

## A Summary of Cases

September 20, 2023, IPRB Meeting

PS22-0257 Complainant stated 480 acres of his soybeans were injured after he applied Enlist and Sequence from minibulks obtained from Heritage FS Coop in Illinois. Complainant believes the product may be contaminated.

### **Disposition Summary**

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

PS23-0027 Unregistered pesticide products located for sale at Family Farm and Home.

### **Disposition Summary**

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

Family Farm & Home was warned for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Elite Pharmaceuticals Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Elite Pharmaceuticals Inc cooperated during the investigation and corrective action was taken.

Elite Pharmaceuticals Inc was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed. By law (I.C. 15-16-4-69), this penalty may not be mitigated.

PS23-0123 While conducting an inspection at this business I found that they have made two sales of RUPs to unlicensed individuals. Hill advised that he will provide with me with records of these sales.

### **Disposition Summary**

Veterinary & Poultry Supply Inc was cited for three counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for selling restricted use pesticides to non-certified users in violation of the pesticide label which states, "Due to primary eye and primary dermal toxicity, For retail sale to and use only by Certified Applicators or

persons under their direct supervision, and only for those uses covered by the Certified Applicator's Certification." A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

PS23-0126 Bills Lawn Service failed to renew their 2023 pesticide business license because their only CA did not renew.

**Disposition Summary**

Although there were 394 illegal pesticide applications performed, Bills Lawn SVC LLC was only cited for five (5) counts of unknowingly 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. However, the civil penalty was further reduced to \$1,500.00. Consideration was given to the fact Bills Lawn SVC LLC cooperated during the investigation and corrective action was taken.



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

*Protecting Indiana's Agriculture and Environment*

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West Lafayette, IN 47907-2063  
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Mark R. LeBlanc, Ph.D.  
State Chemist &  
Seed Commissioner

This record was generated on **August 21, 2023, 11:14 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 PS22-0257

Department	Pesticide
Originated	07/08/2022
Assigned To	Melissa D. Rosch
Status	Closed

### Involved Parties

Complainant	<b>Randy L Prohosky</b> Lake Village, IN 46349
Respondent Issued To	<b>Heritage FS Inc</b> Beaverville, IL 60912

### Overviews

#### 05/12/2023 Investigation Summary

The complainant Randy Prohosky contacted the Office of Indiana State Chemist (OISC) to make a report regarding possibly contaminated minibulk containers. Mr. Prohosky stated he purchased four (4) minibulks from Heritage FS in Beaverville, IL. Three (3) of the minibulks contained herbicides and one (1) minibulk contained an adjuvant. Mr. Prohosky stated three (3) of the minibulks did not have a seal on the container and one (1) did not have a product label. Mr. Prohosky stated after he made the herbicide application to his soybean fields, within a couple of days he noticed leaf discoloration, stunted growth, and even plant death. Mr. Prohosky stated he had to go back and replant portions of the fields.

I took samples from the minibulks to the OISC Pesticide Formulation Laboratory for analysis. The OISC Pesticide Formulation Laboratory report shows there was no contamination found.

I took photographs of the soybean plants and a vegetation sample to the Purdue Plant and Pest Diagnostic Lab (PPDDL) for a visual analysis. The PPDDL Report states the following, "Soybean plants that survived the application are stunted and have small and narrow leaves. Some of these leaves also show chlorosis or "bleaching", especially between leaf veins or toward the edges of leaves. These symptoms are characteristic of exposure to HPPD inhibiting herbicides (mesotrione, tembotrione, isoxaflutole, others) through carryover or tank contamination...No significant disease observed."

I spoke to the manager Jeremy Scher at Heritage FS in Beaverville, IL. Mr. Scher stated he has never triple rinsed or put a seal on the minibulk containers. Mr. Scher stated he was not aware he was required to do so. Mr. Scher stated he always affixes a product label to the minibulk when he refills it. Mr. Scher states he thinks the label may have blown off during transit.

Heritage FS in Beaverville, IL. was issued an Action Order to stop refilling portable containers (PRC's/Minibulks) until all U.S. EPA requirements are met.

Submitted By: Melissa D. Rosch  
Role: Investigator

#### 06/01/2023 Disposition Summary

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

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

07/07/2022 Intake Referral Filed

Complainant stated 480 acres of his soybeans were injured after he applied Enlist and Sequence from minibulks obtained from Heritage FS Coop in Illinois. Complainant believes the product may be contaminated.

Original Event: Intake Referral (Pesticide) #2603  
Complainant: Randy L Prohosky  
Respondent: Heritage FS Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: Melissa D. Rosch

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07/08/2022 **Case Created**

Original Event: Case PS22-0257  
Submitted By: Joseph D. Becovitz  
Assigned To: Melissa D. Rosch

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07/15/2022 **Formulation Samples Collected**

Original Event: Formulation Collection #219205 (22-3-0155 0)  
Client: Randy L Prohosky  
Firm Representative: Randy Prohosky  
Submitted By: Melissa D. Rosch  
Sample: 22-3-0155 0 | Ag Saver Glyphosate 53.8%  
Sample: 22-3-0156 6 | Sequence Herbicide  
Sample: 22-3-0157 8 | Powerhouse  
Sample: 22-3-0158 4 | Enlist  
PLLS Labels: [000100-01185-20201106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01185-20201106.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01185-20201106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01185-20201106.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)

Photos:



File 102119



File 102118



File 102117



File 102116



File 102115



File 102120



File 102127



File 102126



File 102125



File 102124



File 102123



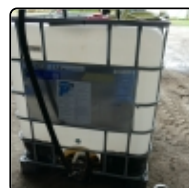
File 102122



File 102121



File 102128



File 102135



File 102134



File 102133



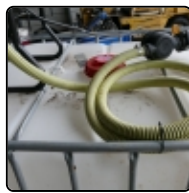
File 102132



File 102131



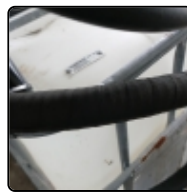
File 102130



File 102129



File 102151



File 102150



File 102149



File 102148



File 102147



File 102146



File 102145



File 102144



File 102143



File 102142



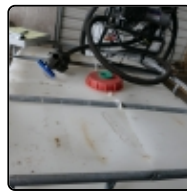
File 102141



File 102140



File 102139



File 102138



File 102137



File 102136

07/15/2022 **Investigator Met with Complainant Activity**

On July 15, 2022 I met with the complainant Randy Prohosky at 6529 N SR 55, Lake Village, Indiana. Mr. Prohosky stated he is concerned one (or more) of the minibulks he purchased from Heritage FS Inc. in Beaverville, Illinois might be contaminated or misbranded. Mr. Prohosky stated he saw widespread soybean damage (on or about June 2) including stunted growth, yellowing of leaves, and even complete plant death approximately three (3) days after he sprayed his beans. I advised Mr. Prohosky I would take samples from each of the minibulks in question and take them to the Office of the Indiana State Chemist (OISC) Formulation laboratory to check for possible contamination and validate the label claims. I advised Mr. Prohosky I would schedule a date for a recorded statement.

Attachments  
File 122157; IMG\_2110.heic

Original Event: Investigation Activity (Pesticide) #5189  
Subject: Randy L Prohosky  
Submitted By: Melissa D. Rosch

07/15/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1106  
Client: Randy L Prohosky  
Firm Representative: Randy Prohosky  
Submitted By: Melissa D. Rosch  
Attachments: File 105074; Noi.pdf

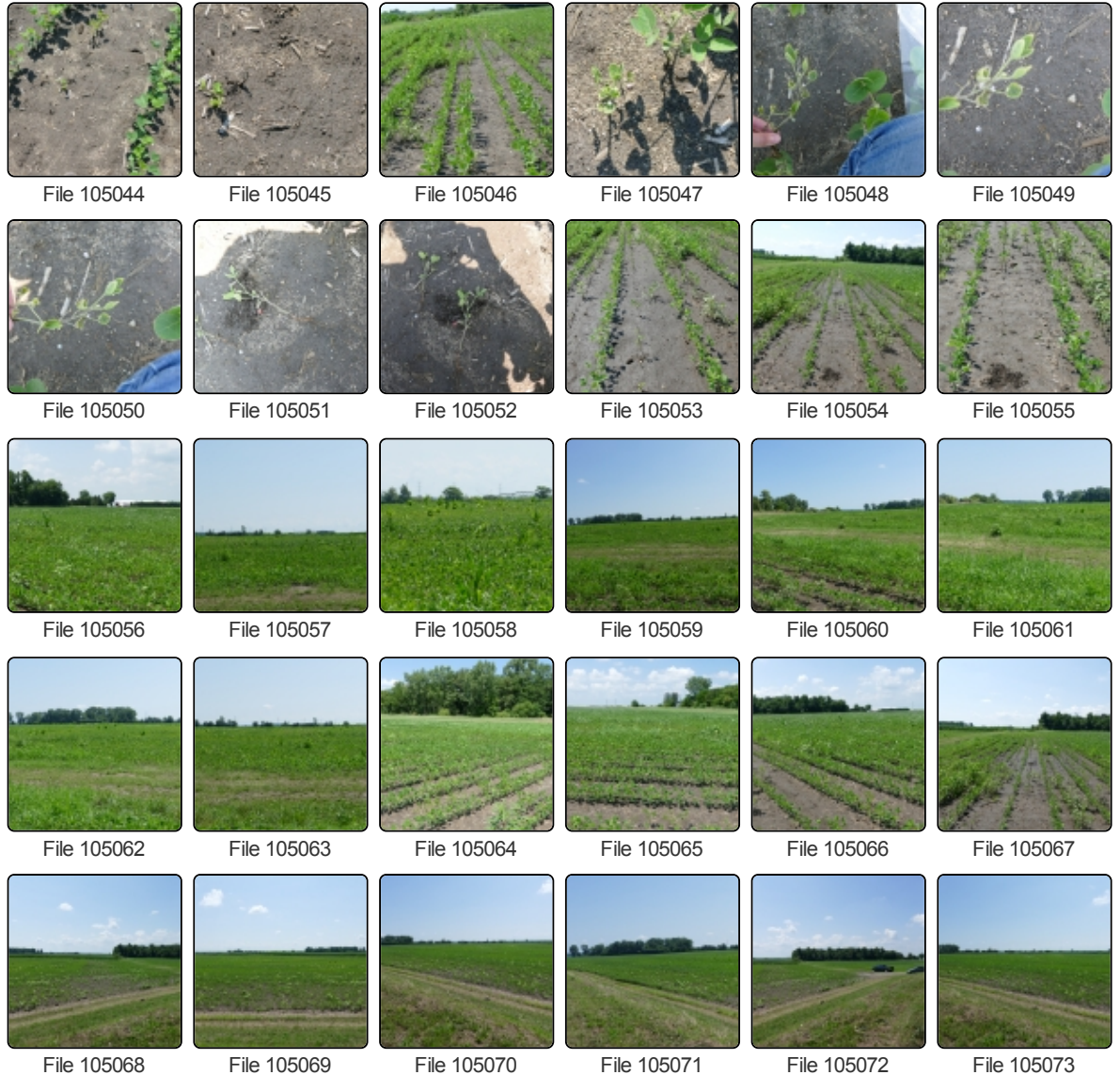
07/18/2022 **Residue Samples Collected**

Original Event: Residue Collection #219468 (22-4-0738 5)  
Client: Randy L Prohosky  
Submitted By: Melissa D. Rosch  
Sample: 22-4-0738 5 | Soil; Comp; 2-4"; Target  
Sample: 22-4-0739 2 | Veg; Comp; Target

07/18/2022 **Investigator Met with Complainant Activity**

I met with Mr. Prohosky to take soybean and soil samples from one of his fields located on Clay Street/South of SR 2 in Lowell, Indiana. While I was on site, I took photographs of the area and samples for the OISC Pesticide Residue Laboratory and the Purdue Plant and Pest Diagnostic Lab (PPDDL).

Attachments



Original Event: Investigation Activity (Pesticide) #5190  
Subject: Randy L Prohosky  
Submitted By: Melissa D. Rosch

07/18/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #239346 (X22-925D34)  
Client: Randy L Prohosky  
Submitted By: Melissa D. Rosch  
Lab: Purdue Plant and Pest Diagnostic Laboratory  
Sample: X22-925D34 | Soybean Vegetation  
Attachments: File 105081; Ppdl intake.pdf

07/19/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #638  
Submitted By: Melissa D. Rosch  
Target Analyte: Do not need to analyze samples

07/25/2022 **Received External Lab Report**

The PPPDL Report states the following, "Soybean plants that survived the application are stunted and have small and narrow leaves. Some of these leaves also show chlorosis or "bleaching", especially between leaf veins or toward the edges of leaves. These symptoms are characteristic of exposure to HPPD inhibiting herbicides (mesotrione, tembotrione, isoxaflutole, others) through carryover or tank contamination...No significant disease observed".

Original Event: External Lab Report #239347 (X22-925D34)  
Submitted By: Melissa D. Rosch  
Sample: X22-925D34  
Attachments: File 105085; FinalReport\_Melissa Rosch.pdf

08/02/2022 **Received Formulation Lab Report**

Original Event: Formulation Lab Report #238920 (219205-04-R606)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219205-04-R606.pdf

08/10/2022 **Investigator Met with Complainant Interview**

I met with the complainant Randy Prohosky for a recorded interview/statement. Mr. Prohosky stated in part some of the soybeans he sprayed on June 2, 3, and 4th started turning brown (then later died) on or about June 8th, 2022. Mr. Prohosky received three (3) out of four (4) minibulks from Heritage FS without a seal on the top valve and one (1) minibulk without a product label (identified as Enlist One.) Mr. Prohosky stated he has never broken the seal on a minibulk before until the day I sampled the Ag Saver Glyphosate container with him.

Original Event: Investigation Activity (Pesticide) #6008  
Subject: Randy L Prohosky  
Submitted By: Melissa D. Rosch

10/27/2022 **Received Formulation Lab Report**

Original Event: Formulation Lab Report #246960 (219205-03-R681)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219205-03-R681.pdf

01/30/2023 **Received Formulation Lab Report**

**First Page of Lab Report**

**OISC** *Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed* Mark LeBlanc, Ph.D.  
State Chemist &  
Seed Commissioner

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**PESTICIDE FORMULATION ANALYSIS REPORT**

PRODUCT NAME <b>Ag Saver Glyphosate 53.8%</b>	INVESTIGATOR <b>ROSCHM</b>	DATE SAMPLED <b>07/15/2022</b>	REPORT DATE <b>01/30/2023</b>
OCM COLLECTION <b>219205-01</b>	SAMPLE NO. <b>22-3-0155 0</b>	EPA REG NO. <b>83772-12</b>	
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>	<b>%FOUND</b>
Glyphosate, acid equivalent		39.87	39.72
Glyphosate, isopropylamine salt		53.8	53.6
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee			

Original Event: Formulation Lab Report #254729 (219205-01-R724)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219205-01-R724.pdf

02/27/2023 **Online Investigation Activity Activity**

I uploaded the transcription from the interview with Mr. Prohosky.

Attachments  
File 118845; transcription.docx

Original Event: Investigation Activity (Pesticide) #5872  
Submitted By: Melissa D. Rosch

03/30/2023 **Investigator Met with Target**

## Activity

OISC Investigator Paul Jay Kelley and I went to the Heritage FS office at 507 E Main Street in Beaverville, Illinois and spoke to the plant manager Jeremy Scher. Mr. Scher stated he has worked at Heritage FS since 1989 and is the only person who fills the minibulk tanks at this location. Mr. Scher stated he always puts a label on the minibulk tanks before they are stacked and loaded onto the delivery trailer. Mr. Scher stated he has never put a seal on the top valve of the minibulk before it is shipped to the customer and has never triple rinsed them either. Mr. Scher stated he was not aware he was required to triple rinse or seal the minibulk. Mr. Scher provided a written statement which states the following, "I repacked the Enlist One minibulk #1515 for Randy Prohosky. Weighed and calculated volume, affixed label with EPA establishment number. TJ Hendricks delivered minibulk to customer. I did not see the minibulk after it left Beaverville." Mr. Scher stated the Ag Saver minibulk had a seal on the top valve when it arrived at the complainant's farm because it was shipped directly from the manufacturer. Mr. Scher does keep a list of the minibulks and refills each one with the same product.

### Attachments

File 122098; Scher statement.pdf

Original Event: Investigation Activity (Pesticide) #6006  
Subject: Heritage FS Inc  
Submitted By: Melissa D. Rosch

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## 03/30/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1459  
Client: Heritage FS Inc  
Firm Representative: Jeremy Scher  
Submitted By: Melissa D. Rosch  
Attachments: File 122099; Sher NOI.pdf

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## 03/31/2023 Investigator Sent Fax/Email to Subject Activity

I received an email from the Heritage FS delivery driver TJ Hendricks and it states in part that Mr. Hendricks was unaware of the missing label on the Enlist minibulk.

### Attachments

File 123989; tj email.pdf

Original Event: Investigation Activity (Pesticide) #6174  
Subject: Heritage FS Inc  
Submitted By: Melissa D. Rosch

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## 03/31/2023 Investigator Called Subject Activity

I spoke with the complainant and updated him on the case status. The complainant also advised the respondent did compensate him for damages.

Original Event: Investigation Activity (Pesticide) #6176  
Subject: Randy L Prohosky  
Submitted By: Melissa D. Rosch

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## 04/03/2023 Action Order Issued

Stop refilling the identified portable containers (PRC'S/MINIBULK) until all U.S. EPA requirements are met.

Original Event: Action Order #313  
Issued To: Heritage FS Inc  
Firm Representative: Jeremy Scher via Email  
Submitted By: Melissa D. Rosch  
Attachments: File 122100; Action Order.pdf

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## 04/03/2023 Investigator Called Unknown Subject Activity

I spoke to William VanWassenhove from the Illinois Department of Agriculture and notified him our case involved a dealer location in Illinois. Mr. VanWassenhove advised he would follow up.

Original Event: Investigation Activity (Pesticide) #6212  
Submitted By: Melissa D. Rosch

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## 04/06/2023 Investigation Activity Activity

I requested additional testing in the formulation lab on the three (3) unsealed minibulks (Enlist One, Sequence, and Powerhouse) for the HPPD inhibiting active ingredients (as noted in the external lab report analysis of the vegetation symptomology.)


Original Event: Investigation Activity (Pesticide) #6007  
Submitted By: Melissa D. Rosch

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## 04/21/2023 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>Sequence Herbicide</b>		INVESTIGATOR <b>ROSCHM</b>		DATE SAMPLED <b>07/15/2022</b>	REPORT DATE <b>04/21/2023</b>
OCM COLLECTION <b>219205-02</b>		SAMPLE NO. <b>22-3-0156 6</b>		EPA REG NO. <b>100-1185</b>	
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>		<b>%FOUND</b>	
Glyphosate, acid equivalent		21.8		21.5	
Metolachlor		29.0		27.2	
Unknown/Unlisted				None Detected	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					


Original Event: Formulation Lab Report #263031 (219205-02-R798)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 219205-02-R798.pdf

04/21/2023 **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>Powerhouse</b>		INVESTIGATOR <b>ROSCHM</b>		DATE SAMPLED <b>07/15/2022</b>	REPORT DATE <b>04/21/2023</b>
OCM COLLECTION <b>219205-03</b>		SAMPLE NO. <b>22-3-0157 8</b>		EPA REG NO.	
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>		<b>%FOUND</b>	
Unknown/Unlisted				None Detected	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #263032 (219205-03-R798)  
 Submitted By: SYSTEM  
 Lab Report: Lab Report 219205-03-R798.pdf

04/21/2023 **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>Enlist</b>		INVESTIGATOR <b>ROSCHM</b>		DATE SAMPLED <b>07/15/2022</b>	REPORT DATE <b>04/21/2023</b>
OCM COLLECTION <b>219205-04</b>		SAMPLE NO. <b>22-3-0158 4</b>		EPA REG NO.	
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>		<b>%FOUND</b>	
2,4-D		37.99		37.84	
Unknown/Unlisted				None Detected	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee					

Original Event: Formulation Lab Report #263033 (219205-04-R798)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219205-04-R798.pdf

04/25/2023 **Received Residue Lab Report**  
**First Page of Lab Report**

OCM Collection #	219468	Investigator	ROSCHM		
Collection Date	07/18/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0738 5	Soil; Comp; 2-4"; Target	Soil	No Analysis Required	Done	
22-4-0739 2	Veg; Comp; Target	Veg	No Analysis Required	Done	

Original Event: Residue Lab Report #263949 (219468-R834)  
Submitted By: SYSTEM  
Lab Report: Lab Report 219468-R834.pdf

05/15/2023 **Investigator Received Fax/Email from Subject Activity**

I received documentation showing the updated procedures and corrective action from Mr. Scher at Heritage FS. Mr. Scher provided copies of the new checklists and continuing education.

Attachments

File 124365; Acceptable Containers list.docx  
File 124366; p1.png  
File 124367; PRC Inspection Checklist.docx  
File 124368; PRC Log.xlsx  
File 124369; refillable\_container\_requirements.pdf  
File 124370; Residue Removal Procedure.docx

Original Event: Investigation Activity (Pesticide) #6211  
Subject: Heritage FS Inc  
Submitted By: Melissa D. Rosch

05/30/2023 **Online Investigation Activity Activity**

I attached the Enlist product label.

Attachments

File 125342; Enlist 062719-00695-20220329.pdf

Original Event: Investigation Activity (Pesticide) #6281  
Submitted By: Melissa D. Rosch

06/01/2023 **Judgement; Civil Penalty Assessed Civil Penalty**

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

Original Event: Judgement #1512  
Primary: Heritage FS Inc  
Submitted By: George Saxton  
Legal Citation: IC 15-16-4-57(9)  
Penalty Amount: 1000

06/19/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2411  
To: Heritage FS Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2384  
Enclosed: Notice of Enforcement  
Attachments: File 127069; PS22-0257EL CIT-CP ~ Heritage FS Inc..docx

06/29/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2142  
Subject: Heritage FS Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2384  
Received: 06/29/2023  
Attachments: File 128257; CM 7020 3160 0001 1738 2384 - Heritage FS, Inc. - PS22-0257 - Received 6-29-2023\_0001.pdf

07/10/2023 **Received Penalty Payment for Target**  
Original Event: Compliance Receipt #2148  
Subject: Heritage FS Inc  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,000.00  
Payment Received: \$1,000.00  
Attachments: File 128669; PS22-0257 - Heritage FS, Inc. - CP Received 7-10-2023.pdf

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08/01/2023 **Notice of Case Closure Mailed to Complainant**  
Original Event: Outgoing Mail #2539  
To: Randy L Prohosky  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 130427; PS22-0257 - Randy L. Prohosky - Case Closed Letter 8-1-2023.docx

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08/01/2023 **Notice of Case Closure Mailed to Target**  
Original Event: Outgoing Mail #2540  
To: Heritage FS Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 130428; PS22-0257 - Heritage FS, Inc. - Case Closed Letter 8-1-2023.docx

### Chain of Custody

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07/15/2022 **Sample 22-3-0155 0**  
Original Event: Chain of Custody #2180 (22-3-0155 0)  
07/15/2022 00:00: Sample Collected by Melissa D. Rosch  
07/15/2022 14:52: Sample Delivered to Natalie Wilson  
07/15/2022 14:52: Delivery Affirmed by Natalie Wilson

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07/15/2022 **Sample 22-3-0156 6**  
Original Event: Chain of Custody #2181 (22-3-0156 6)  
07/15/2022 00:00: Sample Collected by Melissa D. Rosch  
07/15/2022 14:52: Sample Delivered to Natalie Wilson  
07/15/2022 14:52: Delivery Affirmed by Natalie Wilson

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07/15/2022 **Sample 22-3-0157 8**  
Original Event: Chain of Custody #2182 (22-3-0157 8)  
07/15/2022 00:00: Sample Collected by Melissa D. Rosch  
07/15/2022 14:52: Sample Delivered to Natalie Wilson  
07/15/2022 14:52: Delivery Affirmed by Natalie Wilson

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07/15/2022 **Sample 22-3-0158 4**  
Original Event: Chain of Custody #2183 (22-3-0158 4)  
07/15/2022 00:00: Sample Collected by Melissa D. Rosch  
07/15/2022 14:52: Sample Delivered to Natalie Wilson  
07/15/2022 14:52: Delivery Affirmed by Natalie Wilson

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07/19/2022 **Sample 22-4-0738 5**  
Original Event: Chain of Custody #2197 (22-4-0738 5)  
07/18/2022 09:00: Sample Collected by Melissa D. Rosch  
07/19/2022 14:27: Sample Delivered to kilo main lab  
07/20/2022 09:54: Delivery Affirmed by Vicki Vauters

---

07/19/2022 **Sample 22-4-0739 2**  
Original Event: Chain of Custody #2198 (22-4-0739 2)  
07/18/2022 09:00: Sample Collected by Melissa D. Rosch  
07/19/2022 14:27: Sample Delivered to kilo main lab  
07/20/2022 09:54: Delivery Affirmed by Vicki Vauters



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

*Protecting Indiana's Agriculture and Environment*

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

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### In Re: Case PS23-0027

Department	Pesticide
Originated	12/08/2022
Assigned To	Garret A. Creason
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Registrant	<b>Elite Pharmaceuticals Inc</b> Wellington, FL 33414
Issued To Respondent	<b>Family Farm &amp; Home</b> Peru, IN 46970
-	<b>Wana Feed Service</b> Shipshewana, IN 46565

### Overviews

#### 12/13/2022 **Product Registration Summary**

Product Not registered in Indiana. Label not compliant with EPA requirements for 25(b) exempt products.

Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

#### 04/03/2023 **Product Registration Summary**

Fly and Insect All Natural Repellent was unregistered. Elite Pharmaceuticals was notified of the stop sale and submitted a registration packet without efficacy data and without a late fee. Efficacy for the formulation could not be provided and the registration was eventually denied. Elite Pharmaceuticals was instructed to proceed with a recall of products in Indiana and provided with instructions. An extension was requested and granted. When Elite Pharmaceuticals submitted details of the recall, they sent a copy of the email they provided to distributors, instructing them to "give the product away" of dispose of it.

Submitted By: Victoria J. Matsumura  
Role: Product Registration Specialist

#### 05/23/2023 **Investigation Summary**

A not for cause marketplace inspection was conducted at Family Farm and Home in Peru, IN. During the inspection, I located an unregistered pesticide product. The product was Fly and Insect All Natural Repellent. At the store were two units of the unregistered pesticide product. I collected one sample of the product, leaving one unit at the store. I issued a Stop Sale to Family Farm and Home instructing them to remove all non-compliant products from the shelves and not to remove them from the store until released in writing by OISC.

OISC Pesticide Registration conducted a label review and found the product label to be not acceptable. OISC worked with the registrant to provide information on how to register the product. At the time of this investigation the product was unable to be registered in the State of Indiana and a product recall was issued.

The registrant notified OISC that the distributors had been contacted and informed of the situation. The distributors were instructed by the registrant to dispose of or give the product away.

On April 11, 2023 I conducted a for-cause inspection to verify if Fly and Insect All Natural Repellent from Elite Pharmaceuticals had been removed from the shelves and no longer offered for sale. I met with Anthony Roth, Office Manager of Wana Feed, and informed him the reason for the inspection. Mr. Roth already had the product in boxes sitting behind the counter. Mr. Roth stated that he spoke with Elite Pharmaceuticals on the phone and was told he could dispose of the product or give it away as a promotion. Mr. Roth stated he did not have any documentation of this. I advised Mr. Roth not to distribute the product to end users. Mr. Roth stated he would have it disposed of properly.

Submitted By: Garret A. Creason  
Role: Investigator

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06/12/2023 **Disposition Summary**

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

Family Farm & Home was warned for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Elite Pharmaceuticals Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Elite Pharmaceuticals Inc cooperated during the investigation and corrective action was taken.

Elite Pharmaceuticals Inc was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed. By law (I.C. 15-16-4-69), this penalty may not be mitigated.

Submitted By: George Saxton  
Role: Compliance Officer

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**Chronology of Events**

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12/08/2022 **Intake Referral Filed**

Unregistered pesticide products located for sale at Family Farm and Home.

Original Event: Intake Referral (Pesticide) #2867  
Complainant: Office of Indiana State Chemist  
Respondent: Family Farm & Home  
Respondent 2: Elite Pharmaceuticals Inc  
Entered By: Garret A. Creason  
Submitted By: Joseph D. Becovitz

---

12/08/2022 **Investigator Met with Distributor Communication**

A not for cause marketplace inspection was conducted at Family Farm and Home in Peru, IN. During the inspection, i located an unregistered pesticide product. The product was Fly and Insect All Natural Repellent. At the store were two units of the unregistered pesticide product. I collected one sample of the product, leaving one unit at the store. I issued a Stop Sale to Family Farm and Home instructing them to remove all non-compliant products from the shelves and not to remove them from the store until released in writing by OISC.

Original Event: Investigation Activity (Pesticide) #5693  
Subject: Family Farm & Home  
Submitted By: Garret A. Creason

---

12/08/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1288  
Client: Family Farm & Home  
Firm Representative: Sandy Cole  
Submitted By: Garret A. Creason  
Attachments: File 114098; FaFHnoi.pdf

---

12/08/2022 **Marketplace Inspection Conducted Marketplace**

FLy and Insect All Natural Repellent, an unregistered pesticide product, was located for sale at Family Farm and Home. An evidentiary sample of the product was collected and a Stop Sale was issued.

Original Event: Pesticide Inspection (Product) #292  
Client: Family Farm & Home  
Firm Representative: Sandy Cole  
Submitted By: Garret A. Creason

---

12/08/2022 **Stop Sale Order Issued**

Original Event: Action Order #286  
Issued To: Family Farm & Home  
Registrant: Elite Pharmaceuticals Inc  
Firm Representative: Dustin Taylor  
Submitted By: Garret A. Creason

12/08/2022 **Formulation Samples Collected**

Original Event: Formulation Collection #250237 (23-3-0002 5)  
Registrant: Elite Pharmaceuticals Inc  
Client: Family Farm & Home  
Firm Representative: Dustin Taylor  
Submitted By: Garret A. Creason  
Sample: 23-3-0002 5 | Fly and Insect All Natural Repellent  
Attachments: File 114112; ElitePharmasampform.pdf  
Photos:



File 114101



File 114102



File 114103



File 114104



File 114105



File 114107



File 114108



File 114109

12/08/2022 **INCIDENTAL Investigator Met with Distributor Communication**

a not for cause marketplace inspection was conducted at Family Farm and Home. During the inspection an unregistered pesticide product was located for sale. The product is the FlyBuster Garden trap in three sizes, and the FlyBuster refill packs in two sizes. A FlyBuster Trap and a FlyBuster Refill pack were collected for evidentiary purposes. A Stop Sale was issued to Family Farm and Home with instructions to stop sale off all the product until released in writing by OISC.

Original Event: Investigation Activity (Pesticide) #5694  
Linked From: Notice of Inspection #1288  
Subject: Family Farm & Home  
Submitted By: Garret A. Creason

12/08/2022 **INCIDENTAL Marketplace Inspection Conducted Marketplace**

Flybuster Garden Trap in multiple sizes and FlyBuster refill packs in two sizes were found for sale at Family Farm and Home. The products are unregistered pesticide products. All FlyBuster products were placed under a Stop Sale.

Original Event: Pesticide Inspection (Product) #293  
Linked From: Notice of Inspection #1288  
Client: Family Farm & Home  
Firm Representative: Dustin Taylor  
Submitted By: Garret A. Creason

12/08/2022 **Case Created**

Original Event: Case PS23-0027  
Submitted By: Joseph D. Becovitz  
Assigned To: Garret A. Creason

12/13/2022 **Label Review Conducted; Not Acceptable Fly and Insect All Natural Repellent**

NOT Acceptable

Attachments

- File 114220; Notification of SSURO.pdf
- File 114219; PS23-0027 Elite Pharmaceuticals Inc label review to send.pdf

Original Event: Label Review (Pesticide) #203 (Elite Pharmaceuti...)  
Registrant: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura

12/14/2022 **Notice of Stop Sale Sent**  
Notification sent 12/13/22

Original Event: Pesticide Products Activity #28  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 114253; Notification of SSURO.pdf

---


**12/14/2022 Notice of Stop Sale Sent**

After receiving the notification of stop sale, David Blank of Elite Pharmaceuticals was informed at least three times that efficacy data was needed to register 25b products. Mr. Blank did not provide efficacy data as described and did not submit a late fee as directed by the notification of stop sale.

Original Event: Pesticide Products Activity #41  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 121430; email action needed to submit efficacy 12.15.22.pdf  
File 121431; email to confirm submission requirements 12.14.22.pdf  
File 121432; submission email no efficacy no late fee 12.15.23.pdf  
File 121433; submission of insufficient efficacy 12.17.22.pdf

---

**12/15/2022 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>Fly and Insect All Natural Repellent</b>	INVESTIGATOR <b>CREASONG</b>	DATE SAMPLED <b>12/08/2022</b>	REPORT DATE <b>12/15/2022</b>	
OCM COLLECTION <b>250237-01</b>	SAMPLE NO. <b>23-3-0002 5</b>	EPA REG NO.		
<b>ACTIVE INGREDIENT</b>		<b>%GUARANTEE</b>	<b>%FOUND</b>	
No Analysis Performed			0	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				

Original Event: Formulation Lab Report #250611 (250237-01-R709)  
Submitted By: SYSTEM  
Lab Report: Lab Report 250237-01-R709.pdf

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**01/06/2023 Notice of Stop Sale Sent**

application of registration was returned with actions required, including efficacy data being needed on 01.06.23 Mr. Blank submitted EPA's acceptable active list as efficacy on 01.25.23. He was told this was not acceptable and redirected to the AAPCO guidance. A reminder was sent 01.31.23 that efficacy data was submitted.

Original Event: Pesticide Products Activity #42  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 121435; email about submitting 25b active doc as efficacy 01.25.23.pdf  
File 121434; email action needed to submit efficacy 01.06.22.pdf  
File 121436; reminder to submit efficacy by deadline 01.31.23.pdf

---

**02/06/2023 Notice of Stop Sale Sent**

Registration was denied 02.06.23. OISC instructed to proceed with recall and provided instructions. A reminder was sent 02.27.23. Extension was requested and provided 03.01.23

Original Event: Pesticide Products Activity #43  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 121437; denial of registration- proceed with recall 02.06.23.pdf  
File 121439; extension for recall 03.01.23.pdf  
File 121438; reminder deadline for recall 02.27.23.pdf

---

**03/10/2023 Notice of Stop Sale Sent**

Mr. Blank was given recall instructions several times and reminded the registration was already denied.

Original Event: Pesticide Products Activity #44  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 121443; email confirming recall 03.13.23.pdf  
File 121440; email outlining timeline of denial of registration and recall process 03.10.23.pdf  
File 121441; email outlining timeline of denial of registration and recall process 03.13.23.pdf  
File 121442; email reminding registration process and efficacy data requirement 03.14.23.pdf

---

**03/31/2023 Notice of Stop Sale Sent**

03/31/23 Mr. Blank provided recall information dated 03.30.23, with inventory numbers, and email to distributors instructing them to "give them away or dispose of them".

Original Event: Pesticide Products Activity #45  
Primary: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura  
Attachments: File 121444; email with recall attachment 03.31.23.pdf  
File 121445; Indiana recall attachment 03.31.23.pdf

---

04/03/2023 **Stop Sale Released for Return/Disposal  
Fly and Insect All Natural Repellent**

Modification letter to be sent 04/03/23 via USPS

Attachments

File 121446; SSURO Release Return Letter to Family Farm & Home Elite Pharmaceuticals.pdf

Original Event: Stop Sale Release (PS) #30  
Issued To: Family Farm & Home  
Registrant: Elite Pharmaceuticals Inc  
Submitted By: Victoria J. Matsumura

---

04/11/2023 **Marketplace Inspection Conducted**

Original Event: Pesticide Inspection (Product) #321  
Client: Wana Feed Service  
Firm Representative: Anthony Roth  
Submitted By: Garret A. Creason  
Photos:



File 122358



File 122359

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04/11/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1484  
Client: Wana Feed Service  
Firm Representative: Anthony Roth  
Submitted By: Garret A. Creason  
Attachments: File 122360; Wana NOI.pdf

---

06/12/2023 **Judgement; Civil Penalty Assessed  
Warning**

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

**Warning**

Family Farm & Home was warned for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

**Civil Penalty**

Elite Pharmaceuticals Inc was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Elite Pharmaceuticals Inc cooperated during the investigation and corrective action was taken.

**Civil Penalty**

Elite Pharmaceuticals Inc was cited for violation of section 57(9) of the Indiana Pesticide Registration Law for unknowingly distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A civil penalty in the amount of \$1,000.00 was assessed. By law (I.C. 15-16-4-69), this penalty may not be mitigated.

Original Event: Judgement #1543  
Primary: Family Farm & Home  
Secondary: Elite Pharmaceuticals Inc  
Submitted By: George Saxton  
Legal Citations: IC 15-16-4-57(1); IC 15-16-4-57(9)  
Penalty Amount: 1300

---

06/22/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2439  
To: Family Farm & Home  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2445  
Enclosed: Notice of Enforcement



06/22/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2440  
To: Elite Pharmaceuticals Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2438  
Enclosed: Notice of Enforcement  
Attachments: File 127323; PS23-0027EL CIT-CP Mitigated ~ Elite Pharmaceuticals, Inc..docx

---

06/26/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2130  
Subject: Family Farm & Home  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2445  
Received: 06/26/2023  
Attachments: File 128011; CM 7020 3160 0001 1738 2445 - Family Farm & Home - PS23-0027 - Received 6-26-2023.pdf

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07/10/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2145  
Subject: Elite Pharmaceuticals Inc  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,300.00  
Payment Received: \$1,300.00  
Attachments: File 128666; PS23-0027 - Elite Pharmaceuticals, Inc. - CP Received 7-10-2023.pdf

---

08/08/2023 **Mail Confirmation Not Received for Target**

As of August 8, 2023, Green Card has not been returned to OISC. According to USPS tracking it has been in transit to the next facility since June 29, 2023. It is assumed to have been lost.

Original Event: Compliance Receipt #2194  
Subject: Elite Pharmaceuticals Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2438  
Attachments: File 131369; CM 7020 3160 0001 1738 2438 - Elite Pharmaceuticals - PS23-0027 - USPS Tracking Assumed.pdf

---

08/08/2023 **Mail Confirmation Assumed for Target**

As of August 8, 2023, regular mail has not been returned to OISC. The civil penalty was paid on July 10, therefore it is assumed to have been received.

Original Event: Compliance Receipt #2195  
Subject: Elite Pharmaceuticals Inc  
Submitted By: Jacob A. Hatfield

---

08/16/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2613  
To: Elite Pharmaceuticals Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 132015; PS23-0027 - Elite Pharmaceuticals, Inc. - Case Closed Letter 8-16-2023.docx

---

08/16/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2614  
To: Family Farm & Home  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 132016; PS23-0027 - Family Farm & Home - Case Closed Letter 8-16-2023.docx

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08/16/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2615  
To: Wana Feed Service  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 132017; PS23-0027 - Wana Feed Service - Case Closed Letter 8-16-2023.docx

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**Chain of Custody**

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12/09/2022 **Sample 23-3-0002 5**

Original Event:	Chain of Custody #3939 (23-3-0002 5)
12/08/2022 00:00:	Sample Collected by Garret A. Creason
12/12/2022 10:00:	Sample Delivered to Lilly
12/13/2022 15:07:	Delivery Affirmed by Natalie C. Wilson

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State Chemist &  
Seed Commissioner

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### In Re: Case PS23-0123

Department	Pesticide
Originated	05/01/2023
Assigned To	Adam Brockman
Status	Closed

### Involved Parties

Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Veterinary &amp; Poultry Supply Inc</b> Bluffton, IN 46714
Respondent	<b>Eugene Hill</b> Bluffton, IN 46714

### Overviews

#### 05/25/2023 Investigation Summary

Eugene Hill at VPSI made three sales of RUPs to two customers, William Taylor on 9/27/22, and Laub Farms on 6/27/22, and 4/12/22. William Taylor and Laub Farms do not have a license to apply RUP products. At the time of the sale Hill and VPSI did not confirm if these customers had the proper license to purchase and apply RUP products.

Submitted By: Adam Brockman  
Role: Investigator

#### 05/31/2023 Disposition Summary

Veterinary & Poultry Supply Inc was cited for three counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for selling restricted use pesticides to non-certified users in violation of the pesticide label which states, "Due to primary eye and primary dermal toxicity, For retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's Certification." A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

Submitted By: George Saxton  
Role: Compliance Officer

### Chronology of Events

#### 04/12/2023 Intake Referral Filed

While conducting an inspection at this business I found that they have made two sales of RUPs to unlicensed individuals. Hill advised that he will provide with me with records of these sales.

Original Event: Intake Referral (Pesticide) #2976  
Complainant: Office of Indiana State Chemist  
Respondent: Veterinary & Poultry Supply Inc  
Entered By: Adam Brockman  
Submitted By: Joseph D. Becovitz

#### 04/19/2023 Investigator Called Dealer Communication

I spoke with Eugene Hill who advised that he had made 3 RUP sales from last year and he would provide me with those. Hill also stated that he believed that 2 of the sales were to unlicensed buyers.

Original Event: Investigation Activity (Pesticide) #6068  
Subject: Veterinary & Poultry Supply Inc  
Submitted By: Adam Brockman

---

04/19/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1512  
Client: Veterinary & Poultry Supply Inc  
Firm Representative: Eugene Hill  
Submitted By: Adam Brockman  
Attachments: File 122663; Scan from 2023-04-20 11\_34\_59 AM.pdf

---

05/01/2023 **Case Created**

Original Event: Case PS23-0123  
Submitted By: Joseph D. Becovitz  
Assigned To: Adam Brockman

---

05/02/2023 **New Respondent Identified**

Original Event: Investigation Change #328  
Respondent: Eugene Hill  
Submitted By: Adam Brockman

---

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

Hill provided me with records of the RUP's that he sold last year. Three of the sales were to two unlicensed purchasers.

Attachments

File 123702; Scan from 2023-05-05 09\_33\_10 AM.pdf

Original Event: Investigation Activity (Pesticide) #6150  
Subject: Veterinary & Poultry Supply Inc  
Submitted By: Adam Brockman

---

05/31/2023 **Judgement; Civil Penalty Assessed Civil Penalty**

Veterinary & Poultry Supply Inc was cited for three counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for selling restricted use pesticides to non-certified users in violation of the pesticide label which states, "Due to primary eye and primary dermal toxicity, For retail sale to and use only by Certified Applicators or persons under their direct supervision, and only for those uses covered by the Certified Applicator's Certification." A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

Original Event: Judgement #1510  
Primary: Veterinary & Poultry Supply Inc  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(2)  
Penalty Amount: 3000

---

06/19/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2414  
To: Veterinary & Poultry Supply Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2353  
Enclosed: Notice of Enforcement  
Attachments: File 127072; PS23-0123EL CIT-CP ~ Veterinary & Poultry Supply Inc..docx

---

06/26/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2132  
Subject: Veterinary & Poultry Supply Inc  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2353  
Received: 06/26/2023  
Attachments: File 128014; CM 7020 3160 0001 1738 2353 - Veterinary & Poultry Supply, Inc. - PS23-0123 - Proof of Delivery.pdf  
File 128013; CM 7020 3160 0001 1738 2353 - Veterinary & Poultry Supply, Inc. - PS23-0123 - Received 6-26-2023.pdf

---

07/03/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2136  
Subject: Veterinary & Poultry Supply Inc  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$3,000.00  
Payment Received: \$3,000.00  
Attachments: File 128018; PS23-0123 - Veterinary & Poultry Supply, Inc. - CP Received 7-3-2023.pdf

---

08/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2547  
To: Veterinary & Poultry Supply Inc  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 130833; PS23-0123 - Veterinary & Poultry Supply, Inc. - Case Closed Letter 8-3-2023.docx

**Chain of Custody**

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

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State Chemist &  
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**In Re: Case PS23-0126**

Department	Pesticide
Originated	05/01/2023
Assigned To	Kevin W. Gibson
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Bills Lawn SVC LLC</b> Kokomo, IN 46901

**Overviews**

05/25/2023 **Investigation Summary**

I was notified by OISC Licensing Section Bill's Lawn Service failed to renew their 2023 pesticide business license because their only CA did not renew.

During the course of the investigation, I learned Bill's Lawn Service made 394 pesticide applications of **LESCO Dimension 0.15% with fertilizer** (EPA #10404-86; active ingredient: dithiopyr; 3,5-pyridinedicarbothioic acid) in Indiana during 2023.

I learned from OISC Licensing Section employee Jarod Shelton had passed the core exam and the category 3B exam (3/31/23) but had not applied for a license. Bill's Lawn Service was ineligible for a business license until it had a licensed applicator attached to the business. Due to lack of "90 day work experience", Mr. Shelton was ineligible to obtain a category 3B license.

I issued an **\*\*Action Order\*** to Bill's Lawn Service which stated, "*Cease all pesticide applications in Indiana until properly licensed through Office of Indiana State Chemist*".

Bill's Lawn Service was in violation for making 394 pesticide applications without a pesticide applicator's license and pesticide business license.

Submitted By: Kevin W. Gibson  
Role: Investigator

06/01/2023 **Disposition Summary**

Although there were 394 illegal pesticide applications performed, Bills Lawn SVC LLC was only cited for five (5) counts of unknowingly 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. However, the civil penalty was further reduced to \$1,500.00. Consideration was given to the fact Bills Lawn SVC LLC cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/01/2023 **Intake Referral Filed**

Bills Lawn Service failed to renew their 2023 pesticide business license because their only CA did not renew.

Original Event: Intake Referral (Pesticide) #3001  
Complainant: Office of Indiana State Chemist  
Respondent: Bills Lawn SVC LLC  
Submitted By: Joseph D. Becovitz  
Assigned To: Kevin W. Gibson  
Attachments: File 123391; Bills Lawn Svc unlicensed.pdf

05/01/2023 **Case Created**

Original Event: Case PS23-0126  
Submitted By: Joseph D. Becovitz  
Assigned To: Kevin W. Gibson

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05/02/2023 **Investigator Called Business Interaction**

I made contact with Bills Lawn Service office manager Kami Ronk. I explained the situation (no licensed applicator attached to business). She explained applicator Jarrod Shelton recently passed the core exam and the category 3B exam. I checked the OISC licensing records. Mr. Shelton had passed the core exam on 3/6/23, but no record of the 3B exam.

**Interaction**

I spoke to OISC licensing Jill Davis. She told me Mr. Shelton had passed the core exam and the category 3B exam (3/31/23) but had not applied for a license. Due to lack of "90 day work experience", Mr. Shelton was ineligible to obtain a category 3B license. She further told me Bills Lawn Service was ineligible for a business license until it had a licensed applicator attached to the business.

**Interaction**

I spoke with Jarrod Shelton about the licensing situation. He said he was unaware of the "90 day work experience". He and the company were willing to make it right. I explained no pesticide applications could be made until a licensed 3B applicator was attached to the business. So a licensed 3B person would need to fill out an application for the business. Next Mr. Shelton would need to complete an application for registered technician for the business to start his "90 day work experience". At the end of that 90 days, he would be eligible to obtain his category 3B license. I also requested all pesticide application records for 2023 to which he agreed to send via email.

Original Event: Investigation Activity (Pesticide) #6134  
Subject: Bills Lawn SVC LLC  
Submitted By: Kevin W. Gibson

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05/02/2023 **Notice of Inspection Issued**

A Notice of Inspection (NOI) was issued to Jarrod Shelton via email.

Original Event: Notice of Inspection #1549  
Client: Bills Lawn SVC LLC  
Firm Representative: Jarrod Shelton  
Submitted By: Kevin W. Gibson  
Photos:



File 123431

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05/02/2023 **Action Order Issued**

Cease all pesticide applications in Indiana until properly licensed through Office of Indiana State Chemist.

Original Event: Action Order #319  
Issued To: Bills Lawn SVC LLC  
Firm Representative: Kami Ronk  
Submitted By: Kevin W. Gibson  
Attachments: File 123464; Form 51 Rev. 01 Action Order 20210512.pdf

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05/03/2023 **Investigator Sent Fax/Email to Business Records**

After conversation with officer manager Kami Ronk, she emailed the company's pesticide application records for 2023. She noted the applications began on 4/3/23 after employee Jarrod Shelton passed his category 3B exam (3/31/23). In reviewing the application records, I learned 394 pesticide applications of **LESCO Dimension 0.15% with fertilizer** (EPA #10404-86; active ingredient: dithiopyr; 3,5-pyridinedicarbothioic acid) were made in the Kokomo area beginning 4/3/23. I also learned from Ms. Ronk, applicator licenses were completed for William Schaefer and Jarrod Shelton then mailed to OISC with payment.

Attachments

File 123551; Customer List 2023.xlsx

Original Event: Investigation Activity (Pesticide) #6142  
Subject: Bills Lawn SVC LLC  
Submitted By: Kevin W. Gibson

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05/03/2023 **Notice of Inspection Issued**

A Notice of Inspection (NOI) was issued to Jarrod Shelton via email.

Original Event: Notice of Inspection #1555  
Client: Bills Lawn SVC LLC  
Firm Representative: Kami Ronk  
Submitted By: Kevin W. Gibson

Photos:



File 123629

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06/01/2023 **Judgement; Civil Penalty Assessed**  
**Civil Penalty**

Although there were 394 illegal pesticide applications performed, Bills Lawn SVC LLC was only cited for five (5) counts of unknowingly 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. However, the civil penalty was further reduced to \$1,500.00. Consideration was given to the fact Bills Lawn SVC LLC cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1513  
Primary: Bills Lawn SVC LLC  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 1500

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06/19/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2410  
To: Bills Lawn SVC LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2339  
Enclosed: Notice of Enforcement  
Attachments: File 127068; PS23-0126EL CIT - CP Mitigated ~ Bills Lawn Service LLC.docx

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06/21/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2128  
Subject: Bills Lawn SVC LLC  
Submitted By: Jacob A. Hatfield  
USPS: 7020 3160 0001 1738 2339  
Received: 06/21/2023  
Attachments: File 128009; CM 7020 3160 0001 1738 2339 - Bills Lawn Service LLC - PS23-0126 - Received 6-21-2023.pdf

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07/20/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2174  
Subject: Bills Lawn SVC LLC  
Submitted By: Jacob A. Hatfield  
Payment Expected: \$1,500.00  
Payment Received: \$1,500.00  
Attachments: File 129539; PS23-0126 - Bills Lawn Service LLC - CP Received 7-20-2023.pdf

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08/03/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2548  
To: Bills Lawn SVC LLC  
Submitted By: Jacob A. Hatfield  
Enclosed: Notice of Case Closure  
Attachments: File 130834; PS23-0126 - Bills Lawn Service LLC - Case Closed Letter 8-3-2023.docx

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**Chain of Custody**

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

This record was generated on **August 21, 2023, 11:21 AM EDT**. Information displayed may contain errors or omissions.  
Official records may only be obtained directly from the Office of Indiana State Chemist.