



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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State Chemist &
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Pesticide & Fertilizer Complaint Investigations **800-893-6637**

What is the Office of Indiana State Chemist (OISC)?

The OISC is the state agency that regulates feed, seed, fertilizer and pesticides in Indiana. Every year OISC is called upon to investigate a number of pesticide and fertilizer related complaints. The OISC does not take sides in these complaint investigations, does not determine damages and cannot force one party to pay another for any damages that may have occurred.

What happens now that the investigator has visited the complaint site?

The investigator will assess any evidence collected from the complaint site to determine its relevance to the investigation. This means that while many different samples may have been taken (air, water, soil etc...) not all samples may be analyzed. Some samples can be analyzed rather quickly, other environmental samples may require complicated residue analysis that can take months to complete. Any personal property taken by OISC, such as clothing, toys, etc., will not be returned as it is considered evidence. Although the goal of OISC is to conclude every case as quickly as possible, many factors may delay the conclusion of a case. Some of these are: complicated laboratory analyses; lack of cooperation of applicator and complainant; legal rights of the applicator; the need to conduct follow-up investigations; the need to respond to other complaint incidents; and the need to involve other agencies such as EPA or state agencies. Because each case varies, it is impossible to provide a firm estimate on how long it may take to conclude a particular case.

How much does an investigation cost?

Investigations, including analysis of any samples taken, are conducted by OISC at no cost to either the complainant or the alleged violator.

What happens after the investigator has collected all of the necessary information?

After the investigator has gathered all of the necessary information related to an investigation, OISC administrative and technical support staff review the case for possible violations of relevant state fertilizer or pesticide laws. If a violation has been detected, one or more of the following remedies may be applied:

- Warning/Citation
- Civil penalty assessment
- License/permit/registration revocation, suspension or modification
- Referral for criminal prosecution (Class A or C misdemeanor) to the appropriate court
- Referral to the U.S. EPA for further action (pesticides)

The specific enforcement action taken will depend on such factors as:

- Violator's compliance history
- Remedial or corrective action taken by the violator
- Potential for damage or harm
- Violator's cooperation during investigation
- Violator's good faith effort to comply

- The nature of the products that were used
- Unusual climatic event

How will I be kept informed of the progress of my investigation?

Contact the investigator handling your case for a progress report, but only after a minimum of 10 to 12 weeks has passed. Once the case is concluded you will automatically receive a copy of the case summary.

Who has access to information and case summaries resulting from an OISC investigation?

A case summary is routinely provided to both the complainant and the alleged violator at the conclusion of the investigation and enforcement (if applicable) process. Case files are considered public documents once OISC has concluded any enforcement proceedings.

How will I be compensated for my damages?

The focus of the investigation is to determine if pesticides or fertilizers were used according to label directions and applicable laws. No attempt will be made by an OISC investigator to determine the monetary value of any damage due to the proper or improper use of these materials. Damage recovery must be done through private negotiation with, or civil action (lawsuit) against, the pesticide/fertilizer user and/or his insurance carrier. For this reason, complainants are encouraged to take their own photographs, videotapes or other evidence to document damage that they believe may be related to the incident.

Who can I contact if I have a question regarding the investigation?

Call OISC at 800-893-6637, Monday through Friday, 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 5:00 p.m. and leave a message for the investigator handling your case. Be sure to leave your area code, phone number and the time(s) that you are available at that number. You may also e-mail the investigator at the address on the business card you received at the time of the investigation. Investigator e-mail addresses are also available on the OISC web site: www.oisc.purdue.edu under the “Contact Us” section. Investigators spend most of their time in the field, but will get back with you as quickly as possible.

Who can I call if I have a question about federal pesticide law that OISC cannot answer?

Call the U.S. EPA, Region 5 Pesticide Office in Chicago, Illinois at 312-353-2192.

NOTE: If there is a spill/release of pesticides or fertilizer that poses an immediate or imminent danger to any public waters of the state please call the IDEM spill line at (888) 233-7745. IDEM is staffed with first responders to address those situations.

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