Enterprises LLC 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 as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Craig Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Craig Miller 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 as to cause harm to a non-target site. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 08/12/2022 Intake Referral Filed

Complainant stated an application made by Paul Russell before noon on August 11, 2022, drifted onto his property. Complainant further stated the wind was blowing toward his property at the time.

Original Event: Intake Referral (Pesticide) #2723  
Complainant: David Collins  
Respondent: Paul M Russell  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

### 08/15/2022 Case Created

Original Event: Case PS22-0377  
Submitted By: Joseph D. Becovitz  
Assigned To: Aaron P. Kreider

---

### 08/15/2022 Investigator Called Complainant Communication

On August 15, 2022, I contacted David Collins regarding his complaint. Mr. Collins stated that on August 11, 2022, the field to the west of his house was sprayed. He stated the wind was blowing towards his property during the application. Mr. Collins stated the windows on his house were open and he believed the spray made it inside.

Original Event: Investigation Activity (Pesticide) #5656  
Subject: David Collins  
Submitted By: Aaron P. Kreider

---

### 08/16/2022 Investigator Met with Complainant Interaction

On August 16, 2022, I met with Mr. Collins at his residence. I had Mr. Collins show me around the property. I observed some vegetation with brown and black spots on the leaves and some vegetation with twisting/curling.

Original Event: Investigation Activity (Pesticide) #5657  
Subject: David Collins  
Submitted By: Aaron P. Kreider

---

### 08/16/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1267  
Client: David Collins  
Firm Representative: David Collins  
Submitted By: Aaron P. Kreider  
Attachments: File 113696; NOI (D. Collins).pdf

---

### 08/16/2022 Investigator Collected Photographs Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows Mr. Collins's property (right) and the target field (left). Figures 2 and 3 show the brown and black spots I viewed on some of the vegetation.

Figure 1 (File 113718)



Figure 2 (File 113703)



Figure 3 (File 113709)



Attachments

- File 113697; DSC\_0007.JPG
- File 113698; DSC\_0008.JPG
- File 113699; DSC\_0009.JPG
- File 113700; DSC\_0010.JPG
- File 113701; DSC\_0011.JPG
- File 113702; DSC\_0012.JPG
- File 113704; DSC\_0014.JPG
- File 113705; DSC\_0015.JPG
- File 113706; DSC\_0016.JPG
- File 113707; DSC\_0017.JPG
- File 113708; DSC\_0018.JPG
- File 113710; DSC\_0020.JPG
- File 113711; DSC\_0021.JPG
- File 113712; DSC\_0022.JPG
- File 113713; DSC\_0023.JPG
- File 113714; DSC\_0024.JPG
- File 113715; DSC\_0025.JPG
- File 113716; DSC\_0026.JPG
- File 113717; DSC\_0027.JPG
- File 113719; DSC\_0029.JPG
- File 113720; DSC\_0030.JPG
- File 113721; DSC\_0031.JPG
- File 113723; DSC\_0032.JPG
- File 113725; DSC\_0033.JPG

Original Event: Investigation Activity (Pesticide) #5658  
Submitted By: Aaron P. Kreider

---

08/16/2022 **Residue Samples Collected**

Original Event: Residue Collection #240408 (22-4-0462 5)  
Client: David Collins  
Submitted By: Aaron P. Kreider  
Sample: 22-4-0462 5 | Swab (Acetone); Grab; Door; OFF-T, W, Patio  
Sample: 22-4-0463 9 | Swab (Acetone); Grab; Childrens Swing; OFF-T, Back Yard, W  
Sample: 22-4-0464 1 | Swab (Acetone); Grab; Window; OFF-T, N  
Sample: 22-4-0465 6 | Swab (Acetone); Grab; Window; OFF-T, E  
Sample: 22-4-0466 0 | Veg; Grab; Weeds; Target, W  
Sample: 22-4-0467 3 | Veg; Grab; Weeds; Target, E  
Sample: 22-4-0468 7 | Swab (Acetone); Ctrl; Garage Siding; OFF-T  
Sample: 22-4-0469 4 | Swab (Acetone); Trip Blank

---

08/16/2022 **External Lab Sample Collected**

During my on-site investigation, I collected a sample of vegetation to submit for analysis by the Plant and Pest Diagnostic Lab at Purdue (PPDL).

Original Event: External Lab Sample Collection #249328 (X22-8AD249)  
Client: David Collins  
Submitted By: Aaron P. Kreider  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-8AD249 | This sample contained maple, mulberry, and hibiscus.  
Photos:



File 113727

---

08/16/2022 **Sample Collection Diagram Activity**

This diagram shows the locations where samples were collected.

**Sample Collection Diagram (File 113828)**



Original Event: Investigation Activity (Pesticide) #5660  
Submitted By: Aaron P. Kreider

---

08/16/2022 **Investigator Met with Target Interaction**

On August 16, 2022, I met with Paul Russell and his son at their farm office. Mr. Russell stated the most recent application to the target field was performed by Helena in Pennville. I was able to collect a photograph of the delivery ticket Mr. Russell received from Helena.

Attachments



File 113897

Original Event: Investigation Activity (Pesticide) #5661  
Subject: Paul M Russell  
Submitted By: Aaron P. Kreider

---

08/16/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1271  
Client: Paul M Russell  
Firm Representative: Paul Russell  
Submitted By: Aaron P. Kreider  
Attachments: File 113829; NOI (P. Russell).pdf

---

08/16/2022 **New Respondent Identified**  
**Respondent Identified**

After my conversation with Mr. Russell, I was able to identify Helena Agri Enterprises (Helena) in Pennville as the party responsible for the application to the target field.

Original Event: Investigation Change #290  
Respondent: Helena Agri Enterprises LLC  
Submitted By: Aaron P. Kreider

---

08/16/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #658  
Submitted By: Aaron P. Kreider  
Target Analyte: Propiconazole 41.8 EC  
Target Analyte: Priaxor  
Target Analyte: Aproach Prima  
Target Analyte: Lambda T-2  
PPLS Labels: [000100-01295-20141113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01295-20141113.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01295-20141113.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01295-20141113.pdf)  
[000352-00883-20191008.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00883-20191008.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000352-00883-20191008.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000352-00883-20191008.pdf)  
[038167-00035-20181219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/038167-00035-20181219.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/038167-00035-20181219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/038167-00035-20181219.pdf)  
[007969-00311-20200529.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00311-20200529.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00311-20200529.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00311-20200529.pdf)

---

08/17/2022 **Investigator Called Target**  
**Communication**

On August 17, 2022, I spoke with Greg Creech of Helena regarding Mr. Collins's complaint. Mr. Creech confirmed that Helena was responsible for the application to the target field and stated that 2 fungicides and an adjuvant were used in the application.

Original Event: Investigation Activity (Pesticide) #5667  
Subject: Helena Agri Enterprises LLC  
Submitted By: Aaron P. Kreider

---

08/17/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1276  
Client: Helena Agri Enterprises LLC  
Firm Representative: Greg Creech  
Submitted By: Aaron P. Kreider  
Attachments: File 113895; NOI (G. Creech).pdf

---

08/19/2022 **Received External Lab Report**

On August 19, 2022, I received a report from PPD. The report stated, "*There are some minor leaf distortions that are consistent with exposure to 2,4-D. However, the level of injury is very low and it should not be a concern. Based on the symptomology seen on the weeds, I would say it is likely there was some 2,4-D contamination in the tank at the time of fungicide application.*" It also stated, "*The leaves of the landscape plants showed a small amount of leaf distortion, as did weeds in the field with stem and leaf twisting. This is suggestive of a growth regulator exposure. The trees showed various leaf spots and insect feeding: Maple - tar spot, leaf blister, and mite injury. Mulberry - Phloeospora leaf spot. Rose of Sharon - some insect feeding.*"

Original Event: External Lab Report #249329 (X22-8AD249)  
Submitted By: Aaron P. Kreider  
Sample: X22-8AD249  
Attachments: File 113728; PS22-0377 PPD. Report.pdf

---

08/22/2022 **Investigator Received Fax/Email from Target**  
**Investigation Inquiry**

On August 22, 2022, I received a PII from Mr. Creech. The reported wind data shows that winds would have been blowing towards Mr. Collins's property during portions of the application.

Attachments  
File 113899; Priaxor Label.pdf  
File 113900; Propiconazole 41.8% EC Label.pdf  
File 113896; PS22-0377 PII (Helena).pdf



## Inquiry Overview

Certified Applicator Craig Miller (F224329)  
Company Helena Agri Enterprises  
Application Type Commercial  
Target Field Soybeans

## Tank Mix

Product	EPA	Rate
Priaxor	7969-311	4 oz/A
Propiconazole 41.8% EC	38167-35059-05	4 oz/A
Cide Winder (Adjuvant)		4 oz/A

## Application Date

Date	Start	End
08/11/2022	12:56 PM	1:09 PM

## Air Conditions

Time	Temp	Direction	Speed
Start	80.2°F	N	6mph
End	80.2°F	N	6mph

Original Event: Investigation Activity (Pesticide) #5668  
Subject: Helena Agri Enterprises LLC  
Submitted By: Aaron P. Kreider  
PPLS Labels: [007969-00311-20200529.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00311-20200529.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00311-20200529.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00311-20200529.pdf)

---

## 09/26/2022 Investigator Called Farmer Communication

On September 26, 2022, I contacted Erik Fisher regarding Mr. Collins's complaint. Mr. Fisher confirmed he was responsible for the applications to the target field east of Mr. Collins's property. Mr. Fisher stated on August 3, 2022, he applied Aproach Prima (EPA Reg. #352-883) and Lambda T-2 (100-1295-5905) to the east target field.

Original Event: Investigation Activity (Pesticide) #5670  
Subject: Erik Wayne Fisher  
Submitted By: Aaron P. Kreider

---

## 10/27/2022 Received Residue Lab Report First Page of Lab Report

OCM Collection #	240408	Investigator	KREIDERA		
Collection Date	08/16/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0462 5	Swab (Acetone); Grab; Door; OFF-T, W, Patio	Swab (Acetone)	Fluxapyroxad	BDL ng/swab	0.2 ng/swab
			Propiconazole	BDL ng/swab	10 ng/swab
			Pyraclostrobin	BDL ng/swab	0.4 ng/swab
22-4-0463 9	Swab (Acetone); Grab; Childrens Swing; OFF-T, Back Yard, W	Swab (Acetone)	Fluxapyroxad	0.829 ng/swab	0.2 ng/swab
			Propiconazole	18.1 ng/swab	10 ng/swab
			Pyraclostrobin	BDL ng/swab	0.4 ng/swab
22-4-0464 1	Swab (Acetone); Grab; Window; OFF-T, N	Swab (Acetone)	Fluxapyroxad	0.347 ng/swab	0.2 ng/swab
			Propiconazole	22.9 ng/swab	10 ng/swab
			Pyraclostrobin	BDL ng/swab	0.4 ng/swab
22-4-0465 6	Swab (Acetone); Grab; Window; OFF-T, E	Swab (Acetone)	Fluxapyroxad	BQL ng/swab	0.2 ng/swab
			Propiconazole	13.3 ng/swab	10 ng/swab
			Pyraclostrobin	BDL ng/swab	0.4 ng/swab

Original Event: Residue Lab Report #246964 (240408-R682)  
Submitted By: SYSTEM  
Lab Report: Lab Report 240408-R682.pdf

---

12/01/2022 **Wind Data Researched**

This weather data shows the conditions during the application made by Mr. Miller. It confirms what was reported on the PII and shows winds were blowing towards Mr. Collins's property during portions of the application.

**Marion Municipal Airport (KMZZ)**

Marion, Indiana (22.84 miles NW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
12:55 PM	76	NNW	3	0
1:15 PM	77	N	8	0

**Attachments**

File 113894; ISUM Data 8.11.22 (KMZZ).pdf

Original Event: Wind Data #167  
Submitted By: Aaron P. Kreider  
Date of Weather: 08/11/2022

---

12/02/2022 **Investigation Activity  
Propiconazole 41.8% EC**

The Propiconazole 41.8% EC label states, "Avoid spray drift."

**Attachments**

File 113898; Propiconazole 41.8% EC Label.pdf

Original Event: Investigation Activity (Pesticide) #5671  
Submitted By: Aaron P. Kreider  
PLS Labels: [038167-00035-20181219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/038167-00035-20181219.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/038167-00035-20181219.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/038167-00035-20181219.pdf)

---

12/05/2022 **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 this was their first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

**Citation**

Helena Agri Enterprises LLC 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 as to cause harm to a non-target site. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

**Citation**

Craig Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

**Civil Penalty**

Craig Miller 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 as to cause harm to a non-target site. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature, no restricted use pesticides were involved. Consideration was also given to the fact there was adverse effect and potential for human harm by drifting to the children's swing set.

Original Event: Judgement #1416  
Primary: Helena Agri Enterprises LLC  
Secondary: Craig Leon Miller  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); 357 IAC 1-12-2  
Penalty Amount: 500

---

01/12/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1727  
To: Helena Agri Enterprises LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9664  
Enclosed: Notice of Enforcement  
Attachments: File 116913; PS22-0377EL CIT ~ Helena Agri Enterprises LLC.docx

---

01/12/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1728  
To: Craig Leon Miller  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9671  
Enclosed: Notice of Enforcement  
Attachments: File 116914; PS22-0377EL CIT-CP ~ Craig Leon Miller - Helena Agri Enterprises.docx

---

01/26/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1914  
Subject: Craig Leon Miller  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9671  
Received: 01/26/2023  
Attachments: File 118130; CM 7021 0950 0000 0607 9671 - Craig Miller - Recd. 1-26-23 - PS22-0377.pdf

---

01/26/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1915  
Subject: Helena Agri Enterprises LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9664  
Received: 01/26/2023  
Attachments: File 118131; CM 7021 0950 0000 0607 9664 - Helena Agri Enterprises - Recd. 1-26-23 - PS22-0377.pdf

---

02/14/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1882  
Subject: Craig Leon Miller  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$500.00  
Payment Received: \$500.00  
Attachments: File 117966; PS22-0377 - Craig L. Miller - CP Received 2-14-2023.pdf

---

02/22/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1971  
To: David Collins  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118541; PS22-0377 - David Collins - Case Closed Letter 2-22-2023.docx

---

02/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1972  
To: Helena Agri Enterprises LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118542; PS22-0377 - Helena Agri Enterprises LLC - Case Closed Letter 2-22-2023.docx

---

02/22/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1973  
To: Craig Leon Miller  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118543; PS22-0377 - Craig L. Miller - Case Closed Letter 2-22-2023.docx

---

**Chain of Custody**

---

08/16/2022 **Sample 22-4-0462 5**

Original Event: Chain of Custody #2669 (22-4-0462 5)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0463 9**

Original Event: Chain of Custody #2670 (22-4-0463 9)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0464 1**

Original Event: Chain of Custody #2671 (22-4-0464 1)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0465 6**  
Original Event: Chain of Custody #2672 (22-4-0465 6)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0466 0**  
Original Event: Chain of Custody #2673 (22-4-0466 0)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0467 3**  
Original Event: Chain of Custody #2674 (22-4-0467 3)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0468 7**  
Original Event: Chain of Custody #2675 (22-4-0468 7)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

---

08/16/2022 **Sample 22-4-0469 4**  
Original Event: Chain of Custody #2676 (22-4-0469 4)  
08/16/2022 10:30: Sample Collected by Aaron P. Kreider  
08/18/2022 15:27: Sample Delivered to 218  
08/19/2022 10:00: Delivery Affirmed by Vicki Vauters

This record was generated on **April 14, 2023, 08:41 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 14, 2023, 08:44 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0381

Department	Pesticide
Originated	08/15/2022
Assigned To	Andrew R. Roth
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Lawnscape-Ftw</b> Fort Wayne, IN 46885

### Overviews

#### 11/17/2022 Investigation Summary

I contacted Gary Lallo to inform him the 2022 pesticide business license for Lawnscape was invalid because the certification of the only certified applicator associated with the business expired at the end of 2021. He indicated the company had only applied fertilizer to lawns in 2022 until a certified applicator was hired in July. The OISC had not received any paperwork from Lawnscape.

I met with certified applicator Brett Gardner to discuss the situation. Lawnscape records indicated Cortez Williams made fertilizer applications to lawns in 2022 and Mr. Gardner made fertilizer and weed control applications after being hired while the business license was invalid.

An application for credential was submitted to the OISC and the applicator and business licenses were activated. Mr. Lallo and Mr. Williams also obtained Registered Technician credentials.

Submitted By: Andrew R. Roth  
Role: Investigator

#### 11/18/2022 Disposition Summary

Lawnscape-Ftw was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$250.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Lawnscape-Ftw cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 08/15/2022 Intake Referral Filed

Lawnscape of Fort Wayne was notified on February 24, 2022, that their pesticide business license could not be renewed because their only certified applicator's certification had expired. As of August 15, 2022, no certified applicator is associated with Lawnscape.

Original Event: Intake Referral (Pesticide) #2727  
Complainant: Office of Indiana State Chemist  
Respondent: Lawnscape-Ftw  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth  
Attachments: File 106351; Lawnscape.pdf

#### 08/15/2022 Case Created

Original Event: Case PS22-0381  
Submitted By: Joseph D. Becovitz  
Assigned To: Andrew R. Roth

---

08/22/2022 **Investigator Called Business Communication**

On August 22, while en route to the business, I spoke to Lawnscape owner Gary Lallo who indicated he knew his certifications expired. He reported he planned to retest in the spring but did not get it scheduled. I informed him the OISC notified him via mail in February that the certification of Christopher Schafer expired at the end of 2021 which meant the business license was invalid. Mr. Lallo indicated Mr. Schafer left the company in the spring and, since then, they had only applied fertilizer to lawns. I explained that applying fertilizer for-hire also requires a valid business license and that I would need documentation of lawn applications for 2022. Mr. Lallo reported the company hired certified applicator Brett Gardner in July and he believed an application was sent to the OISC at that time. The OISC had not received correspondence from Lawnscape regarding change of employment for Mr. Gardner.

At the business, I met with Mr. Gardner who confirmed he had been employed with Lawnscape since July 11. He stated he remembered completing the licensing paperwork at that time. Mr. Gardner had been making fertilizer and weed control applications since he was hired. Cortez Williams, who was not licensed, had reportedly been making fertilizer applications to turf since the spring. I issued a Stop Action Order to cease making for-hire applications until the business was properly licensed.

Original Event: Investigation Activity (Pesticide) #5254  
Subject: Lawnscape-Ftw  
Submitted By: Andrew R. Roth

---

08/22/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1253  
Client: Lawnscape-Ftw  
Firm Representative: Brett Gardner  
Submitted By: Andrew R. Roth  
Photos:



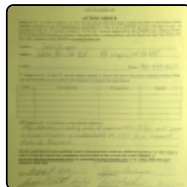
File 113063

---

08/22/2022 **Action Order Issued**

Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business.

Original Event: Action Order #283  
Issued To: Lawnscape-Ftw  
Firm Representative: Brett Gardner  
Submitted By: Andrew R. Roth  
Photos:



File 113064

---

08/31/2022 **Investigator Received Fax/Email from Business Records**

On August 23, after determining the OISC had not received an application from Lawnscape for his change of employment, I informed Mr. Gardner the OISC Certification & Licensing Manager would accept the application via email for approval. It was then sent and subsequently approved. I notified Mr. Gardner that he and the company were properly licensed. Application records for 2022 were received from the Lawnscape office manager on August 31. The records consisted of work orders completed by Mr. Williams who made fertilizer applications on 131 days (March-August) while the company business license was invalid. No herbicides were applied as Mr. Lallo thought fertilizer applications could be made without a license. Work orders for Mr. Gardner indicated he made fertilizer and weed control applications on 25 of those same days during July and August. Mr. Lallo and Mr. Gardner thought the licenses were valid during that time. Mr. Lallo and Mr. Williams have since passed the Core exam and were issued Registered Technician credentials.

Attachments

File 113198; Lawnscapelog.pdf

Original Event: Investigation Activity (Pesticide) #5613  
Subject: Lawnscape-Ftw  
Submitted By: Andrew R. Roth

---

11/18/2022 **Judgement; Civil Penalty Assessed**

**Civil Penalty**

Lawnscape-Ftw was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$250.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Lawnscape-Ftw cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1408  
Primary: Lawnscape-Ftw  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1500

---

01/10/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1704  
To: Lawnscape-Ftw  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9626  
Enclosed: Notice of Enforcement  
Attachments: File 115532; PS22-0381EL CIT-CP Mitigated ~ Lawnscape.docx

---

01/13/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1886  
Subject: Lawnscape-Ftw  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9626  
Received: 01/13/2023  
Attachments: File 118039; CM 7021 0950 0000 0607 9626 - Lawnscape - Recd. 1-13-23 - PS22-0381.pdf

---

01/23/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1887  
Subject: Lawnscape-Ftw  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,500.00  
Payment Received: \$1,500.00  
Attachments: File 118040; PS22-0381 Lawnscape - Owner Gary Lallo ~ CP Received 1-23-2023.pdf

---

02/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1965  
To: Lawnscape-Ftw  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118459; PS22-0381 - Lawnscape - Case Closed Letter 2-21-2023.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 14, 2023, 08:44 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 14, 2023, 08:45 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 PS22-0391**

Department	Pesticide
Originated	08/21/2022
Assigned To	Paul Jay Kelley
Status	Closed

**Involved Parties**

Complainant	<b>James R Kunz</b> Greensburg, IN 47240
Respondent	<b>Tony Holtkamp</b> Greensburg, IN 47240
Respondent	<b>William H Holtkamp</b> Greensburg, IN 47240

**Overviews**

12/16/2022 **Investigation Summary**

Complainant stated an application of dicamba made to a neighboring field injured his Enlist soybeans.  
Visual symptomology of Mr. Kunz's soybean field are characteristic of dicamba.  
Samples collected for PPDL and OISC's Residue Lab.  
PPDL indicated symptoms characteristic of dicamba.  
OISC's Residue lab did not detect dicamba in samples.  
Tony Holtkamp's PII documented he applied Rifle Herbicide (EPA Reg. #34704-861, active ingredient dicamba) on July 20, 2022. Mr. Holtkamp documented the wind was out of the west at less than 10 mph.  
Mr. Holtkamp made application after the June 20, 2022, dicamba cutoff date.  
Mr. Holtkamp does not have a license to apply an RUP.  
William Holtkamp (Father) holds the private applicator's license to purchase dicamba.  
Label language for Rifle states in part, "Avoid making applications when spray particles may be carried by air currents to areas where sensitive plants are growing, or when temperature inversions exist. Do not spray near sensitive plants if wind is gusty or in excess of 5 mph and moving in the direction of adjacent sensitive plants."  
In addition, the rifle label states, "Do not apply RIFLE HERBICIDE adjacent to sensitive crops when the temperature on the day of application is expected to exceed 85F as drift is more likely to occur." Temperatures where documented between 87.8F - 95F.  
Submitted By: Paul Jay Kelley  
Role: Investigator

12/31/2022 **Disposition Summary**

Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management by applying a pesticide when the wind is blowing towards an adjacent sensitive crop. 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.  
Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for use in violation of Indiana state restrictions on the use of dicamba after June 20th. 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.



Tony Holtkamp was cited for violation of section of 65(10) of the Indiana Pesticide Use and Application Law for knowingly using a restricted use pesticide without having a license. 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.

William Holtkamp was cited for violation of section of 65(13) of the Indiana Pesticide Use and Application Law for aiding and/or abetting a person to use a restricted use pesticide without having a certification. 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.

In addition, the Private Applicator permit issued to William Holtkamp was suspended for a period of six (6) months starting April 1, 2023 and ending September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 08/20/2022 Intake Referral Filed

Complainant stated an application of dicamba made to a neighboring field injured his Enlist soybeans.

Original Event: Intake Referral (Pesticide) #2737  
Complainant: James R Kunz  
Respondent: Unknown  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 08/21/2022 Case Created

Original Event: Case PS22-0391  
Submitted By: Joseph D. Becovitz  
Assigned To: Paul Jay Kelley

---

### 08/24/2022 Investigator Called Complainant Communication

On August 24, 2022, I spoke with James Kunz. Mr. Kunz reiterated his complaint and forwarded me pictures and email he submitted to the Holtkamp's insurance company.

#### Activity

Email from Mr. Kunz.

#### Attachments

File 107531; Memo Style.pdf

Original Event: Investigation Activity (Pesticide) #5282  
Subject: James R Kunz  
Submitted By: Paul Jay Kelley

---

### 08/30/2022 External Lab Sample Collected

Original Event: External Lab Sample Collection #241788 (X22-ED5BFF)  
Client: James R Kunz  
Submitted By: Paul Jay Kelley  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-ED5BFF | Enlist soybean  
Attachments: File 107719; PPD L form.pdf

---

### 08/30/2022 Investigator Met with Complainant Photographs

On August 30, 2022, I met with Kevin Bedel and Jim Kunz. Both farmers stated they believe they have dicamba injury to their Enlist soybeans from a possible application by Tony Koltkamp to an adjacent Dicamba field bordering both Bedel's enlist soybean field and Kunz Enlist soybean field. Mr. Holtkamp stated he made "spot" application to the edge, corners, and low areas of an adjacent dicamba field using Rifle (EPA Reg. 34704-861, active ingredient dicamba). Symptoms nearest application site appear to be heavier and get less moving away. Symptoms include stunted, cupped leaves with white tips.

I photographed all impacted fields and collected a vegetation sample for Purdue's Plant and Pest diagnostic lab (PPDL) to make a visual analysis. Furthermore, I collected investigative samples for OISC's Residue Lab.

## Attachments



File 107732



File 107733



File 107734



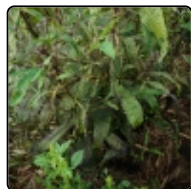
File 107735



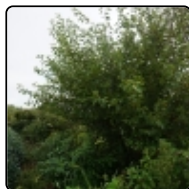
File 107736



File 107737



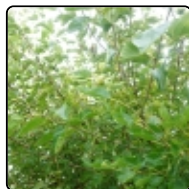
File 107738



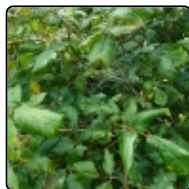
File 107739



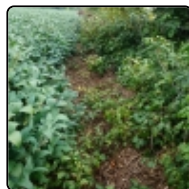
File 107740



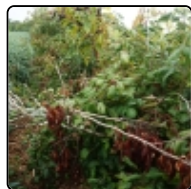
File 107741



File 107742



File 107743



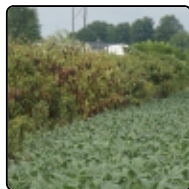
File 107744



File 107745



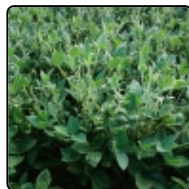
File 107746



File 107747



File 107748



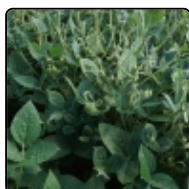
File 107749



File 107750



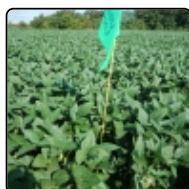
File 107751



File 107752



File 107753



File 107754



File 107755

## Screenshots

Site Diagram of field with samples # attached.

### Attachments

File 114423; Site Diagram.pdf

Original Event: Investigation Activity (Pesticide) #5305  
Subject: James R Kunz  
Submitted By: Paul Jay Kelley

---

## 08/30/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1158  
Client: James R Kunz  
Firm Representative: Jim Kunz  
Submitted By: Paul Jay Kelley  
Attachments: File 107756; noi.pdf

---

## 08/30/2022 Investigator Called Target Communication

On August 30, 2022, I spoke with Tony Holtkamp. Mr. Holtkamp stated he applied Rifle (EPA Reg. 34704-861, active ingredient dicamba) as a "spot" application to the edge, corners, and low areas of an adjacent dicamba field. Mr. Holtkamp stated he had in fact drift onto the neighbors Enlist soybeans (Kunz and Bedel). Mr. Holtkamp stated he told Kunz and Bedel to contact his insurance agent. Mr. Holtkamp stated he made the application around July 20, 2022. I left copies of a PII for Mr. Holtkamp to complete and return.

## Records

On September 6, 2022, Tony Holtkamp emailed me a copy of the PII. Mr. Holtkamp documented he applied Rifle Herbicide (EPA Reg. #34704-861, active ingredient dicamba) on July 20, 2022. Mr. Holtkamp documented the wind was out of the west at less than 10 mph. Mr. Holtkamp listed the certified supervisor as William Holtkamp. However, William Holtkamp was not present during application. In addition, the cutoff date in Indiana to apply dicamba products is June 20, 2022.

### Attachments

File 110263; Scan\_20220906 (2).png  
File 110264; Scan\_20220906 (3).png  
File 110265; Scan\_20220906\_2 (2).png  
File 110266; Scan\_20220906\_2.png  
File 110267; Scan\_20220906\_3.pdf

Original Event: Investigation Activity (Pesticide) #5306  
Subject: Tony Holtkamp  
Submitted By: Paul Jay Kelley

---

08/30/2022 **Residue Samples Collected**

Original Event: Residue Collection #241807 (22-4-0296 5)  
Client: James R Kunz  
Submitted By: Paul Jay Kelley  
Sample: 22-4-0296 5 | Soil; Grab; 0-2"; Target  
Sample: 22-4-0297 7 | Veg; Comp; Target  
Sample: 22-4-0298 3 | Veg; Comp; OFF-T, Grad1, 5yd  
Sample: 22-4-0299 6 | Veg; Comp; OFF-T, Grad2, 40yd  
Sample: 22-4-0300 9 | Veg; Comp; OFF-T, Grad3, 85yd

---

08/30/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #665  
Submitted By: Paul Jay Kelley  
Target Analyte: rifle  
PLS Labels: [034704-00861-20100129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00861-20100129.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/034704-00861-20100129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/034704-00861-20100129.pdf)

Attachments: File 107774; RIFLE HERBICIDE (INDIANA RESTRICTED USE PESTICIDE) (1).pdf

---

09/05/2022 **Received External Lab Report**

PPDL reported, "Soybean plants show cupped leaves with whitish leaf tips. Weeds and trees at the field edge also show leaf cupping and/or stem. These symptoms are characteristic of exposure to synthetic auxins herbicides such as dicamba."

Original Event: External Lab Report #242216 (X22-ED5BFF)  
Submitted By: Paul Jay Kelley  
Sample: X22-ED5BFF  
Attachments: File 108340; FinalReport\_Jay Kelley.pdf

---

09/09/2022 **Investigator Received Fax/Email from Subject Activity**

On September 9, 2022, I received an email from Nancie Buch, Claims Rep. for Indiana Farmers Insurance request to receive information regarding this case.

Attachments  
File 108657; claim 1215652- Holtkamp.msg.pdf

Original Event: Investigation Activity (Pesticide) #5342  
Subject: Nancie Bush  
Submitted By: Paul Jay Kelley

---

10/11/2022 **Wind Data Researched**

Weather data from, <https://mesonet.agron.iastate.edu/>, indicated that weather on July 20, 2022, the temperature during Mr. Holtkamps application was registered 89-95 degrees. Furthermore, wind documented by three triangulated airport wind station listed wind out of the south and southwest at 8-17.25 mph with gust to 24.15 mph blowing toward Mr. Kunz's property.

**Columbus airport-BAK**

*Columbus, Indiana (26 miles SW of site)*

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

545p	89.6	S	17.25
645p	93.2	S	12.65
745p	95	SW	13.8

**Shelbyville airport-GEZ**

*Shelbyville, Indiana (30 miles NW of site)*

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

500pm	91	SW	17.25	
645pm	91.9	S	17.25	23
745pm	91	WSW	16.1	24.15

**Batesville airport-HLB**

*Batesville, Indiana (11 miles NE of site)*

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

535p	87.8	S	10.35	16.10
555p	89.6	WSW	9.2	14.95
655p	89.6	SW	8.05	16.10

**Attachments**

Original Event: Wind Data #135  
 Submitted By: Paul Jay Kelley  
 Date of Weather: 07/20/2022

10/11/2022 **Investigation Activity**  
**Activity**

Label language for Rifle states in part, "Avoid making applications when spray particles may be carried by air currents to areas where sensitive plants are growing, or when temperature inversions exist. Do not spray near sensitive plants if wind is gusty or in excess of 5 mph and moving in the direction of adjacent sensitive plants." Wind data from 3 triangulated certified weather stations indicated wind was between 9.2mph - 17.25mph with gust between 14.95mph-24.15mph blowing toward Mr. Kunz's Enlist soybeans.

In addition, the rifle label states, "Do not apply RIFLE HERBICIDE adjacent to sensitive crops when the temperature on the day of application is expected to exceed 85F as drift is more likely to occur." Temperatures were documented between 87.8F - 95F.

Furthermore, Rifle is a Restricted Use Pesticide (RUP) in Indiana due to the active ingredient being dicamba. RUP's require a certified applicator license issued by OISC for use. Mr. Holtkamp does not have a license or credential issued by OISC.

**Attachments**

File 111183; RIFLE HERBICIDE (INDIANA RESTRICTED USE PESTICIDE).pdf

Original Event: Investigation Activity (Pesticide) #5490  
 Subject: James R Kunz  
 Submitted By: Paul Jay Kelley

12/15/2022 **Received Residue Lab Report**  
**First Page of Lab Report**

OCM Collection #	241807	Investigator	KELLEYJ		
Collection Date	08/30/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0296 5	Soil; Grab; 0-2"; Target	Soil	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	11.2 ppb	0.2 ppb
			Dicamba	BDL ppb	2 ppb
22-4-0297 7	Veg; Comp; Target	Veg	5OH-Dicamba	454 ppb	0.7 ppb
			DCSA	96.7 ppb	0.3 ppb
			Dicamba	1320 ppb * Minimum detected amount reported	3 ppb
22-4-0298 3	Veg; Comp; OFF-T, Grad1, 5yd	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb
22-4-0299 6	Veg; Comp; OFF-T, Grad2, 40yd	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			DCSA	BDL ppb	0.3 ppb
			Dicamba	BDL ppb	3 ppb

Original Event: Residue Lab Report #250704 (241807-R714)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 241807-R714.pdf

12/16/2022 **New Respondent Identified**  
**Respondent Identified**

Private Applicator able to purchase and use RUPs.

Original Event: Investigation Change #295  
 Respondent: William H Holtkamp  
 Submitted By: Paul Jay Kelley

12/31/2022 **Judgement; License Suspension**  
**Civil Penalty**

Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management by applying a pesticide when the wind is blowing towards an adjacent sensitive crop. 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.

### Civil Penalty

Tony Holtkamp was cited for violation of section of 65(2) of the Indiana Pesticide Use and Application Law for use in violation of Indiana state restrictions on the use of dicamba after June 20th. 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.

### Civil Penalty

Tony Holtkamp was cited for violation of section of 65(10) of the Indiana Pesticide Use and Application Law for knowingly using a restricted use pesticide without having a license. 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.

### Civil Penalty

William Holtkamp was cited for violation of section of 65(13) of the Indiana Pesticide Use and Application Law for aiding and/or abetting a person to use a restricted use pesticide without having a certification. 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.

### License Suspension

In addition, the Private Applicator permit issued to William Holtkamp was suspended for a period of six (6) months starting April 1, 2023 and ending September 30, 2023. (This six-month suspension period is based on a projected estimate that the effective date of this enforcement action notice will occur on or about April 1, 2023.)

Original Event: Judgement #1428  
Primary: Tony Holtkamp  
Secondary: William H Holtkamp  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); IC 15-16-5-65(10); IC 15-16-5-65(13)  
Penalty Amount: 4000

---

#### 01/13/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1733  
To: Tony Holtkamp  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9794  
Enclosed: Notice of Enforcement  
Attachments: File 116944; PS22-0391EL CIT-CP ~ Tony Holtkamp.docx

---

#### 01/13/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1734  
To: William H Holtkamp  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9800  
Enclosed: Notice of Enforcement  
Attachments: File 116945; PS22-0391EL CIT-CP-LICENSE SUSP. ~ William H. Holtkamp.docx

---

#### 01/25/2023 Received Mail Confirmation for Target

Per USPS tracking the mail was delivered on 1/25/2023. No CM green card returned to OISC as of 2/23/2023. We will use the USPS tracking information as our mail receipt. Should the green card come back later, it can be added to this Compliance Receipt as additional documentation.

Original Event: Compliance Receipt #1965  
Subject: William H Holtkamp  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9800  
Received: 01/25/2023  
Attachments: File 118589; PS22-0391 ~ CM 7021 0950 0000 0607 9800 ~ William Holtkamp - Delivered 1-25-2023 per USPS Tracking.pdf

---

#### 01/26/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1897  
Subject: Tony Holtkamp  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9794  
Received: 01/26/2023  
Attachments: File 118080; CM 7021 0950 0000 0607 9794 - Tony Holtkamp - Recd. 1-26-23 - PS22-0391.pdf

---

#### 02/13/2023 Received Penalty Payment for Target

Original Event: Compliance Receipt #1877  
Subject: Tony Holtkamp  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$3,000.00  
Payment Received: \$3,000.00  
Attachments: File 117911; PS22-0391 - Tony Holtkamp - CP Received 2-13-2023.pdf

---

#### 02/15/2023 Received Penalty Payment for Target

Original Event: Compliance Receipt #1896  
Subject: William H Holtkamp  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 118079; PS22-0391 - William Holtkamp - CP Received 2-15-2023.pdf

---

02/23/2023 **Compliance Activity**

PS22-0391 - William Holtkamp - CP payment due 2/22/2023  
On 2/23/2023, we received a phone call from Mrs. Holtkamp (Vengi) because she was concerned the payment she mailed on 2/13/2023 hadn't reached us and she wanted to request time to mail another check. Vengi provided the CM tracking number (7018 2290 0000 0071 8120) used to send the CP payment on 2/13/2023. USPS tracking showed the CM still being in transit to OISC as of 2/23/23 at 4:58pm. However, OISC received the civil penalty payment on 2/15/2023. I returned Vengi's call to let her know we had the payment and she did not need to send another check. USPS clearly has a problem with their tracking system.

Original Event: Compliance Activity #1704  
Primary: William H Holtkamp  
Submitted By: Joni D. Herman  
Attachments: File 118588; PS22-0391 ~ William Holtkamp - CP payment sent CM 7018 2290 0000 0071 8120 - USPS Tracking.pdf

---

02/24/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #1977  
To: James R Kunz  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118645; PS22-0391 - James R. Kunz - Case Closed Letter 2-24-2023.docx

---

02/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1978  
To: Tony Holtkamp  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118646; PS22-0391 - Tony Holtkamp - Case Closed Letter 2-24-2023.docx

---

02/24/2023 **Notice Regarding Licensing Status Mailed to Target**

PA license will be suspended from April 1, 2023 through September 30, 2023. License will be reinstated effective October 1, 2023.

Original Event: Outgoing Mail #1979  
To: William H Holtkamp  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice Regarding Licensing Status  
Enclosed: Case Summary  
Attachments: File 118652; PS22-0391 - William H. Holtkamp - Case Closed - License Suspension Letter - 2-24-2023.docx

---

02/24/2023 **Notice of Case Closure Mailed to Subject**

I included Nancie Bush for a case closed letter based off Investigation Activity (Pesticide) #5342. Nancie is the Claims Rep for Tony Holtkamp.

Original Event: Outgoing Mail #1980  
To: Nancie Bush  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118648; PS22-0391 - Nancie Bush - Case Closed Letter 2-24-2023.docx

---

**Chain of Custody**

---

08/30/2022 **Sample 22-4-0296 5**

Original Event: Chain of Custody #2844 (22-4-0296 5)  
08/30/2022 10:00: Sample Collected by Paul Jay Kelley  
08/31/2022 10:01: Sample Delivered to Kylo  
08/31/2022 13:48: Delivery Affirmed by Vicki L. Vauters

---

08/30/2022 **Sample 22-4-0297 7**

Original Event: Chain of Custody #2845 (22-4-0297 7)  
08/30/2022 10:00: Sample Collected by Paul Jay Kelley  
08/31/2022 10:01: Sample Delivered to Kylo  
08/31/2022 13:48: Delivery Affirmed by Vicki L. Vauters

---

08/30/2022 **Sample 22-4-0298 3**

Original Event: Chain of Custody #2846 (22-4-0298 3)  
08/30/2022 10:00: Sample Collected by Paul Jay Kelley  
08/31/2022 10:01: Sample Delivered to Kyo  
08/31/2022 13:48: Delivery Affirmed by Vicki L. Vauters

---

08/30/2022 **Sample 22-4-0299 6**

Original Event: Chain of Custody #2847 (22-4-0299 6)  
08/30/2022 10:00: Sample Collected by Paul Jay Kelley  
08/31/2022 10:01: Sample Delivered to Kyo  
08/31/2022 13:48: Delivery Affirmed by Vicki L. Vauters

---

08/30/2022 **Sample 22-4-0300 9**

Original Event: Chain of Custody #2848 (22-4-0300 9)  
08/30/2022 10:00: Sample Collected by Paul Jay Kelley  
08/31/2022 10:01: Sample Delivered to Kyo  
08/31/2022 13:48: Delivery Affirmed by Vicki L. Vauters

This record was generated on **April 14, 2023, 08:45 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 14, 2023, 08:46 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0412**

Department	Pesticide
Originated	09/14/2022
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>West Marine</b> Indianapolis, IN 46250
Respondent Registrant	<b>Kop-Coat Inc Pettit Paint Brand</b> Rockaway, NJ 07866

**Overviews**

09/26/2022 **Product Registration Summary**

Violation of IC 15-16-4-57(1): Co-pack was not registered for sale in Indiana. State registration required within 30 days of receipt.

Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

10/12/2022 **Investigation Summary**

On 9-14-2022 A marketplace inspection was conducted at West Marine in Indianapolis. During the inspection, one unregistered pesticide product was located. The product was FW 21 Freshwater Antifouling Paint Bronze. The product was placed under Stop Sale and a sample was collected, leaving one unit at the store.

ON 9-15-2022 the evidentiary sample was delivered to the OISC formulation lab.

ON 9-26-2022 a full label review was completed and found that the label was not acceptable.

ON 10-10-2022 the OISC formulation Lab completed the lab analysis and found that the product met the label claim for active ingredient.

Submitted By: Garret A. Creason  
Role: Investigator

10/27/2022 **Disposition Summary**

West Marine was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product in Indiana.

Kop-Coat Inc Pettit Paint Brand was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing an unregistered pesticide product in Indiana. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

09/14/2022 **Intake Referral Filed**

Unregistered Pesticide product located for sale at West Marine in Indianapolis, IN.



Original Event: Intake Referral (Pesticide) #2766  
Complainant: Office of Indiana State Chemist  
Respondent: West Marine  
Respondent 2: Kop-Coat Inc Pettit Paint Brand  
Entered By: Garret A. Creason  
Submitted By: George Saxton

---

09/14/2022 **Formulation Samples Collected**

Original Event: Formulation Collection #243196 (22-3-0033 8)  
Registrant: Kop-Coat Inc Pettit Paint Brand  
Client: West Marine  
Firm Representative: Darrell Norris  
Submitted By: Garret A. Creason  
Sample: 22-3-0033 8 | FW 21 Freshwater Antifouling Paint  
PPLS Labels: [060061-00110-20210609.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/060061-00110-20210609.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/060061-00110-20210609.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/060061-00110-20210609.pdf)

Photos:



File 109125



File 109126



File 109127



File 109128



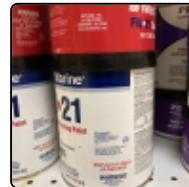
File 109129



File 109130



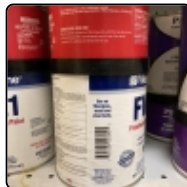
File 109131



File 109132



File 109133



File 109134

---

09/14/2022 **INCIDENTAL Stop Sale Order Issued**

Original Event: Action Order #273  
Linked From: Formulation Collection #243196 (22-3-0033 8), Pesticide Inspection (Product) #285, and 4 other events  
Issued To: West Marine  
Registrant: Kop-Coat Inc Pettit Paint Brand  
Firm Representative: Darrell Norris  
Submitted By: Garret A. Creason  
Photos:



File 109137

---

09/14/2022 **Marketplace Inspection Conducted**  
**Marketplace**

A marketplace inspection was conducted at West Marine in Indianapolis. During the inspection one unregistered pesticide product was located. The product was FW 21 Freshwater Antifouling Paint Bronze. The product was placed under Stop Sale and a sample was collected, leaving one unit at the store.

Original Event: Pesticide Inspection (Product) #285  
Client: West Marine  
Firm Representative: Darrell Norris  
Submitted By: Garret A. Creason

---

09/14/2022 **Notice of Inspection Issued**

Original Event:  
Client:  
Firm Representative:  
Submitted By:  
Photos:

Notice of Inspection #1185  
West Marine  
Darrell Norris  
Garret A. Creason



File 109481

---

09/14/2022 **Investigator Met with Distributor  
Communication**

A marketplace inspection was conducted at West Marine. One unregistered pesticide product was located.

Original Event: Investigation Activity (Pesticide) #5366  
Subject: West Marine  
Submitted By: Garret A. Creason

---

09/14/2022 **Case Created**

Original Event: Case PS22-0412  
Submitted By: George Saxton  
Assigned To: Garret A. Creason

---

09/26/2022 **Notice of Stop Sale Sent**

Email sent to Kop\_coat with notification of SSURO 9/26/22

Original Event: Pesticide Products Activity #26  
Primary: Kop-Coat Inc Pettit Paint Brand  
Submitted By: Victoria J. Matsumura  
Attachments: File 110198; Email to Kop-Coat SSURO.pdf

---

09/26/2022 **Label Review Conducted; Not Acceptable  
FW 21 Freshwater Antifouling Paint**

NOT Acceptable; The bin labels appear to be consistent with master labels for both products within the co-pack. The Co-pack is unregistered.

Attachments

File 110199; PS22-0412 Kop-Coat Inc Pettit Paint Brand label review.pdf

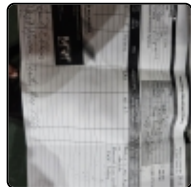
Original Event: Label Review (Pesticide) #194 (Kop-Coat Inc Pett...)  
Registrant: Kop-Coat Inc Pettit Paint Brand  
Submitted By: Victoria J. Matsumura  
PPLS Labels: [060061-00110-20210609.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/060061-00110-20210609.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/060061-00110-20210609.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/060061-00110-20210609.pdf)

---

09/28/2022 **Stop Sale Released for Return/Disposal  
FW 21 Freshwater Antifouling Paint**

Letter mailed to West Marine (hard copy) on 9/29/22 to modify the SSURO (return or destroy). A copy of pdf was emailed to Kop-Coat on 09/28/22.

Attachments



File 113159


File 110553; PS22-0412 Kop Coat-rev.pdf  
File 113161; RE\_ Notification of Stop Sale\_ Kop-Coat Inc Pettit Paint Brand.pdf  
File 113160; SR 21 Documentation.pdf

Original Event: Stop Sale Release (PS) #10  
Issued To: West Marine  
Registrant: Kop-Coat Inc Pettit Paint Brand  
Submitted By: Victoria J. Matsumura

---

10/10/2022 **Received Formulation Lab Report**

**First Page of Lab Report**

		<b>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</b>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu					
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>					
PRODUCT NAME <b>FW 21 Freshwater Antifouling Paint</b>		INVESTIGATOR <b>CREASONG</b>		DATE SAMPLED <b>09/14/2022</b>	REPORT DATE <b>10/10/2022</b>
OCM COLLECTION <b>243196-01</b>		SAMPLE NO. <b>22-3-0033 8</b>		EPA REG NO. <b>60061-110</b>	
<b>ACTIVE INGREDIENT</b>			<b>%GUARANTEE</b>		<b>%FOUND</b>
Copper			84.67		85.74
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #245860 (243196-01-R668)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 243196-01-R668.pdf

**10/27/2022 Judgement; Civil Penalty Assessed Warning**

West Marine was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing an unregistered pesticide product in Indiana.

**Civil Penalty**

Kop-Coat Inc Pettit Paint Brand was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing an unregistered pesticide product in Indiana. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #1389  
 Primary: West Marine  
 Secondary: Kop-Coat Inc Pettit Paint Brand  
 Submitted By: George Saxton  
 Legal Citations: IC 15-16-4-57(1), IC 15-16-4-66(1); IC 15-16-4-57(1)  
 Penalty Amount: 1000

**01/06/2023 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1687  
 To: West Marine  
 Submitted By: Joni D. Herman  
 USPS: 7021 0950 0000 0607 9442  
 Enclosed: Notice of Enforcement  
 Attachments: File 115276; PS22-0412EL WRN ~ West Marine.docx

**01/06/2023 Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1688  
 To: Kop-Coat Inc Pettit Paint Brand  
 Submitted By: Joni D. Herman  
 USPS: 7021 0950 0000 0607 9459  
 Enclosed: Notice of Enforcement  
 Attachments: File 115277; PS22-0412EL CP ~ Kop-Coat Inc. Pettit Paint Brand.docx

**01/13/2023 Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1923  
 Subject: West Marine  
 Submitted By: Jacob A. Hatfield  
 USPS: 7021 0950 0000 0607 9442  
 Received: 01/13/2023  
 Attachments: File 118139; CM 7021 0950 0000 0607 9442 - West Marine - Recd. 1-13-23 - PS22-0412.pdf

**02/09/2023 Received Penalty Payment for Target**

Original Event: Compliance Receipt #1867  
 Subject: Kop-Coat Inc Pettit Paint Brand  
 Submitted By: Jacob A. Hatfield  
 Payment Expected: \$1,000.00  
 Payment Received: \$1,000.00  
 Attachments: File 117817; PS22-0412 - Kop-Coat, Inc. Pettit Paint Brand - CP Received 2-9-2023.pdf

**02/16/2023 Mail Confirmation Assumed for Target**

According to USPS tracking CM was out for delivery on 1/15/2023. Green card was never returned, however, it is assumed to have been received because the civil penalty was paid with a copy of the enforcement letter.

Original Event: Compliance Receipt #1924  
Subject: Kop-Coat Inc Pettit Paint Brand  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9459  
Attachments: File 118140; CM 7021 0950 0000 0607 9459 - Kop-Coat Inc, Pettit Paint Brand - Assumed 1-15-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1940  
To: West Marine  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118317; PS22-0412 - West Marine - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1941  
To: Kop-Coat Inc Pettit Paint Brand  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118318; PS22-0412 - Kop-Coat, Inc. Pettit Paint Brand - Case Closed Letter 2-17-2023.docx

### Chain of Custody

---

09/14/2022 **Sample 22-3-0033 8**

Original Event: Chain of Custody #3045 (22-3-0033 8)  
09/14/2022 13:00: Sample Collected by Garret A. Creason  
09/15/2022 10:00: Sample Delivered to Natalie C. Wilson  
09/15/2022 10:00: Delivery Affirmed by Natalie C. Wilson

This record was generated on **April 14, 2023, 08:46 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 14, 2023, 08:47 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0420

Department	Pesticide
Originated	09/21/2022
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>B &amp; E Marine</b> Michigan City, IN 46360
Registrant Respondent	<b>International Paint LLC</b> Houston, TX 77091
Respondent	<b>International Paint LLC</b>

### Overviews

#### 09/26/2022 **Product Registration Summary**

Marketplace label is misbranded. Registrant is required to recall all misbranded product within the state within 30 days. New registration application will be required with revised product labels.

Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

#### 10/12/2022 **Investigation Summary**

A for-cause marketplace inspection was conducted at B&E Marine in Michigan City, IN. The inspection was to locate VC 17M, an Unregistered Pesticide Product, to evaluate registration and labeling concerns. The registrant indicated that this store could potentially sell the product.

VC 17M was located at B&E Marine. OISC decided to sample the product to review the registration and labeling. At the time of the inspection the product was not registered with OISC, however, it was decided not to issue a Stop Sale at the time of inspection, and wait until further review of the product can be completed.

On 9-21-2022, upon further review of the label it was decided that OISC would issued a Stop Sale of the non-compliant product. I emailed a copy of the Stop Sale to B&E Marine. On 9-22-2022 I received the signed Stop Sale back from B&E Marine.

On 9-22-2022 I delivered the sample to the OISC Formulation lab.

On 9-26-2022 a full label review was completed and found that the label was NOT Acceptable.

On 10-10-2022 the OISC Formulation lab finalized the analysis and found that the product met label claim.

Submitted By: Garret A. Creason  
Role: Investigator

#### 10/27/2022 **Disposition Summary**

International Paint LLC was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product with labeling claims or directions for use different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.

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

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

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 09/20/2022 Intake Referral Filed

A for-cause marketplace inspection was conducted at B&E Marine in Michigan City, IN. The inspection was to locate VC 17M, an Unregistered Pesticide Product, to evaluate registration and labeling concerns. The registrant indicated that this store could potentially sell the product.

Original Event: Intake Referral (Pesticide) #2774  
Complainant: Office of Indiana State Chemist  
Respondent: B & E Marine  
Entered By: Garret A. Creason  
Submitted By: Joseph D. Becovitz

---

### 09/20/2022 Formulation Samples Collected

Original Event: Formulation Collection #243976 (22-3-0034 0)  
Registrant: International Paint LLC  
Client: B & E Marine  
Firm Representative: Bill Lopez  
Submitted By: Garret A. Creason  
Sample: 22-3-0034 0 | VC 17m  
PLS Labels: [045168-00007-20220121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/045168-00007-20220121.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/045168-00007-20220121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/045168-00007-20220121.pdf)

Photos:



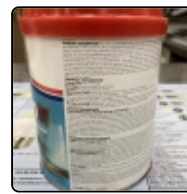
File 109683



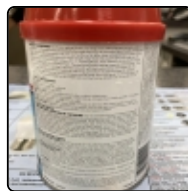
File 109684



File 109685



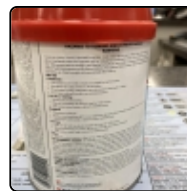
File 109686



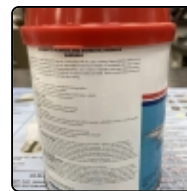
File 109687



File 109688



File 109689



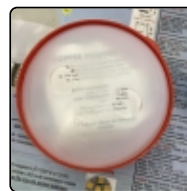
File 109690



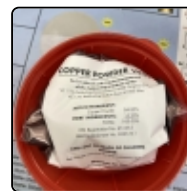
File 109691



File 109692



File 109693



File 109694



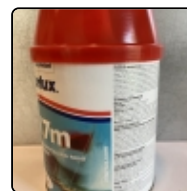
File 109695



File 109696



File 109697



File 109698



File 109699



File 109700



File 109701



File 109702



File 109703



File 109704



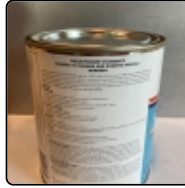
File 109705



File 109706



File 109707



File 109708



File 109709



File 109710



File 109711



File 109712



File 109713



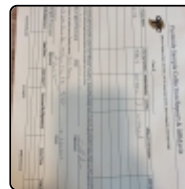
File 109714



File 109715



File 109716



File 109720

09/20/2022 **Marketplace Inspection Conducted**  
**Marketplace**

This was a for-cause inspection to locate VC 17M from International Paints LLC. OISC decided to sample the product to review the registration and labeling. at the time of the inspection the product was not registered with OISC, however, it was decided not to issue a Stop Sale at the time of inspection, and wait until further review of the product can be completed.

Original Event: Pesticide Inspection (Product) #286  
Client: B & E Marine  
Firm Representative: Bill Lopez  
Submitted By: Garret A. Creason

09/20/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1192  
Client: B & E Marine  
Firm Representative: Bill Lopez  
Submitted By: Garret A. Creason  
Photos:



File 109721

09/20/2022 **Investigator Met with Distributor**  
**Interaction**

Marketplace inspection conducted at B&E Marine.

Original Event: Investigation Activity (Pesticide) #5394  
Subject: B & E Marine  
Submitted By: Garret A. Creason

09/21/2022 **Stop Sale Order Issued**

Original Event: Action Order #275  
Issued To: B & E Marine  
Registrant: International Paint LLC  
Firm Representative: Bryce Leroy  
Submitted By: Garret A. Creason  
Attachments: File 109913; scan0285.pdf

09/21/2022 **Case Created**

Original Event: Case PS22-0420  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

09/26/2022 **Label Review Conducted; Not Acceptable  
VC 17m**

NOT Acceptable; Label review is unacceptable. See review.

Attachments

File 110190; International Paint Label review final 9.26.22.pdf


Original Event: Label Review (Pesticide) #193 (International Pai...)  
Registrant: International Paint LLC  
Submitted By: Victoria J. Matsumura  
PPLS Labels: [045168-00007-20220121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/045168-00007-20220121.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/045168-00007-20220121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/045168-00007-20220121.pdf)

09/26/2022 **Notice of Stop Sale Sent**

Email SSURO notification to Bathsheba Njuguna, PSRA Team Leader III, Paints & Coatings North America

Original Event: Pesticide Products Activity #25  
Primary: International Paint LLC  
Submitted By: Victoria J. Matsumura  
Attachments: File 110192; SSURO to International Paint.pdf

10/10/2022 **Received Formulation Lab Report  
First Page of Lab Report**

		<i>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</i>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu				
<b>PESTICIDE FORMULATION ANALYSIS REPORT</b>				
PRODUCT NAME <b>VC 17m</b>	INVESTIGATOR <b>CREASONG</b>	DATE SAMPLED <b>09/20/2022</b>	REPORT DATE <b>10/10/2022</b>	
OCM COLLECTION <b>243976-01</b>	SAMPLE NO. <b>22-3-0034 0</b>	EPA REG NO. <b>45168-7</b>		
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>	<b>%FOUND</b>	
Copper		84.80	85.10	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				

Original Event: Formulation Lab Report #245861 (243976-01-R668)  
Submitted By: SYSTEM  
Lab Report: Lab Report 243976-01-R668.pdf

10/19/2022 **Stop Sale Released for Return/Disposal  
VC 17m**

Product was recalled. Must be returned or destroyed due to misbranding. B&E sent SSURO release letter 10/19/22

Attachments

File 111837; PS22-0420 SURO Release Return Letter to B&E Marine.pdf

Original Event: Stop Sale Release (PS) #11  
Issued To: B & E Marine  
Registrant: International Paint LLC  
Submitted By: Victoria J. Matsumura

10/27/2022 **Judgement; Civil Penalty Assessed**



### Civil Penalty

International Paint LLC was cited for violation of section 57(2) of the Indiana Pesticide Registration Law for distributing a pesticide product with labeling claims or directions for use different from that registered. A civil penalty in the amount of \$500.00 was assessed for this violation.

### Civil Penalty

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

### Civil Penalty

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

Original Event: Judgement #1390  
Primary: International Paint LLC  
Secondary: International Paint LLC  
Submitted By: George Saxton  
Legal Citations: IC 15-16-4-57(2); IC 15-16-4-57(5); IC 15-16-4-57(9)  
Penalty Amount: 2000

---

01/06/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1689  
To: International Paint LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9466  
Enclosed: Notice of Enforcement  
Attachments: File 115503; PS22-0420EL CP ~ International Paint LLC.docx

---

01/19/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1922  
Subject: International Paint LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9466  
Received: 01/19/2023  
Attachments: File 118138; CM 7021 0950 0000 0607 9466 - International Paint - Recd. 1-19-23 - PS22-0420.pdf

---

02/01/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1850  
Subject: International Paint LLC  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$2,000.00  
Payment Received: \$2,000.00  
Attachments: File 117811; PS22-0420 - International Paint CP Cover Letter - 2-1-2023.pdf  
File 117669; PS22-0420 - International Paint LLC - CP Received 2-1-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1942  
To: B & E Marine  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118320; PS22-0420 - B & E Marine - Case Closed Letter 2-17-2023.docx

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1943  
To: International Paint LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118321; PS22-0420 - International Paint LLC - Case Closed Letter 2-17-2023.docx

---

### Chain of Custody

09/21/2022 **Sample 22-3-0034 0**

Original Event: Chain of Custody #3098 (22-3-0034 0)  
09/20/2022 10:00: Sample Collected by Garret A. Creason  
09/22/2022 12:00: Sample Delivered to 3129  
09/22/2022 15:31: Delivery Affirmed by Natalie C. Wilson



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 **February 15, 2023, 01:42 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

### In Re: Case PS22-0421

Department	Pesticide
Originated	09/22/2022
Assigned To	James M. Trimble
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>	
Complainant	<b>Nutrien Ag Solutions Inc</b> Elizabethtown, IN 47232	Business

### Overviews

#### 10/18/2022 Investigation Summary

On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nutrien Ag had sold RUPs to a noncertified user after listing the wrong expiration date in their computer system.

I found that Nutrien Ag had completed a total of 17 sales, on 17 separate dates, for five different RUPs to a noncertified user in 2021 & 2022.

Submitted By: James M. Trimble  
Role: Investigator

#### 10/27/2022 Disposition Summary

Nutrien Ag Solutions Inc. was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2. for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 09/13/2022 General Inspection Conducted RUP Dealer Inspection

On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nutrien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system. A case was generated for the violation found.

Original Event: Pesticide Inspection (General) #2020  
Client: Nutrien Ag Solutions Inc  
Firm Representative: Ryan Bode  
Submitted By: James M. Trimble

#### 09/13/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1183  
Client: Nutrien Ag Solutions Inc  
Firm Representative: Ryan Bode  
Submitted By: James M. Trimble  
Attachments: File 109099; NutrienNOI 9-22.pdf

#### 09/15/2022 Online Investigation Activity

## Activity

On September 15, 2022, I inspected Nutrien Ag RUP sales records, where I researched the license status of who had purchased RUPs from their branch. Using our license database, INplants, I was unable to find a valid license for Lawyer Farms (Charles, Darrin, & Glenn Lawyer). I found that Charles' Private Applicator license had expired on 12/31/2019, Darrin's Private Applicator license had expired on 12/31/2019, and Glenn's Private Applicator license had expired on 12/31/2014.

### Attachments

File 111838; Inplants-Charles.pdf  
File 111839; Inplants-Darrin.pdf  
File 111840; Inplants-Glenn.pdf

Original Event: Investigation Activity (Pesticide) #5430  
Subject: Lawyer Farms  
Submitted By: James M. Trimble

---

## 09/21/2022 Intake Referral Filed

On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nutrien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system.

Original Event: Intake Referral (Pesticide) #2775  
Complainant: Office of Indiana State Chemist  
Respondent: Nutrien Ag Solutions Inc  
Entered By: James M. Trimble  
Submitted By: Joseph D. Becovitz

---

## 09/21/2022 Investigator Met with Business

### Records

On September 21, 2022, I arrived back at Nutrien Ag to investigate the possible unlawful sales of RUP to Charles Lawyer (Lawyer Farms). While on-site, I met with Manager Ryan Bode, who I advised of my findings. Mr. Bode advised that they had Charles Lawyer's license expiration recorded as 12/31/2024 in their system but they could not find a physical copy of Mr. Lawyer's license on file. Mr. Bode then contacted Lawyer Farms, via phone, to inquire about their license status. Once off the phone with Lawyer Farms, Mr. Bode advised me that no one at Lawyer Farms had a valid license available.

Mr. Bode advised me that the unlawful sales of the RUPs to Lawyer Farms were unknowingly and he was unsure of why the expiration date on Mr. Lawyer's license was incorrectly listed in their system. Mr. Bode stated Nutrien Ag makes a strong effort to not sell RUPs to noncertified users by examining their licenses before any sales.

Per my request, Mr. Bode provided me with all of their RUP sales records to Lawyer Farms in 2021 and 2022.

### Attachments

File 109873; Nutrien-Lawyer RUP sales.pdf

Original Event: Investigation Activity (Pesticide) #5417  
Subject: Nutrien Ag Solutions Inc  
Submitted By: James M. Trimble

---

## 09/21/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1200  
Client: Nutrien Ag Solutions Inc  
Firm Representative: Ryan Bode  
Submitted By: James M. Trimble  
Attachments: File 109876; NutrienNO19-21.pdf

---

## 09/21/2022 Investigator Called Farmer Communication

On September 21, 2022, I called and spoke with Darrin Lawyer to inquire about the RUPs purchased by Lawyer Farms. Mr. Lawyer stated he was aware that he and Glenn Lawyer's Private Applicator's license was expired but believed that his father's license, Charles Lawyer, was valid. Mr. Lawyer stated he was unaware that his father's license was expired and continued to believe that it was valid because they continued to purchase RUPs from Nutrien Ag.

See case #PS22-0422 for Lawyer Farms.

Original Event: Investigation Activity (Pesticide) #5507  
Subject: Lawyer Farms  
Submitted By: James M. Trimble

---

## 09/22/2022 Case Created

Original Event: Case PS22-0421  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

## 10/18/2022 Online Investigation Activity

## Activity

On October 18, 2022, I reviewed Nutrien Ag's RUP sales records to Charles Lawyer (Lawyer Farms) for 2021 & 2022. I found the following RUPs were sold to Lawyer Farms;

- **Bicep II Magnum** (EPA Reg. #100-817, active ingredients of Atrazine & S-Metolachlor)
- **Medal II ATZ** (EPA Reg. #100-817, active ingredients of Atrazine & S-Metolachlor)
- **Atrazine 4L** (EPA Reg. #34704-69, active ingredient of Atrazine)
- **Tombstone** (EPA Reg. #34704-912, active ingredient of Cyfluthrin)
- **Gramoxone SL 3.0** (EPA Reg. #100-1652, active ingredient of Paraquat)

The dates and quantities for the sales of the above products were listed as the following;

- **06/22/2021 - 300 gal - Bicep**
- **06/28/2021 - 50 gal - Medal**
- **07/07/2021 - 500 gal - Bicep**
- **07/12/2021 - 37.5 gal - Medal**
- **07/28/2021 - 71.9 gal - Bicep**
- **08/12/2021 - 30 gal - Atrazine**
- **08/18/2021 - 20 gal - Medal, 12 gal - Tombstone**
- **08/19/2021 - 5 gal - Medal, 6 gal - Tombstone**
- **08/20/2021 - 1.7 gal - Tombstone**
  
- **04/29/2022 - 250 gal - Medal**
- **05/10/2022 - 250 gal - Medal**
- **05/13/2022 - 250 gal - Medal**
- **05/17/2022 - 100 gal - Bicep**
- **06/28/2022 - 2.5 gal - Gramoxone, 90 gal - Atrazine**
- **06/30/2022 - 20 gal - Atrazine**
- **08/04/2022 - 12 gal - Tombstone**
- **08/18/2022 - 16 gal - Tombstone**

**In all, I found that Nutrien Ag had completed a total of 17 sales, on 17 separate dates, for five different Restricted Use Pesticides to Charles Lawyer (Lawyer Farms), a noncertified user, in 2021 & 2022.**

### Attachments

- File 111707; ATRAZINE 4L.pdf
- File 111708; BICEP II MAGNUM FC.pdf
- File 111709; GRAMOXONE SL 3.0 HERBICIDE.pdf
- File 111710; MEDAL II ATZ HERBICIDE.pdf
- File 111698; Nutrien-Lawyer RUP sales.pdf
- File 111711; TOMBSTONE.pdf

Original Event: Investigation Activity (Pesticide) #5439  
Subject: Nutrien Ag Solutions Inc  
Submitted By: James M. Trimble

---

### 10/27/2022 **Judgement; Civil Penalty Assessed**

#### **Civil Penalty**

Nutrien Ag Solutions Inc. was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 357 IAC 1-3-2. for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

Original Event: Judgement #1388  
Primary: Nutrien Ag Solutions Inc  
Submitted By: George Saxton  
Legal Citation: 357 IAC 1-3-2  
Penalty Amount: 5000

---

### 12/09/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1659  
To: Nutrien Ag Solutions Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9077  
Enclosed: Notice of Enforcement  
Attachments: File 114190; PS22-0421EL CP\_ Nutrien Ag Solutions Inc..docx

---

### 12/22/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1875  
Subject: Nutrien Ag Solutions Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9077  
Received: 12/22/2022  
Attachments: File 117832; CM 7021 0950 0000 0607 9077 - Nutrien Ag Solutions - Recd. 12-22-22 - PS22-0421.pdf

---

01/13/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1858  
Subject: Nutrien Ag Solutions Inc  
Submitted By: Joni D. Herman  
Payment Expected: \$5,000.00  
Payment Received: \$5,000.00  
Attachments: File 117706; PS22-0421 Nutrien Ag Solutions Inc. ~ CP Received 1-13-2023.pdf

---

02/10/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1863  
To: Nutrien Ag Solutions Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117840; PS22-0421 - Nutrien Ag Solutions, Inc - Case Closed Letter 2-10-2023.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 **February 15, 2023, 01:42 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:43 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0422**

Department	Pesticide
Originated	09/22/2022
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Company	<b>Lawyer Farms</b> Scipio, IN 47273
Farmer	<b>Darrin Lee Lawyer</b> Seymour, IN 47274
Applicator	<b>Glenn E Lawyer</b> Seymour, IN 47274
Farmer	<b>Charles E Lawyer</b> Seymour, IN 47274

**Overviews**

10/19/2022 **Investigation Summary**

On September 13, 2022, I completed a RUP sales records inspection, where I found sales to a noncertified user, Charles Lawyer (Lawyer Farms).

On September 21, 2022, I spoke with Lawyer Farms, who confirmed they did not have a valid license from OISC to legally purchase or apply RUPs.

On September 29, 2022, I received the RUP application records from Lawyer Farms, where I found that Glenn Lawyer had applied four different Restricted Use Pesticides in a total of 77 applications on 29 separate dates while being a noncertified user in 2021 & 2022.

Submitted By: James M. Trimble  
Role: Investigator

10/24/2022 **Disposition Summary**

Lawyer Farms was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

Glenn Lawyer was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. 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 \$2,000.00. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

09/13/2022 **INCIDENTAL General Inspection Conducted**

## RUP Dealer Inspection

On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nutrien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system. A case was generated for the violation found.

Original Event: Pesticide Inspection (General) #2020  
Linked From: Case PS22-0421, Investigation Activity (Pesticide) #5417  
Client: Nutrien Ag Solutions Inc  
Firm Representative: Ryan Bode  
Submitted By: James M. Trimble

---

### 09/15/2022 Online Investigation Activity Activity

On September 15, 2022, I inspected Nutrien Ag RUP sales records, where I researched the license status of who had purchased RUPs from their branch. Using our license database, INplants, I was unable to find a valid license for Lawyer Farms (Charles, Darrin, & Glenn Lawyer). I found that Charles' Private Applicator license had expired on 12/31/2019, Darrin's Private Applicator license had expired on 12/31/2019, and Glenn's Private Applicator license had expired on 12/31/2014.

#### Attachments

File 111838; Inplants-Charles.pdf  
File 111839; Inplants-Darrin.pdf  
File 111840; Inplants-Glenn.pdf

Original Event: Investigation Activity (Pesticide) #5430  
Subject: Lawyer Farms  
Submitted By: James M. Trimble

---

### 09/21/2022 Intake Referral Filed

On September 13, 2022, I completed a routine Restricted Use Pesticide (RUP) sales and application records check. I later found that Nutrien Ag had sold RUPs to an unlicensed user after listing the wrong expiration date in their computer system.

I found the customer, Lawyer Farms (Darrin, Glenn, & Charles Lawyer), did not have a valid Private Applicator's license when they purchased and applied RUPs in 2021 & 2022.

Original Event: Intake Referral (Pesticide) #2776  
Complainant: Office of Indiana State Chemist  
Respondent: Darrin Lee Lawyer  
Respondent 2: Glenn E Lawyer  
Respondent 3: Lawyer Farms  
Entered By: James M. Trimble  
Submitted By: Joseph D. Becovitz

---

### 09/21/2022 Investigator Met with Business Records

On September 21, 2022, I arrived back at Nutrien Ag to investigate the possible unlawful sales of RUP to Charles Lawyer (Lawyer Farms). While on-site, I met with Manager Ryan Bode, who I advised of my findings. Mr. Bode advised that they had Charles Lawyer's license expiration recorded as 12/31/2024 in their system but they could not find a physical copy of Mr. Lawyer's license on file. Mr. Bode then contacted Lawyer Farms, via phone, to inquire about their license status. Once off the phone with Lawyer Farms, Mr. Bode advised me that no one at Lawyer Farms had a valid license available.

Mr. Bode advised me that the unlawful sales of the RUPs to Lawyer Farms were unknowingly and he was unsure of why the expiration date on Mr. Lawyer's license was incorrectly listed in their system. Mr. Bode stated Nutrien Ag makes a strong effort to not sell RUPs to noncertified users by examining their licenses before any sales.

Per my request, Mr. Bode provided me with all of their RUP sales records to Lawyer Farms in 2021 and 2022.

#### Attachments

File 109873; Nutrien-Lawyer RUP sales.pdf

Original Event: Investigation Activity (Pesticide) #5417  
Subject: Nutrien Ag Solutions Inc  
Submitted By: James M. Trimble

---

### 09/21/2022 Investigator Called Farmer

## Communication

On September 21, 2022, I called and spoke with Darrin Lawyer to inquire about the RUPs purchased by Lawyer Farms. I advised Mr. Lawyer that the license number Nutrien Ag had on file for Lawyer Farms (Charles Lawyer) had expired on 12/31/2019. Mr. Lawyer stated he was aware that he and Glenn Lawyer's Private Applicator's license was expired but believed that his father's license, Charles Lawyer, was valid. Mr. Lawyer stated he was unaware that his father's license was expired and continued to believe that it was okay because they were able to purchase RUPs from Nutrien Ag.

Mr. Lawyer stated he had planned on renewing his license in 2020 but was unable to due to COVID-19 restrictions and the cancellation of trainings. Mr. Lawyer stated that Charles has had some health issues and that he and Glenn would need to get their licenses.

Mr. Lawyer advised that Glenn completed most of the pesticide applications for Lawyer Farms and they keep RUP application records. I advised Mr. Lawyer that I would need Lawyer Farms RUP application records for 2021 & 2022. I later sent the records request via email to Darrin and Glenn. Mr. Lawyer again advised that their unlawful RUP purchases and sales were unknowingly.

Original Event: Investigation Activity (Pesticide) #5418  
Subject: Darrin Lee Lawyer  
Submitted By: James M. Trimble

---

### 09/21/2022 INCIDENTAL Notice of Inspection Issued

Original Event: Notice of Inspection #1200  
Linked From: Case PS22-0421, Investigation Activity (Pesticide) #5417  
Client: Nutrien Ag Solutions Inc  
Firm Representative: Ryan Bode  
Submitted By: James M. Trimble  
Attachments: File 109876; NutrienNO19-21.pdf

---

### 09/21/2022 New Respondent Identified

Original Event: Investigation Change #260  
Respondent: Charles E Lawyer  
Submitted By: James M. Trimble

---

### 09/22/2022 Investigator Sent Fax/Email to Business Communication

On September 22, 2022, I emailed Darrin and Glenn Lawyer a NOI, an Action Order, and my request for Lawyer Farms RUP application records for 2021 & 2022.

#### Attachments

File 110037; 9-22 email.pdf

Original Event: Investigation Activity (Pesticide) #5426  
Subject: Lawyer Farms  
Submitted By: James M. Trimble

---

### 09/22/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1203  
Client: Lawyer Farms  
Firm Representative: Darrin Lawyer  
Submitted By: James M. Trimble  
Attachments: File 110038; Lawyer NOI.pdf

---

### 09/22/2022 Action Order Issued

Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed.

Original Event: Action Order #276  
Issued To: Lawyer Farms  
Firm Representative: Darrin Lawyer  
Submitted By: James M. Trimble  
Attachments: File 110039; Lawyer Action Order.pdf

---

### 09/22/2022 Case Created

Original Event: Case PS22-0422  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

### 09/29/2022 Investigator Received Fax/Email from Business Records

On September 9, 2022, I received the signed Action Order from Glenn Lawyer.

#### Attachments

File 111822; Signed AO.pdf

#### Attachments

File 111821; 9-29email2.pdf



Original Event: Investigation Activity (Pesticide) #5508  
Subject: Glenn E Lawyer  
Submitted By: James M. Trimble

---

09/29/2022 **Investigator Received Fax/Email from Business Records**

On September 29, 2022, I received the 2021 & 2022 spray records for Lawyer Farms from Glenn Lawyer. Glenn confirmed that he completed all of the applications for Lawyer Farms.

Attachments

File 111824; 2021 Spray Book.pdf  
File 111825; 2022 Spray Book.pdf

**Attachments**

File 111823; 9-29email.pdf

Original Event: Investigation Activity (Pesticide) #5509  
Subject: Glenn E Lawyer  
Submitted By: James M. Trimble

---

10/19/2022 **Online Investigation Activity Activity**

On October 19, 2022, I reviewed the 2021 & 2022 application records that I had received from Glenn Lawyer (Lawyer Farms). Using the application records from Mr. Lawyer and the sales records from Nutrien Ag (see case #PS22-0421), I identified the following RUPs were applied by Mr. Lawyer in 2021 & 2022 while being a noncertified user;

- **Bicep II Magnum** (EPA Reg. #100-817, active ingredients of Atrazine & S-Metolachlor)
- **Medal II ATZ** (EPA Reg. #100-817, active ingredients of Atrazine & S-Metolachlor)
- **Atrazine 4L** (EPA Reg. #34704-69, active ingredient of Atrazine)
- **Tombstone** (EPA Reg. #34704-912, active ingredient of Cyfluthrin)

The dates and number of applications for the above products were listed in the records as the following;

- **04/26/2021 - 1 application - Bicep**
- **04/27/2021 - 6 applications - Bicep**
- **04/28/2021 - 4 applications - Bicep**
- **05/21/2021 - 3 applications - Bicep**
- **05/22/2021 - 1 application - Bicep**
- **06/16/2021 - 1 application - Atrazine**
- **06/17/2021 - 2 applications - Atrazine**
- **06/24/2021 - 5 applications - Medal**
- **06/25/2021 - 1 application - Medal**
- **07/23/2021 - 2 applications - Medal**
- **07/24/2021 - 2 applications - Medal**
- **08/12/2021 - 6 applications - Tombstone**
- **08/13/2021 - 3 applications - Tombstone**
- **08/14/2021 - 3 applications - Tombstone**
  
- **04/28/2022 - 1 application - Medal**
- **04/29/2022 - 2 applications - Medal**
- **04/30/2022 - 2 applications - Medal**
- **05/09/2022 - 2 applications - Medal**
- **05/10/2022 - 2 applications - Medal**
- **05/11/2022 - 4 applications - Medal**
- **05/12/2022 - 1 application - Medal**
- **05/13/2022 - 3 applications - Medal**
- **05/14/2022 - 5 applications - Medal**
- **06/04/2022 - 7 applications - Atrazine**
- **06/15/2022 - 2 applications - Atrazine**
- **06/16/2022 - 2 applications - Atrazine**
- **06/17/2022 - 2 applications - Atrazine**
- **08/03/2022 - 1 application - Tombstone**
- **08/24/2022 - 1 application - Tombstone**

In all, I found that Glenn Lawyer had applied four different Restricted Use Pesticides in a total of 77 applications on 29 separate dates while being a noncertified user in 2021 & 2022.

Attachments

File 111832; ATRAZINE 4L.pdf  
File 111833; BICEP II MAGNUM FC.pdf  
File 111834; MEDAL II ATZ HERBICIDE.pdf  
File 111831; TOMBSTONE.pdf

Original Event: Investigation Activity (Pesticide) #5516  
Subject: Glenn E Lawyer  
Submitted By: James M. Trimble

---

10/24/2022 **Judgement; Civil Penalty Assessed**  
**Citation**

Lawyer Farms was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

**Civil Penalty**

Glenn Lawyer was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for unknowingly using a restricted use pesticide without having a certified, licensed or permitted supervisor. 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 \$2,000.00. Consideration was given to the fact Lawyer Farms cooperated during the investigation.

Original Event: Judgement #1386  
Primary: Lawyer Farms  
Secondary: Glenn E Lawyer  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(10)  
Penalty Amount: 2000

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1593  
To: Lawyer Farms  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8940  
Enclosed: Notice of Enforcement  
Attachments: File 113354; PS22-0422EL\_CIT\_Lawyer Farms.docx

---

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1594  
To: Glenn E Lawyer  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8957  
Enclosed: Notice of Enforcement  
Attachments: File 113355; PS22-0422EL\_CP Mitigated\_Glenn E. Lawyer.docx

---

11/30/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1814  
Subject: Glenn E Lawyer  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 8957  
Received: 11/30/2022  
Attachments: File 114043; CM 7021 0950 0000 0607 8957 - PS22-0422 - Received 11-30-2022.pdf

---

12/02/2022 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1808  
Subject: Glenn E Lawyer  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$2,000.00  
Payment Received: \$2,000.00  
Attachments: File 113901; PS22-0422 - Glenn E. Lawyer - CP Received 12-2-2022.pdf

---

12/22/2022 **Mail Service Returned for Target**

Certified Mail was returned to OISC marked "Unclaimed". Regular mail has not come back to OISC so far.

Original Event: Compliance Receipt #1834  
Subject: Lawyer Farms  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 8940  
Returned: 12/22/2022  
Attachments: File 116661; CM 7021 0950 0000 0607 8940 - UNCLAIMED ~ PS22-0422 - Lawyer Farms ~ Recd.12-22-2022.pdf

---

01/23/2023 **Mail Confirmation Assumed for Target**

As of 1/23/2023 the regular mail has not been returned to OISC and is assumed to have been delivered.

Original Event: Compliance Receipt #1835  
Subject: Lawyer Farms  
Submitted By: Joni D. Herman

---

02/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1840  
To: Lawyer Farms  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117794; PS22-0422 - Lawyer Farms - Case Closed Letter 2-9-2023.docx

---

02/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1841  
To: Darrin Lee Lawyer  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117795; PS22-0422 - Darrin L. Lawyer - Case Closed Letter 2-9-2023.docx

---

02/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1842  
To: Glenn E Lawyer  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117796; PS22-0422 - Glenn E. Lawyer - Case Closed Letter 2-9-2023.docx

---

02/09/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1843  
To: Charles E Lawyer  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 117797; PS22-0422 - Charles E. Lawyer - Case Closed Letter 2-9-2023.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 **February 15, 2023, 01:43 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **February 15, 2023, 01:43 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS22-0424**

Department	Pesticide
Originated	09/23/2022
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Business	<b>Pinnacle Ag Solutions LLC</b> Crawfordsville, IN 47933
Applicator	<b>Jacob R Bohlander</b> Crawfordsville, IN 47933

**Overviews**

10/27/2022 **Investigation Summary**

On September 23, 2022, I received an internal complaint that Pinnacle Ag Solutions had not sent the correct amount of money to OISC for their 2022 license renewal fees. After multiple attempts of contact with the business by OISC, the business had failed to send OISC the remaining balance.

I later contacted the owner, Mr. Bohlander, who advised he had forgotten to send the money for the remaining balance after became busy. Mr. Bohlander provided me with his application records for 2022.

I found that Mr. Bohlander had applied 7 different pesticide products to complete a total of 153 for-hire, Category 4, seed treatment applications on 35 separate dates while being an unlicensed user.

Submitted By: James M. Trimble  
Role: Investigator

10/27/2022 **Disposition Summary**

Pinnacle Ag Solutions LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

Jacob R Bohlander was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00

In addition, \$1,000.00 of the \$1,500.00 civil penalty will be held in abeyance and not assessed provided Jacob R Bohlander commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

09/23/2022 **Intake Referral Filed**

Pinnacle Ag Solutions failed to renew their 2022 Pesticide Business License.

Original Event: Intake Referral (Pesticide) #2778  
Complainant: Office of Indiana State Chemist  
Respondent: Pinnacle Ag Solutions LLC  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble  
Attachments: File 109987; Pinnacle Ag Solutions.pdf

---

09/23/2022 **Case Created**

Original Event: Case PS22-0424  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

09/28/2022 **Investigator Called Business Interaction**

On September 28, 2022, I traveled to Pinnacle Ag Solutions to conduct my on-site investigation of the possible unlicensed Category 4 pesticide applications after the business did not renew their license with OISC. Upon my arrival, I found no one at the business location. I then called and spoke with the owner, Mr. Bohlander, who I advised of my investigation.

Mr. Bohlander stated that he remembered a phone call from our office in June that advised him he needed to send in a second \$45 check to our office in order for his business license to be renewed. Mr. Bohlander stated the believed he had sent the second check to our office but wasn't for certain. I advised Mr. Bohlander to gather any evidence that he had sent the second check to our office and that I would need to inspect any and all of his pesticide applications for 2022. Mr. Bohlander and I set an appointment for September 30, 2022 for my onsite visit.

Original Event: Investigation Activity (Pesticide) #5458  
Subject: Pinnacle Ag Solutions LLC  
Submitted By: James M. Trimble

---

09/28/2022 **New Respondent Identified Respondent Identified**

On September 28, 2022, I identified Mr. Bohlander as the owner of Pinnacle Ag Solutions and the business' only certified applicator.

Original Event: Investigation Change #263  
Respondent: Jacob R Bohlander  
Submitted By: James M. Trimble

---

09/28/2022 **Investigator Received Fax/Email from Business Records**

On September 28, 2022, I received an email from Mr. Bohlander, which stated that he found the receipt for his first payment of \$45 on April 8, 2022, but did not find a receipt for a second payment.

Attachments  
File 111899; Pinnacle Ag receipt.pdf

**Attachments**

File 111900; 9-28email.pdf

Original Event: Investigation Activity (Pesticide) #5520  
Subject: Pinnacle Ag Solutions LLC  
Submitted By: James M. Trimble

---

09/30/2022 **Investigator Met with Business Interview**

On September 30, 2022, I met with Mr. Bohlander to discuss his seed treatment applications while his business, Pinnacle Ag Solutions, was unlicensed with OISC. Mr. Bohlander stated that since first receiving his business license in 2021, 2022 was the first time he had to renew his and his business license and had sent OISC the wrong amount of money, \$45 instead of \$90, in April of 2022. Mr. Bohlander stated that he had received OISC's notifications that he had sent insufficient funds but had forgot to send in the balance to OISC after he got busy.

While onsite, Mr. Bohlander emailed me his 2022 seed treatment records and identified the pesticide products he had used for his applications. Mr. Bohlander also advised he would send the balance due to OISC as soon as possible.

Original Event: Investigation Activity (Pesticide) #5478  
Subject: Pinnacle Ag Solutions LLC  
Submitted By: James M. Trimble

---

09/30/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1218  
Client: Pinnacle Ag Solutions LLC  
Firm Representative: Jacob Bohlander  
Submitted By: James M. Trimble  
Attachments: File 111124; Pinnacle NOI.pdf

---

09/30/2022 **Investigator Received Fax/Email from Business**

## Records

On September 30, 2022, while meeting with Mr. Bohlander, he emailed his application records for 2022 (see attached).

### Attachments

File 111901; Jake Bohlander - Pinnacle Ag Solutions LLC Treatment Records.pdf

## Attachments

File 111903; 9-30email.pdf

Original Event: Investigation Activity (Pesticide) #5521  
Subject: Pinnacle Ag Solutions LLC  
Submitted By: James M. Trimble

---

### 10/04/2022 **Online Investigation Activity**

#### **Activity**

On October 4, 2022, I received an email from the OISC licensing department, who advised me they had received a check from Mr. Bohlander, Pinnacle Ag Solutions, on October 3, 2022 that paid the balance due to OISC and renewed their licenses.

Original Event: Investigation Activity (Pesticide) #5533  
Submitted By: James M. Trimble

---

### 10/27/2022 **Online Investigation Activity**

## Activity

On October 27, 2022, I reviewed Pinnacle Ag Solutions' 2022 application records and the documents I examined and/or collected during my onsite visit with Mr. Bohlander, where I identified the following pesticides were used in his seed treatment applications:

- **Lumisena** (EPA Reg. #352-920, active ingredient of Oxathiapiprolin)
- **Evergol** (EPA Reg. #264-1122, active ingredients of Prothioconazole, Penflufen, & Metalaxyl)
- **Gaucho** (EPA Reg. #264-968, active ingredient of Imidacloprid)
- **Ilevo HL** (EPA Reg. #7969-466, active ingredient of Fluopyram)
- **Startup FLUDI** (EPA Reg. #70506-334, active ingredient of Fludioxonil)
- **Startup METXL** (EPA Reg. #70506-325, active ingredient of Metalaxyl)
- **ST-Methyl 540 FS** (EPA Reg. #55146-127, active ingredient of Thiophanate-methyl)

*(Startup FLUDI, Startup METXL, and ST-Methyl are combined in a custom blend named "Brute 3000S")*

Using the application records, I found the following dates and applications completed by Mr. Bohlander:

- **03/14/2022** - 2 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **03/16/2022** - 5 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **03/17/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **03/19/2022** - 6 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **03/24/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **03/25/2022** - 2 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **04/06/2022** - 4 applications - Evergol, Lumesina, & Gaucho
- **04/12/2022** - 5 applications - Evergol, Lumesina, & Gaucho
- **04/13/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **04/14/2022** - 5 applications - Evergol, Lumesina, & Gaucho
- **04/15/2022** - 4 applications - Evergol, Lumesina, & Gaucho
- **04/17/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **04/18/2022** - 1 application - Evergol, Lumesina, & Gaucho
- **04/19/2022** - 1 application - Evergol, Lumesina, & Gaucho
- **04/20/2022** - 1 application - Evergol, Lumesina, & Gaucho
- **04/22/2022** - 8 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **04/23/2022** - 3 applications - Evergol, Lumesina, & Gaucho
- **04/26/2022** - 9 applications - Evergol, Lumesina, & Gaucho
- **04/28/2022** - 10 applications - Evergol, Lumesina, & Gaucho
- **04/29/2022** - 5 applications - Evergol, Lumesina, & Gaucho
- **05/01/2022** - 1 application - Evergol, Lumesina, & Gaucho
- **05/02/2022** - 10 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **05/07/2022** - 1 application - Evergol, Lumesina, & Gaucho
- **05/09/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **05/10/2022** - 4 applications - Brute, Evergol, Lumesina, Gaucho, & Ilevo
- **05/11/2022** - 3 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **05/12/2022** - 23 applications - Brute, Evergol, Lumesina, Gaucho, & Ilevo
- **05/13/2022** - 3 applications - Evergol, Lumesina, Gaucho, & Ilevo
- **05/16/2022** - 2 applications - Evergol, Lumesina, & Gaucho
- **05/18/2022** - 2 applications - Brute, Evergol, Lumesina, & Gaucho
- **05/19/2022** - 6 applications - Brute, Evergol, Lumesina, & Gaucho
- **05/20/2022** - 2 applications - Brute, Evergol, Lumesina, Gaucho, & Ilevo
- **05/22/2022** - 5 applications - Brute, Evergol, Lumesina, Gaucho, & Ilevo
- **05/23/2022** - 8 applications - Evergol, Lumesina, & Gaucho
- **05/24/2022** - 8 applications - Brute, Evergol, Lumesina, & Gaucho

In all, I found that Mr. Bohlander failed to renew Pinnacle Ag Solutions' Pesticide Business license and his applicator's license with OISC for 2022 and had operated as an unlicensed pesticide business when it had applied 7 different pesticide products to complete a total of 153 for-hire, Category 4, seed treatment applications on 35 separate dates while being an unlicensed user.

### Attachments

File 111919; EVERGOL ENERGY.pdf  
File 111931; GAUCHO.pdf  
File 111920; Ilevo.pdf  
File 111921; LUMISENA.pdf  
File 111925; ST-METHYL.pdf  
File 111923; Startup Fludi.pdf  
File 111924; Startup Metxl.pdf

Original Event: Investigation Activity (Pesticide) #5525  
Subject: Pinnacle Ag Solutions LLC  
Submitted By: James M. Trimble

## Citation

Pinnacle Ag Solutions LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

## Civil Penalty

Jacob R Bohlander was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00

## Abeyance

In addition, \$1,000.00 of the \$1,500.00 civil penalty will be held in abeyance and not assessed provided Jacob R Bohlander commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this notice. The remaining \$500.00 civil penalty is due to OISC.

Original Event:	Judgement #1393
Primary:	Pinnacle Ag Solutions LLC
Secondary:	Jacob R Bohlander
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1500

---

### 11/17/2022 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #1589
To:	Pinnacle Ag Solutions LLC
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0607 8988
Enclosed:	Notice of Enforcement
Attachments:	File 113327; PS22-0424EL CIT_Pinnacle Ag Solutions LLC.docx

---

### 11/17/2022 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #1590
To:	Jacob R Bohlander
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0607 8995
Enclosed:	Notice of Enforcement
Attachments:	File 113328; PS22-0424EL Mitigated CP - Partial Abeyance _ Jacob R. Bohlander.docx

---

### 11/23/2022 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1824
Subject:	Jacob R Bohlander
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0607 8995
Received:	11/23/2022
Attachments:	File 114081; CM 7021 0950 0000 0607 8995 - Jacob R. Dohlander - PS22-0424 - Received 11-23-2022.pdf

---

### 11/23/2022 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1825
Subject:	Pinnacle Ag Solutions LLC
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0607 8988
Received:	11/23/2022
Attachments:	File 114082; CM 7021 0950 0000 0607 8988 - Pinnacle Ag Solutions LLC - PS22-0424 - Received 11-23-2022.pdf

---

### 12/01/2022 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1807
Subject:	Jacob R Bohlander
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$500.00
Payment Received:	\$500.00
Attachments:	File 113889; PS22-0424 - Jacob R. Bohlander- CP Received 12-1-2022.pdf

---

### 02/09/2023 Notice of Case Closure Mailed to Target

Original Event:	Outgoing Mail #1847
To:	Jacob R Bohlander
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 117801; PS22-0424 - Jacob R. Bohlander - Case Closed Letter 2-9-2023.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 **February 15, 2023, 01:43 PM EST**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **April 14, 2023, 08:53 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 PS23-0042**

Department	Pesticide
Originated	01/05/2023
Assigned To	George Saxton
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Moxie Pest Control Indianapolis LLC</b> Indianapolis, IN 46268
Respondent	<b>Garrett Davis</b> Indianapolis, IN 46268

**Overviews**

01/05/2023 **Investigation Summary**

Moxie Pest Control and Garrett Davis failed to pay their \$6,500.00 civil penalty pursuant to case number PS22-0104.

Submitted By: George Saxton  
Role: Investigator

01/05/2023 **Disposition Summary**

Moxie Pest Control Indianapolis LLC and Garrett Davis were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to comply with a lawful Order of the state chemist by not paying a civil penalty. See case number PS22-0104.

The pesticide business license issued to Moxie Pest Control Indianapolis LLC was revoked.

The applicator certification issued to Garrett Davis was revoked.

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the business license was immediately reinstated.

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the pesticide applicator license issued to Garrett Davis was immediately reinstated.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

01/05/2023 **Intake Referral Filed**

As of October 31, 2022, Moxie Pest Control failed to pay a \$6,500.00 civil penalty for case number PS22-0104. The civil penalty has been sent to collections. As of January 5, 2023, the civil penalty still had not been paid.

Original Event: Intake Referral (Pesticide) #2887  
Complainant: Office of Indiana State Chemist  
Respondent: Moxie Pest Control Indianapolis LLC  
Submitted By: George Saxton

01/05/2023 **Judgement; License Revocation**

## Citation

Moxie Pest Control Indianapolis LLC and Garrett Davis were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to comply with a lawful Order of the state chemist by not paying a civil penalty. See case number PS22-0104.

## License Revocation

The pesticide business license issued to Moxie Pest Control Indianapolis LLC was revoked.

## License Revocation

The applicator certification issued to Garrett Davis was revoked.

Original Event: Judgement #1434  
Primary: Moxie Pest Control Indianapolis LLC  
Secondary: Garrett Davis  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(6)

---

### 01/05/2023 Investigation Activity Activity

As of October 31, 2022, Moxie Pest Control failed to pay a \$6,500.00 civil penalty for case number PS22-0104. The civil penalty has been sent to collections. As of January 5, 2023, the civil penalty still had not been paid.

Original Event: Investigation Activity (Pesticide) #5750  
Subject: Moxie Pest Control Indianapolis LLC  
Submitted By: George Saxton

---

### 01/05/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1674  
To: Moxie Pest Control Indianapolis LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9350  
Enclosed: Notice of Enforcement  
Attachments: File 115263; PS23-0042EL CIT-LICENSE REVOCATON ~ Moxie Pest Control Indpls. LLC.docx

---

### 01/05/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1675  
To: Garrett Davis  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9343  
Enclosed: Notice of Enforcement  
Attachments: File 115264; PS23-0042EL CIT-LICENSE REVOCATION ~ Garrett Davis - Moxie.docx

---

### 01/05/2023 Case Created

Original Event: Case PS23-0042  
Submitted By: George Saxton

---

### 01/13/2023 Compliance Activity

Garrett Davis called and asked if we could meet to discuss the cases against Moxie Pest Control. I advised him I would contact him at the first of the week to schedule a meeting.

Original Event: Compliance Activity #1631  
Primary: Moxie Pest Control Indianapolis LLC  
Submitted By: George Saxton

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1932  
Subject: Moxie Pest Control Indianapolis LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9350  
Received: 01/13/2023  
Attachments: File 118154; CM 7021 0950 0000 0607 9350 - Moxie PC Indpls. - Recd. 1-13-23 - PS23-0042.pdf

---

### 01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1933  
Subject: Garrett Davis  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9343  
Received: 01/13/2023  
Attachments: File 118155; CM 7021 0950 0000 0607 9343 - Garrett Davis - Recd. 1-13-23 - PS23-0042.pdf

---

### 01/17/2023 Informal Review Scheduled

Garrett Davis was contacted to let him know the informal conference was scheduled for January 24, 2023 at the Boone County Extension office at 10:30 am.

Original Event: Compliance Activity #1634  
Primary: Moxie Pest Control Indianapolis LLC  
Submitted By: George Saxton  
Stage: Informal Review

---

01/19/2023 **Amended Judgement; License Reinstatement  
License Reinstatement**

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the business license was immediately reinstated.

**License Reinstatement**

On January 17, 2023, Moxie Pest Control paid their civil penalty for case number PS22-0104. As a result, the pesticide applicator license issued to Garrett Davis was immediately reinstated.

Original Event: Judgement #1441  
Primary: Moxie Pest Control Indianapolis LLC  
Secondary: Garrett Davis  
Submitted By: George Saxton  
Level: Informal Review

---

01/27/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1760  
To: Moxie Pest Control Indianapolis LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0448  
Enclosed: Notice of Amended Enforcement  
Attachments: File 117159; PS23-0042EL Amended ~ LICENSE REINSTATED ~ Moxie Pest Control Indpls. LLC.docx

---

01/27/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #1761  
To: Garrett Davis  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0455  
Enclosed: Notice of Amended Enforcement  
Attachments: File 117160; PS23-0042EL Amended ~ LICENSE REINSTATED ~ Garrett Davis - Moxie.docx

---

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

Original Event: Compliance Receipt #1930  
Subject: Garrett Davis  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0455  
Received: 02/06/2023  
Attachments: File 118152; CM 7021 0950 0000 0608 0455 - PS23-0042 - Garrett Davis - Recd. 2-6-2023.pdf

---

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

Original Event: Compliance Receipt #1931  
Subject: Moxie Pest Control Indianapolis LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0448  
Received: 02/06/2023  
Attachments: File 118153; CM 7021 0950 0000 0608 0448 - PS23-0042 - Moxie PC - Recd. 2-6-2023.pdf

---

02/17/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #1946  
To: Moxie Pest Control Indianapolis LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 118326; PS23-0042 - Moxie Pest Control Indianapolis LLC- Case Closed Letter 2-17-2023.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 14, 2023, 08:53 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 14, 2023, 08:55 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 PS23-0049

Department	Pesticide
Originated	01/13/2023
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Superior Ag Resources Co Op</b> Saint Meinrad, IN 47577

### Overviews

#### 01/17/2023 Investigation Summary

On January 12, 2023 I inspected Superior Ag in St. Meinrad, Indiana for secondary containment of bulk pesticide containers. I met with Dave Pund and he showed me the various places that the bulk pesticides are kept. In one of the storage buildings where 15 mini-bulk pesticide containers of Enlist One, EPA Reg# 62719-695, it was found that the secondary containment requirements were not met. In front of the door was a steel drive-able curb, however the sides of the building did not have a containment wall. The floor of the building did not have a noticeable slope to the center. I informed Mr. Pund that the building was not a contained facility and the containers needed to be placed in secondary containment. While walking back to the office to collect records, we walked through a building that was fully contained. I informed Mr. Pund that if the mini-bulks were placed in that building, that would meet the secondary containment requirements. Mr. Pund agreed and advised they would be put there before the end of the day.

Superior Ag provided receiving records for the mini-bulk containers that were out of containment. The records provided indicate that the mini-bulks were received on September 6, 2022. These records indicate that the minibulk have been out of containment longer than the 30-day grace period allows.

An Action Order was issued to Superior Ag instructing the to place the mini-bulk containers in secondary containment.

On January 12, 2022 I received an email from Mr. Pund advising that they had moved the mini-bulks to the contained facility on the property. Mr. Pund provided photos documenting there new location.

Submitted By: Garret A. Creason  
Role: Investigator

#### 01/19/2023 Disposition Summary

Superior Ag Resources Co Op was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing minibulk pesticides out of secondary containment. A civil penalty in the amount of \$2,500 (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 no restricted use pesticides were involved, corrective action was taken and Superior ag Resources cooperated during the investigation.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 01/12/2023 Intake Referral Filed

Pesticide mini-bulk containers located outside of secondary containment.

Original Event: Intake Referral (Pesticide) #2894  
Complainant: Office of Indiana State Chemist  
Respondent: Superior Ag Resources Co Op  
Entered By: Garret A. Creason  
Submitted By: George Saxton

---

01/12/2023 **Investigator Met with Facility  
Communication**

On January 12, 2023 I inspected Superior Ag in St. Meinrad, Indiana for secondary containment of bulk pesticide containers. I met with Dave Pund and he showed me the various places that the bulk pesticides are kept. In one of the storage buildings where 15 mini-bulk pesticide containers of Enlist One, EPA Reg# 62719-695, it was found that the secondary containment requirements were not met. In front of the door was a steel drive-able curb, however the sides of the building did not have a containment wall. The floor of the building did not have a noticeable slope to the center. I informed Mr. Pund that the building was not a contained facility and the containers needed to be placed in secondary containment. While walking back to the office to collect records, we walked through a building that was fully contained. I informed Mr. Pund that if the mini-bulks were placed in that building, that would meet the secondary containment requirements. Mr. Pund agreed and advised they would be put there before the end of the day.

**Photographs**

I took photographs of the mini-bulk containers that were out of secondary containment.

Attachments



File 115504



File 115505



File 115506



File 115507



File 115508



File 115509



File 115510

**Records**

Superior Ag provided receiving records for the mini-bulk containers that were out of containment. The records provided indicate that the mini-bulks were received on September 6, 2022. These records indicate that the minibulk have been out of containment longer than the 30-day grace period allows.

Attachments

File 115502; Superior ag Inbound records.pdf

Original Event: Investigation Activity (Pesticide) #5768  
Subject: Superior Ag Resources Co Op  
Submitted By: Garret A. Creason

---

01/12/2023 **Product Inspection Conducted  
Portable Refillable Containers**

An Action Order was issued to Superior Ag instructing the to place the mini-bulk containers in secondary containment.

Original Event: Pesticide Inspection (Product) #297  
Client: Superior Ag Resources Co Op  
Firm Representative: Dave Pund  
Submitted By: Garret A. Creason

---

01/12/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1306  
Client: Superior Ag Resources Co Op  
Firm Representative: Dave Pund  
Submitted By: Garret A. Creason  
Attachments: File 115511; Superior ag NOI.pdf

---

01/12/2023 **Action Order Issued**

Place Mini-bulk pesticide containers into secondary containment area.

Original Event: Action Order #294  
Issued To: Superior Ag Resources Co Op  
Firm Representative: Dave Pund  
Submitted By: Garret A. Creason  
Attachments: File 115512; Superior Ag AO.pdf

---

01/12/2023 **Investigator Received Fax/Email from Facility**

**Photographs**

On January 12, 2022 I received an email from Mr. Pund advising that they had moved the mini-bulks to the contained facility on the property. Mr. Pund provided photos documenting there new location.

Attachments



File 115513



File 115514

Original Event: Investigation Activity (Pesticide) #5770  
Subject: Superior Ag Resources Co Op  
Submitted By: Garret A. Creason

---

01/13/2023 **Case Created**

Original Event: Case PS23-0049  
Submitted By: George Saxton  
Assigned To: Garret A. Creason

---

01/19/2023 **Judgement; Civil Penalty Assessed**

**Civil Penalty**

Superior Ag Resources Co Op was cited for five (5) counts of violation of section 50 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a), for storing minibulk pesticides out of secondary containment. A civil penalty in the amount of \$2,500 (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 no restricted use pesticides were involved, corrective action was taken and Superior ag Resources cooperated during the investigation.

Original Event: Judgement #1443  
Primary: Superior Ag Resources Co Op  
Submitted By: George Saxton  
Legal Citation: 355 IAC 5-4-1(a)  
Penalty Amount: 1500

---

01/27/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1762  
To: Superior Ag Resources Co Op  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0607 9992  
Enclosed: Notice of Enforcement  
Enclosed: Draft Case Summary  
Attachments: File 117161; PS23-0049EL CIT-CP Mitigated ~ Superior Ag Resources Co Op.docx

---

02/07/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1951  
Subject: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0607 9992  
Received: 02/07/2023  
Attachments: File 118192; CM 7021 0950 0000 0607 9992 - PS23-0049 - Superior Ag Resources - Recd. 2-7-2023.pdf

---

02/13/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1878  
Subject: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,500.00  
Payment Received: \$1,500.00  
Attachments: File 117912; PS23-0049 - Superior Ag Resources Co Op - CP Received 2-13-2023.pdf

---

03/08/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2040  
To: Superior Ag Resources Co Op  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 119590; PS23-0049 - Superior Ag Resources Co Op- Case Closed Letter 3-8-2023.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 14, 2023, 08:55 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 14, 2023, 08:57 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS23-0058**

Department	Pesticide
Originated	01/27/2023
Assigned To	James M. Trimble
Status	Closed

**Involved Parties**

Complainant **Lora Scott**  
Roachdale, IN 46172

Business **Co Alliance Cooperative Inc**  
Bainbridge, IN 46105

Applicator **Martin E Handy**  
Bainbridge, IN 46105

Supervisor **Dylon Andrew Miller**  
Bainbridge, IN 46105

- **Co-Alliance Cooperative, Inc.** Elizabeth A. South, V.P. & General Counsel  
Indianapolis, IN 46214

**Overviews**

01/31/2023 **Investigation Summary**

On May 25, 2022, the complainant reported herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

On May 31, 2022, I conducted my on-site investigation, where I observed multiple types of injury to the complainant's trees within a large woodlot. I collected several samples for analysis by the OISC Residue Lab. I later identified three target fields around the complainant's woodlot and collected their application records.

The OISC Residue Lab results found that Mr. Handy applied a pesticide in a manner that allowed it to drift from the south fields (Field #2 & #3) in sufficient quantity to cause harm to the complainant's property.

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

02/02/2023 **Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift.

Co Alliance Cooperative Inc 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.

Certified applicator Dylon Andrew Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. 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.

Certified applicator Dylan Andrew Miller 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.

Registered technician Martin E Handy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift.

Registered technician Martin E Handy 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.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

---

### 05/25/2022 Intake Referral Filed

Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control. Additional case to #PS22-0173. Member of cases #PS22-0164, #PS22-0171, #PS22-0172, #PS22-0228, #PS23-0040, #PS23-0041, #PS23-0046, #PS23-0147, #PS23-0048, #PS23-0053, #PS23-0054, & #PS23-0055.

Original Event: Intake Referral (Pesticide) #2903  
Complainant: Lora Scott  
Respondent: Co Alliance Cooperative Inc  
Respondent 2: Martin E Handy  
Respondent 3: Dylan Andrew Miller  
Entered By: James M. Trimble  
Submitted By: Joseph D. Becovitz

---

### 05/26/2022 Investigator Called Complainant Communication

On May 26, 2022, I called and spoke with Mrs. Scott, who reported that she owns in whole or in part approximately 550 acres of mixed agricultural fields and woodlots. Mrs. Scott stated that they had contracted with Co-Alliance; Bainbridge, to complete the pesticide applications to their fields. Mrs. Scott stated that soon after Co-Alliance's applications, she observed widespread herbicide exposure symptoms to multiple varieties of trees on her property, which included cupped leaves and some defoliation.

Original Event: Investigation Activity (Pesticide) #4786  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

### 05/30/2022 Investigator Received Fax/Email from Complainant Records

On May 30, 2022, Mrs. Scott emailed me documents with Co-Alliance's spray records and property maps

#### Attachments

File 97218; Complete Co-Alliance Spray Records of May 2022.pdf  
File 97216; Farm Map 273.92 acres Potentially Affected Timber and Residential (1).pdf  
File 97217; Farm Maps of Myers, Scott and Gau Boundaries with Field Numbers.pdf

#### Attachments

File 97215; 5-30 email.pdf

Original Event: Investigation Activity (Pesticide) #4788  
Subject: Lora Scott  
Submitted By: James M. Trimble

---

### 05/31/2022 Investigator Met with Complainant

## Photographs

On May 31, 2022, I met with Mrs. Scott at her residence to conduct my on-site investigation, where she provided me with documents that helped identify many of the fields and/or applicators that surrounded the woodlots where she observed the herbicide exposure symptoms. Mrs. Scott then transported me around her approximately 550 acre farm, which included the woodlots and agricultural fields, where she identified the areas of concern. Due to the large amount of land, the multiple surrounding target fields, and the separation and/or boundaries of the woodlots, Mrs. Scott and I split her property into four separate parcels to help identify a clear source of any possible off-target pesticide movement. The four original case numbers assigned to the separate parcels were #PS22-0164, #PS22-0171, #PS22-0172, & #PS22-0173.

During my on-site investigation, I observed and photographed what I believed to be growth regulator exposure symptoms to the multiple varieties of trees throughout Mrs. Scott's woodlot by the cupped and/or curled leaves on the trees. I observed a grapevine and Willow trees along the borders of the south end of the woodlot that also had symptoms of strapped leaves, burnt leaf edges, and defoliation. I also observed insect and disease injury on the tree's leaves by the shotholing, lesions, blisters, discoloration, jagged edges, and curling. I found the above injury symptoms within the woodlot to be somewhat consistent throughout the property but I did observe a few areas that were not affected.

I then looked for potential sources of herbicide drift. I initially identified three agricultural fields surrounding Mrs. Scott's woodlot that showed signs of a herbicide applications (burndown), which included fields located to the north (Field #1, #PS22-0173), the southeast (Field #2), and the southwest (Field #3) by the dead and/or dying vegetation throughout the fields (Field #2 & Field #3 were later combined into one case, #PS23-0058). I observed the south border of Field #1, which shared a property line with Mrs. Scott's woodlot, to have an even spray line without obvious signs of pesticide drift. I observed the west border of Field #2 showed an uneven spray line that showed a pattern of pesticide drift towards the off-target woodlot.

I then collected multiple gradient vegetation samples and a vegetation control sample from Mrs. Scott's woodlot, along with soil samples from Fields #1, #2, and #3 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mrs. Scott's woodlot for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

### **Willow tree injury (File 96714)**



Northwest corner of Field #2 (File 96718)



Attachments



File 96702



File 96703



File 96704



File 96705



File 96706



File 96707



File 96708



File 96709



File 96710



File 96711



File 96712



File 96713



File 96715



File 96716



File 96717



File 96719



File 96720



File 96721



File 96722

Original Event:  
Subject:  
Submitted By:

Investigation Activity (Pesticide) #4770  
Lora Scott  
James M. Trimble

05/31/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #934  
Client: Lora Scott  
Firm Representative: Lora Scott  
Submitted By: James M. Trimble  
Attachments: File 97066; Scott NOI.pdf

---

05/31/2022 **Residue Samples Collected**

Original Event: Residue Collection #214403 (22-4-1048 6)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Sample: 22-4-1048 6 | Veg; Comp; OFF-T, Grad1, N  
Sample: 22-4-1049 3 | Veg; Comp; OFF-T, Grad2, SW  
Sample: 22-4-1050 4 | Veg; Comp; OFF-T, Grad3, SW  
Sample: 22-4-1051 5 | Veg; Comp; OFF-T, Grad2, SE  
Sample: 22-4-1052 7 | Veg; Comp; OFF-T, Grad3, SE  
Sample: 22-4-1053 6 | Veg; Ctrl; OFF-T  
Sample: 22-4-1054 3 | Soil; Comp; 2-4"; Target, N, Field 1  
Sample: 22-4-1055 8 | Soil; Comp; 2-4"; Target, SE, Field 2  
Sample: 22-4-1056 2 | Soil; Comp; 2-4"; Target, SW, Field 3

---

05/31/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214876 (X22-2B3BA5)  
Client: Lora Scott  
Submitted By: James M. Trimble  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-2B3BA5 | On June 1, 2022, I submitted the vegetation samples I collected from Mrs. Scott's property on May 31, 2022.  
Attachments: File 97093; PPD L Submission 173.pdf

---

06/01/2022 **Case Created**

Original Event: Case PS22-0173  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

06/01/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #598  
Submitted By: James M. Trimble  
Target Analyte: Resicore  
Target Analyte: Atrazine 4L  
Target Analyte: 2,4-D LV6  
Target Analyte: Roundup Powermax 3  
Target Analyte: Crossbow  
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](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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)  
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)

---

06/02/2022 **Received External Lab Report**

On June 2, 2022, I received the report from PPD L, which stated, "Walnut and oak leaves show leaf distortions that are characteristic of exposure to synthetic auxin herbicides such as 2,4-D. Grapes and willow branches show more severe damage including necrotic meristems. These symptoms that can be associated with exposure to many different systemic herbicides, including synthetic auxins, glyphosate, and many others." It further stated, "Some dieback in the willow can be caused by fungal cankers in larger branches, however in the physical sample submitted this appears to be herbicide injury. No other disease/insect damage found."

Original Event: External Lab Report #214880 (X22-2B3BA5)  
Submitted By: James M. Trimble  
Sample: X22-2B3BA5  
Attachments: File 97110; FinalReport\_Mitch Trimble 173.pdf

---

06/02/2022 **Online Investigation Activity**

## Activity

On June 2, 2022, I created a map of my sample collection for this investigation.

### Attachments



File 100575

Original Event: Investigation Activity (Pesticide) #5026  
Submitted By: James M. Trimble

---

### 06/07/2022 Investigator Met with Business Interaction

On June 7, 2022, I arrived at Co-Alliance; Bainbridge, where I met with Branch Manager, Dylon Miller, and discussed with him the four cases from Mrs. Scott. I provided Mr. Miller a map of the locations for each case and their corresponding case numbers.

Later that day, I sent four emails to Mr. Miller with Pesticide Investigation Inquiries (PII) for PS22-0164 (Field #3), PS22-0171 (Field #2, #3, & #4), PS22-0172 (Field #1, #2, #3, & #4), PS22-0173 (Field #1, #2, & #3) with instructions to have the completed forms returned to me within 15 days of my emails.

### Attachments

File 97868; PS22-0164-Scott.pdf  
File 97875; PS22-0171-Scott.pdf  
File 97873; PS22-0172-Scott.pdf  
File 97871; PS22-0173-Scott.pdf

Original Event: Investigation Activity (Pesticide) #4824  
Subject: Co Alliance Cooperative Inc  
Submitted By: James M. Trimble

---

### 06/07/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #950  
Client: Co Alliance Cooperative Inc  
Firm Representative: Dylon Miller  
Submitted By: James M. Trimble  
Attachments: File 97876; CoAlliance NOI.pdf

---

### 06/09/2022 Investigator Called Farmer Communication

On June 9, 2022, I called and spoke with Bruce Harbison, who farms fields to the west of Mrs. Scott's woodlot for Case #PS22-0171 and the north of Case #PS22-0173. Mr. Harbison stated that he had made a pesticide application to his field on May 29, 2022, approximately two weeks after Mrs. Scott observed the injury to her trees, therefor not fitting within the timeline of this investigation.

Original Event: Investigation Activity (Pesticide) #4830  
Subject: Bruce Allen Harbison  
Submitted By: James M. Trimble

---

### 06/10/2022 Investigator Called Farmer Communication

On June 10, 2022, I called and spoke with Forest Knapp, who farms fields located to the west of Mrs. Scott's woodlot for Case #PS22-0173. Mr. Knapp stated that Co-Alliance makes the pesticide applications for him but there had not been any applications made to his fields since 2021.

Original Event: Investigation Activity (Pesticide) #4831  
Subject: Forest D Knapp  
Submitted By: James M. Trimble

---

### 06/22/2022 Investigator Received Fax/Email from Business Investigation Inquiry

On June 22, 2022, I received the PIIs from Co-Alliance for Fields #2 & #3. Mr. Handy's application to Field #2 & Field #3 were made on the same day, same time, and treated as the same location/field. For purposes of this investigation, Field #2 & Field #3 will be combined into one case and treated as one application.

### Attachments

File 100574; MAP EAST PS22-0172 & PS22-0173.pdf  
File 100572; Signature EAST PS22-0173.pdf  
File 100573; Signature West PS22-0173.pdf

## Inquiry Overview

Supervisor Dylon Miller  
Registered Technician Marty Handy  
Company Co-Alliance  
Application Type Commercial  
Target Field #2 200233/East  
Target Field #3 200233/West

## Tank Mix

Product	EPA	Rate
Resicore	62719-693	1.5 qts
Atrazine 4L	1381-158	1 qt
2,4-D LV6	1381-250	12.8 oz
Roundup Powermax 3	524-659	30 oz

## Application #2

Field Date	Start	End
F2 05/11/2022	7:00 PM	7:43 PM

## Application #3

Field Date	Start	End
F3 05/11/2022	7:00 PM	7:43 PM

## Air Conditions During Application #2

Time	Temp	Direction	Speed
Start	85°F	ESE	8mph
End	85°F	ESE	8mph

## Air Conditions During Application #3

Time	Temp	Direction	Speed
Start	85°F	ESE	8mph
End	85°F	ESE	8mph

Original Event: Investigation Activity (Pesticide) #5025  
Subject: Co Alliance Cooperative Inc  
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](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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)

---

### 06/22/2022 **New Respondent Identified** **Respondent Identified**

On June 22, 2022, Co-Alliance's completed PII listed Marty Handy as the applicator to Field #1, #2, & #3.

Original Event: Investigation Change #215  
Respondent: Martin E Handy  
Submitted By: James M. Trimble

---

### 06/22/2022 **New Respondent Identified** **Respondent Identified**

On June 22, 2022, Co-Alliance's completed PII listed Dylon Miller as Marty Handy's supervisor.

Original Event: Investigation Change #216  
Respondent: Dylon Andrew Miller  
Submitted By: James M. Trimble

---

### 09/19/2022 **Received Residue Lab Report**

## Investigatory Summary

On September 19, 2022, I received the OISC Residue Lab results, which detected 2,4-D, Atrazine, Clopyralid, & Mesotrione in the samples collected from the Scott property. The amounts of 2,4-D & Atrazine found in the samples were varied, with some being near their environmental baseline (Atrazine-20 ppb, 2,4-D-10 ppb) and a few others were found to have elevated levels. Sample #22-4-1049 had detected 289 ppb of Atrazine and 190 ppb of 2,4-D, which were both consistent with off-target pesticide movement in amounts to cause adverse effect to vegetation. The Lab also detected 5.19 ppb of Clopyralid in Sample #22-4-1048 and 63.8 ppb of Clopyralid & 3.75 ppb of Mesotrione in Sample #22-4-1050. Clopyralid and Mesotrione do not have environmental baselines and their application rate added with their percentage of active ingredient are very low when compared to 2,4-D & Atrazine, which makes their low results significant. The results do not show a gradient coming from a specific field but the elevated levels of the analytes explained above were higher than environmental loading or a possible inversion/volatility event and were consistent with pesticide drift from the south fields.

### First Page of Lab Report

OCM Collection #	214403	Investigator	TRIMBLEJ		
Collection Date	05/31/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1048 6	Veg; Comp; OFF-T, Grad1, N	Veg	2,4-D	22.2 ppb	0.3 ppb
			Clopyralid	5.19 ppb	3 ppb
			Acetochlor	BQL ppb	3 ppb
			Atrazine	115 ppb	0.3 ppb
			Mesotrione	BDL ppb	3 ppb
22-4-1049 3	Veg; Comp; OFF-T, Grad2, SW	Veg	2,4-D	190 ppb	0.3 ppb
			Clopyralid	BQL ppb	3 ppb
			Acetochlor	BDL ppb	3 ppb
			Atrazine	289 ppb * Estimated amount	0.3 ppb
			Mesotrione	BDL ppb	3 ppb

Original Event: Residue Lab Report #243676 (214403-R645)  
Submitted By: SYSTEM  
Lab Report: Lab Report 214403-R645.pdf

---

### 01/27/2023 Case Created

Original Event: Case PS23-0058  
Submitted By: Joseph D. Becovitz  
Assigned To: James M. Trimble

---

### 01/31/2023 Online Investigation Activity Label Use

On January 31, 2023, I reviewed the labels for the pesticides used by Mr. Handy in his May 11, 2022 application to Fields #2 & #3, which included **Resicore** (EPA Reg. #62719-693, active ingredients of Clopyralid, Acetochlor, & Mesotrione), **Atrazine 4L** (EPA Reg. #1381-158, active ingredient of Atrazine), **2,4-D LV6** (EPA Reg. #1381-250, active ingredient of 2,4-D), & **Roundup Powermax 3** (EPA Reg. #524-659, active ingredient of Glyphosate).

Due to the wind blowing from the east, southeast (towards the Scott property) during Mr. Handy's application to the south fields (Field #1 & Field #2) and the OISC Residue Lab results which detected elevated levels of 2,4-D, Atrazine, Mesotrione, & Clopyralid on the Scott property, I found the following label violations;

#### Resicore

- "Avoid spray drift onto adjacent crop or non-crop areas."

#### Atrazine 4L RUP

- "Do not apply when weather conditions favor spray drift from treated areas."

#### 2,4-D LV6

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

In addition to the above label violations, the evidence collected in this investigation found that Mr. Handy applied a pesticide in a manner that allowed it to drift from the target site (Field #2 & Field #3) in sufficient quantity to cause harm to a nontarget site (Scott property).



#### Attachments

File 117144; 2,4-D LV6.pdf  
File 117145; ATRAZINE 4L.pdf  
File 117146; PowerMAX 3.pdf  
File 117147; RESICORE HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5825  
Subject: Martin E Handy  
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](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](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.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](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)  
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)

---

#### 02/02/2023 **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.

##### **Citation**

Co Alliance Cooperative Inc 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.

##### **Citation**

Certified applicator Dylon Andrew Miller 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.

##### **Citation**

Registered technician Martin E Handy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift.

##### **Citation**

Registered technician Martin E Handy 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.

##### **Civil Penalty**

Certified applicator Dylon Andrew Miller was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. 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 #1453  
Primary: Co Alliance Cooperative Inc  
Secondary: Dylon Andrew Miller  
Additional: Martin E Handy  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(2); 357 IAC 1-12-2  
Penalty Amount: 1000

---

#### 02/07/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1878  
To: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0608  
Enclosed: Notice of Enforcement  
Attachments: File 117899; PS23-0058EL CIT ~ Co-Alliance Cooperative Inc..docx

---

#### 02/07/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1879  
To: Dylon Andrew Miller  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0585  
Enclosed: Notice of Enforcement  
Attachments: File 117900; PS23-0058EL CIT-CP ~ Dylon Andrew Miller (Co-Alliance).docx

---

#### 02/07/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1880  
To: Martin E Handy  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0592  
Enclosed: Notice of Enforcement  
Attachments: File 117901; PS23-0058EL CIT ~ Martin E. Handy - Co-Alliance Cooperative.docx

---

02/13/2023 **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 #1881  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Joni D. Herman  
Enclosed: Requested Documents  
Attachments: File 117903; PS23-0058EL CIT ~ Co-Alliance Cooperative Inc..docx  
File 117905; PS23-0058EL CIT ~ Martin E. Handy - Co-Alliance Cooperative.docx  
File 117904; PS23-0058EL CIT-CP ~ Dylon Andrew Miller (Co-Alliance).docx

---

02/27/2023 **Informal Review Occurred**

An informal review occurred at Co-Alliance in Indianapolis. Present for Co-Alliance were Claims Manager, Michael Williams; General Counsel Elizabeth South; and Shawn Lambert. Representing OISC were myself and Mitch Trimble. The main discussion was about how separate charges were filed. It was explained that each field was a separate application and on it's own, subject to investigation. Ms. South requested that she be sent a copy of all enforcement letters. She also asked for an extension until March 19th, 2023 to make a final decision on whether or not to appeal any of the charges.

Original Event: Compliance Activity #1712  
Primary: Co Alliance Cooperative Inc  
Submitted By: George Saxton  
Stage: Informal Review

---

03/01/2023 **Mail Service Returned for Target**

CM was returned to OISC for postage on March 1, 2023. It appears this mail piece fell out of the Outgoing Mail Bag somewhere between MMDC & the US Post Office. No postage could be added without the account billing slip, so the letter was returned to us. It is clear that they received the copy sent by regular mail since they requested an informal review and that review was just held on February 27, 2023. At this point, it is not necessary to resend this letter via certified mail.

Original Event: Compliance Receipt #2012  
Subject: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0608  
Returned: 03/01/2023  
Attachments: File 120501; CM 7021 0950 0000 0608 0608 Co-Alliance Cooperative ~ Letter Returned-Unmailed - 3.1.2023.pdf  
File 120502; PS23-0058 ~ OISC Email RE Unmailed-Returned Letters - E.Crouch-J.Herman 3.1.2023.pdf  
File 120503; PS23-0058 ~ OISC Email RE Unmailed-Returned Letters-Part 2 - E.Crouch-J.Herman 3.2.2023.pdf

---

03/01/2023 **Mail Service Returned for Target**

CM was returned to OISC for postage on March 1, 2023. It appears this mail piece fell out of the Outgoing Mail Bag somewhere between MMDC & the US Post Office. No postage could be added without the account billing slip, so the letter was returned to us. It is clear that they received the copy sent by regular mail since they requested an informal review and that review was just held on February 27, 2023. At this point, it is not necessary to resend this letter via certified mail.

Original Event: Compliance Receipt #2013  
Subject: Martin E Handy  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0592  
Returned: 03/01/2023  
Attachments: File 120504; CM 7021 0950 0000 0608 0592 Martin E. Handy (Co-Alliance) ~ Letter Returned-Unmailed - 3.1.2023.pdf  
File 120505; PS23-0058 ~ OISC Email RE Unmailed-Returned Letters - E.Crouch-J.Herman 3.1.2023.pdf  
File 120506; PS23-0058 ~ OISC Email RE Unmailed-Returned Letters-Part 2 - E.Crouch-J.Herman 3.2.2023.pdf

---

03/02/2023 **Mail Service Returned for Target**

On March 2, 2023 Certified Mail was returned to OISC. Needs to be resent to the Co-Alliance Bainbridge address.

6922 N County Rd 100 E  
Bainbridge, IN 46105-9623

Original Event: Compliance Receipt #1974  
Subject: Dylon Andrew Miller  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0585  
Returned: 03/02/2023  
Attachments: File 118994; CM 7021 0950 0000 0608 0585 - PS23-0058 - Dylon A. Miller - CM Returned 3-2-2023.pdf

---

03/14/2023 **Received Penalty Payment for Target**

The civil penalty was paid for by Co-Alliance, employer of Dylon Miller.

Original Event: Compliance Receipt #2006  
Subject: Dylon Andrew Miller  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 120084; PS23-0058 - Co-Alliance Cooperative, Inc. - CP Received 3-14-2023.pdf  
File 120085; PS23-0058EL CIT-CP\_ Dylon Andrew Miller (Co-Alliance).docx.pdf

---

03/14/2023 **Compliance Activity**

Copies of all letters were sent to Elizabeth A. South, V.P. & General Counsel for Co-Alliance Cooperative and payment for the \$1,000.00 civil penalty assessed to Dylon A. Miller was received from Co-Alliance Cooperative on March 14, 2023. There is no need to resend letters to Dylon A. Miller at the Bainbridge business address. The "resend mail" requirement from Compliance Receipt #1974 will be dismissed.

Original Event: Compliance Activity #1749  
Primary: Dylon Andrew Miller  
Submitted By: Joni D. Herman

---

03/20/2023 **Mail Confirmation Assumed for Target**

As of today, the regular mail copy has not been returned to OISC. It is clear Co-Alliance received the regular mail copy since they requested an informal review and that review was held on February 27, 2023.

Original Event: Compliance Receipt #2014  
Subject: Co Alliance Cooperative Inc  
Submitted By: Joni D. Herman

---

03/20/2023 **Mail Confirmation Assumed for Target**

As of today, the regular mail copy has not been returned to OISC. It is clear Martin E. Handy with Co-Alliance received the regular mail copy since Co-Alliance requested an informal review and that review was held on February 27, 2023.

Original Event: Compliance Receipt #2015  
Subject: Martin E Handy  
Submitted By: Joni D. Herman

---

03/21/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2076  
To: Lora Scott  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120549; PS23-0058 - Lora Scott - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2079  
To: Co Alliance Cooperative Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120553; PS23-0058 - Co-Alliance Cooperative, Inc. - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2081  
To: Martin E Handy  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 120555; PS23-0058 - Martin E. Handy - Case Closed Letter 3-21-2023.docx

---

03/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2083  
To: Dylon Andrew Miller  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure

**03/21/2023 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 #2087  
To: Co-Alliance Cooperative, Inc.  
Submitted By: Jacob A. Hatfield  
Enclosed: Requested Documents  
Attachments: File 120561; PS23-0058 - Co-Alliance Cooperative, Inc. - Case Closed Letter 3-21-2023.docx

**Chain of Custody****06/01/2022 Sample 22-4-1048 6**

Original Event: Chain of Custody #1510 (22-4-1048 6)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1049 3**

Original Event: Chain of Custody #1511 (22-4-1049 3)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1050 4**

Original Event: Chain of Custody #1512 (22-4-1050 4)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1051 5**

Original Event: Chain of Custody #1513 (22-4-1051 5)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1052 7**

Original Event: Chain of Custody #1514 (22-4-1052 7)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1053 6**

Original Event: Chain of Custody #1515 (22-4-1053 6)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1054 3**

Original Event: Chain of Custody #1516 (22-4-1054 3)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1055 8**

Original Event: Chain of Custody #1517 (22-4-1055 8)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

**06/01/2022 Sample 22-4-1056 2**

Original Event: Chain of Custody #1518 (22-4-1056 2)  
05/31/2022 19:00: Sample Collected by James M. Trimble  
06/01/2022 15:03: Sample Delivered to Kylo  
06/02/2022 09:43: Delivery Affirmed by Vicki Vauters

This record was generated on **April 14, 2023, 08:57 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.



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 14, 2023, 08:58 AM EDT**. Information displayed may contain errors or omissions.

Official records may only be obtained directly from the Office of Indiana State Chemist.

**In Re: Case PS23-0063**

Department	Pesticide
Originated	02/20/2023
Assigned To	George Saxton
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Deangelo Contracting SVCS LLC</b> Fremont, OH 43420
Respondent	<b>Jeffrey Lynn Williams</b> Fremont, OH 43420

**Overviews**

02/20/2023 **Investigation Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0253 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Submitted By: George Saxton  
Role: Investigator

02/20/2023 **Disposition Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0253.

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0253.

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the the \$1,000.00 civil penalty in case number PS21-0253 has been paid.

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0253 (\$1,000.00 civil penalty) and PS21-0280 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams, were rescinded.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

02/20/2023 **Intake Referral Filed**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0253 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Original Event: Intake Referral (Pesticide) #2926  
Complainant: Office of Indiana State Chemist  
Respondent: Deangelo Contracting SVCS LLC  
Respondent 2: Jeffrey Lynn Williams  
Submitted By: George Saxton

---

02/20/2023 **Investigator Sent Mail to Applicator  
Communication**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0253 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Original Event: Investigation Activity (Pesticide) #5858  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: George Saxton

---

02/20/2023 **Judgement; License Suspension  
Citation**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0253.

**License Suspension**

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0253.

**License Suspension**

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the the \$1,000.00 civil penalty in case number PS21-0253 has been paid.

Original Event: Judgement #1456  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(6)

---

02/20/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1951  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0660  
Enclosed: Notice of Enforcement  
Attachments: File 118413; PS23-0063EL CIT-LICENSE SUSPENSION ~ DeAngelo Brothers LLC.docx

---

02/20/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1952  
To: Jeffrey Lynn Williams  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0677  
Enclosed: Notice of Enforcement  
Attachments: File 118414; PS23-0063EL CIT-LICENSE SUSPENSION ~ Jeffrey Lynn Williams - DeAngelo Brothers LLC.docx

---

02/20/2023 **Case Created**

Original Event: Case PS23-0063  
Submitted By: George Saxton

---

02/27/2023 **Informal Review Occurred**

OISC received a copy of check number 010902 from Deangelo Contracting SVCS LLC, dated November 28, 2022 in the amount of \$2,000.00 for this case number PS22-0253 (\$1,000.00 civil penalty) and another case being investigated (PS22-0280 - \$1,000.00 civil penalty). The check was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business licensed for Deangelo Contracting SVCS LLC and license issued to Jeffrey Lynn Williams, were reinstated.

Original Event: Compliance Activity #1713  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Stage: Informal Review  
Attachments: File 118856; PS21-0280 and PS21-0253 Proof of Payment Letter and Tracking.pdf

---

02/27/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1996  
Subject: Jeffrey Lynn Williams  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0677  
Received: 02/27/2023  
Attachments: File 120039; CM 7021 0950 0000 0608 0677 - Jeffery L. Williams - PS23-0063 - Proof of Delivery 2-27-2023.pdf  
File 120040; CM 7021 0950 0000 0608 0677 - Jeffery L. Williams - PS23-0063 - Received 2-27-2023\_0001.pdf

---

02/27/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1997  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0660  
Received: 02/27/2023  
Attachments: File 120042; CM 7021 0950 0000 0608 0660 - DeAngelo Contracting Services LLC - PS23-0063 - Proof of Delivery 2-27-2023.pdf  
File 120041; CM 7021 0950 0000 0608 0660 - DeAngelo Contracting Services LLC - PS23-0063 - Received 2-27-2023.pdf

---

02/28/2023 **Amended Judgement; License Reinstatement  
License Reinstatement**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0253 (\$1,000.00 civil penalty) and PS21-0280 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC was rescinded.

**License Reinstatement**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0253 (\$1,000.00 civil penalty) and PS21-0280 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the license suspension issued to Jeffrey Lynn Williams, was rescinded.

Original Event: Judgement #1461  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Level: Informal Review

---

03/06/2023 **Notice of Case Closure Mailed to Target**

Rescinded the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams after it was determined the civil penalty assessed on case PS21-0253 had already been received & deposited by Purdue Accounts Receivable on November 3, 2022. Case PS23-0063 is closed.

Original Event: Outgoing Mail #2029  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119439; PS23-0063 ~ DeAngelo Contracting Svcs. LLC - Rescinded Enforcement - Close Case 3-6-2023.docx

---

03/09/2023 **Compliance Activity**

PDF copy of case closed letter emailed to Christi Beuchler, Risk Manager for DeAngelo Contracting Services.

Original Event: Compliance Activity #1745  
Submitted By: Joni D. Herman  
Attachments: File 119873; Email Delivery Confirmation 3.9.2023.docx  
File 119872; Email to Christi Buechler ~ Closed Case Letters with Updates - Sent 3.9.2023.pdf

---

**Chain of Custody**

---

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





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

*Protecting Indiana's Agriculture and Environment*

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

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

This record was generated on **April 14, 2023, 08:59 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 PS23-0065**

Department	Pesticide
Originated	02/20/2023
Assigned To	George Saxton
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Deangelo Contracting SVCS LLC</b> South Point, OH 45680
Respondent	<b>Jeffrey Lynn Williams</b> Fremont, OH 43420

**Overviews**

02/20/2023 **Investigation Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0280 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Submitted By: George Saxton  
Role: Investigator

02/20/2023 **Disposition Summary**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0280.

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0280.

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the the \$1,000.00 civil penalty in case number PS21-0280 has been paid.

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0280 (\$1,000.00 civil penalty) and PS21-0253 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams, were rescinded.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

02/20/2023 **Intake Referral Filed**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0280 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Original Event: Intake Referral (Pesticide) #2928  
Complainant: Office of Indiana State Chemist  
Respondent: Deangelo Contracting SVCS LLC  
Respondent 2: Jeffrey Lynn Williams  
Submitted By: George Saxton

---

02/20/2023 **Investigator Sent Mail to Applicator  
Communication**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited and fined in case number PS21-0280 for Careless and Negligent. A civil penalty in the amount of \$1,000.00 was assessed for this violation. However, Deangelo Brothers LLC and Jeffrey Lynn Williams refused to pay the civil penalty.

Original Event: Investigation Activity (Pesticide) #5859  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: George Saxton

---

02/20/2023 **Judgement; License Suspension  
Citation**

Deangelo Brothers LLC and Jeffrey Lynn Williams were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow a lawful Order of the state chemist or Board for failure to pay a \$1,000.00 civil penalty. See case number PS21-0280.

**License Suspension**

The business license of Deangelo Brothers LLC was suspended until such time as they pay the civil penalty in case number PS21-0280.

**License Suspension**

The for-hire applicator license issued to Jeffrey Lynn Williams was suspended until such time as the the \$1,000.00 civil penalty in case number PS21-0280 has been paid.

Original Event: Judgement #1457  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(6)

---

02/20/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1953  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0691  
Enclosed: Notice of Enforcement  
Attachments: File 118415; PS23-0065EL CIT-LICENSE SUSPENSION ~ DeAngelo Brothers LLC.docx

---

02/20/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1954  
To: Jeffrey Lynn Williams  
Submitted By: Joni D. Herman  
USPS: 7021 0950 0000 0608 0684  
Enclosed: Notice of Enforcement  
Attachments: File 118416; PS23-0065EL CIT-LICENSE SUSPENSION ~ Jeffrey Lynn Williams - DeAngelo Brothers LLC.docx

---

02/20/2023 **Case Created**

Original Event: Case PS23-0065  
Submitted By: George Saxton

---

02/24/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1980  
Subject: Deangelo Contracting SVCS LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0691  
Received: 02/24/2023  
Attachments: File 119101; CM 7021 0950 0000 0608 0691 - PS23-0065 - 2-24-2023\_0001.pdf

---

02/27/2023 **Informal Review Occurred**

On 2/27/2023, OISC received a copy of check number 010902 from Deangelo Contracting SVCS LLC, dated November 28, 2022 in the amount of \$2,000.00 for this case number PS22-0280 (\$1,000.00 civil penalty) and another case being investigated (PS22-0253 - \$1,000.00 civil penalty). The check was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license issued to Deangelo Brothers LLC and for-hire applicator license issued to Jeffrey Lynn Williams, were reinstated.

Original Event: Compliance Activity #1714  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Stage: Informal Review  
Attachments: File 118855; PS21-0280 and PS21-0253 Proof of Payment Letter and Tracking.pdf

---

02/27/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1995  
Subject: Jeffrey Lynn Williams  
Submitted By: Jacob A. Hatfield  
USPS: 7021 0950 0000 0608 0684  
Received: 02/27/2023  
Attachments: File 120037; CM 7021 0950 0000 0608 0684 - Jeffery Williams - PS23-0065 - Proof of Delivery 2-27-2023.pdf  
File 120038; CM 7021 0950 0000 0608 0684 - Jeffery Williams - PS23-0065 - Received 2-27-2023\_0001.pdf

---

02/28/2023 **Amended Judgement; License Reinstatement  
License Reinstatement**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0280 (\$1,000.00 civil penalty) and PS21-0253 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the business license suspension issued to DeAngelo Contracting Services LLC was rescinded.

**License Reinstatement**

On February 27, 2023, OISC received a copy of check number 010902 from DeAngelo Contracting Services LLC, dated October 28, 2022, in the amount of \$2,000.00 for payment of civil penalties owed on case numbers PS21-0280 (\$1,000.00 civil penalty) and PS21-0253 (\$1,000.00 civil penalty). These two cases were forwarded to Purdue for collections. The check from DeAngelo Contracting Services LLC was deposited by Purdue Accounts Receivable on 11/3/2022. As a result, the license suspension issued to Jeffrey Lynn Williams, was rescinded.

Original Event: Judgement #1462  
Primary: Deangelo Contracting SVCS LLC  
Secondary: Jeffrey Lynn Williams  
Submitted By: George Saxton  
Level: Informal Review

---

03/06/2023 **Notice of Case Closure Mailed to Target**

Rescinded the business license suspension issued to DeAngelo Contracting Services LLC and the for-hire applicator license suspension issued to Jeffrey Lynn Williams after it was determined the civil penalty assessed on case PS21-0280 had already been received & deposited by Purdue Accounts Receivable on November 3, 2022. Case PS23-0065 is closed.

Original Event: Outgoing Mail #2028  
To: Deangelo Contracting SVCS LLC  
Submitted By: Joni D. Herman  
Enclosed: Notice of Case Closure  
Attachments: File 119438; PS23-0065 ~ DeAngelo Contracting Svcs. LLC - Rescinded Enforcement - Close Case 3-6-2023.docx

---

03/09/2023 **Compliance Activity**

PDF copy of case closed letter emailed to Christi Beuchler, Risk Manager for DeAngelo Contracting Services.

Original Event: Compliance Activity #1746  
Submitted By: Joni D. Herman  
Attachments: File 119875; Email Delivery Confirmation 3.9.2023.docx  
File 119874; Email to Christi Buechler ~ Closed Case Letters with Updates - Sent 3.9.2023.pdf

---

**Chain of Custody**

---

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

This record was generated on **April 14, 2023, 08:59 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.