

CASE SUMMARY

Case#2004/0383

Complainant: Office of Indiana State Chemist
175 S. University St.
West Lafayette, IN 47907
800-893-6637

Business: AAA Termite & Pest Control
15526 Leonard Road
Spring Lake, MI 49456
(616) 847-0957

1. On June 3, 2004, this office received information that the above indicated business was possibly performing termiticide pretreatment applications in Indiana without an Indiana pesticide business license. The information indicated that AAA Termite and Pest Control had posted and possibly won bids for applications to three (3) separate sites. Corporate Construction located in Auburn, Indiana, was the general contractor for two (2) of these sites.
2. On November 15, 2004, I went Corporate Construction and spoke with Controller, Candy Chapel. Ms. Chapel informed me that AAA Termite & Pest Control had made applications to at least one of these sites, but was unsure about both. Ms. Chapel informed me that she needed to have Vice President, Doug Hofer speak to me further on the specifics about these applications, but he was not in the office at this time.
3. On November 15, 2004, I was contacted by Mr. Hofer. Mr. Hofer informed me that AAA Termite & Pest Control had only made applications to the Indiana Toll Road M3 Maintenance Building, located in Elkhart, Indiana. Mr. Hofer stated that this project had been completed about two (2) years ago and that AAA Termite and Pest Control had not done any further work for them. Mr. Hofer was asked to forward any pesticide treatment records that AAA Termite and Pest Control provided to them for that job. Mr. Hofer was informed that AAA Termite and Pest Control is not a licensed business in Indiana and that Corporate Construction should do not further business with this company until this company receives an Indiana pesticide business license.
4. On November 19, 2004, I received documentation from Mr. Hofer which included the AAA Termite and Pest Control quote, the State of Indiana Subcontractor Approval Form, and Termite Control Product Data, submitted

by AAA Termite and Pest Control for the new Maintenance Toll building in Elkhart, Indiana. Documents submitted by AAA Termite and Pest Control indicated that the product **SPECKoZ (EPA Reg. #51036-287-72113, Active Ingredient: Permethrin)** was used.

5. On January 6, 2005, a certified letter was sent to AAA Termite and Pest Control requesting all required termite treatment documents for any and all pesticide applications completed in Indiana, be forwarded to this office.
6. On January 24, 2005, the owner of AAA Termite and Pest Control, David Redder, contacted me. Mr. Redder informed me that he was currently on vacation in Florida and one of his employees had received the certified letter at his business. Mr. Redder stated that his company had completed the termiticide pretreatment application to the toll road building, listed above, but this was the only work his company had done in Indiana. Mr. Redder stated that he believed that his Michigan license had automatic reciprocity with Indiana. I informed Mr. Redder that reciprocity was not automatic and that he would need to submit the necessary documentation and fees to receive an Indiana pesticide business license. Mr. Redder stated that he was not aware of this and would send me the requested documentation in approximately two (2) weeks, when he returned to Michigan from vacation.
7. On March 7, 2005, I received the requested documentation from AAA Termite and Pest Control. The documentation indicated that AAA Termite and Pest Control had made seven (7) pretreatment applications between November 2002 and February 2003 to the Indiana Toll Road building in Elkhart, Indiana.

Disposition: AAA Termite & Pest Control were cited for violation of section 14(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire in Indiana without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.



Scott M. Farris
Pesticide Investigator

Date: May 19, 2005

CASE SUMMARY

Case #2004/0390

Complainant: Brad Isaacs
1792 E. CR300S
Brownstown, IN 47220

Applicator: Parke Hackman (PA1533)
4863 S. SR 39
Brownstown, IN 47220

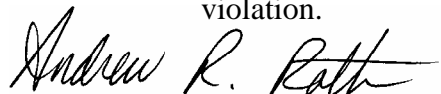
1. On 6-8-2004, Brad Isaacs phoned the Office of Indiana State Chemist (OISC) to report that areas of his lawn had died after water from an adjacent farm field flowed across his property. Mr. Isaacs reported that the farmer, Parke Hackman, installed drainage furrows in the field, but excess field water is now routed across his property. Mr. Isaacs also reported seeing 30-40 dead crawdads in the path of the runoff on his property.
2. On 6-9-2004, I met with Mr. Isaacs at his residence. He stated that Mr. Hackman farms the ground which borders his property on the north and west. Mr. Isaacs stated that after a heavy rain, water from the field to the north collected in two areas at the back of his property, then drained across his yard and back into Hackman's field to the west. Mr. Isaacs stated he was concerned that his water well, while not in the direct path of the field water runoff, may have been impacted.
3. At the back of the property, I noticed two areas of affected grass and weeds leading from the target field onto the Isaacs' property. Grass and weeds in these two areas were necrotic and discolored. An outside water spigot, from which Mr. Isaacs reportedly waters his dogs and horses, is located within the large kill area east of the house. I observed several crawdad carcasses within this kill area, which cut a swath across the property to the south and west. The second, smaller area of affected grass was observed at the northwest corner of the Isaacs' property. Weeds in the target field were dead at the time of my inspection.
4. I collected a soil sample from the area of affected grass near the spigot. In front of the house and uphill from the swath of dead grass, I observed the Isaacs' water well. The distance between the well and the corn field to the west was measured at 25 feet. I collected a raw water sample from the well and another from the tap in the Isaacs' kitchen. The water from the kitchen was conditioned by a General Ionics water conditioner in the basement, and was filtered by a PUR on-faucet filter (RF-4050L). All samples were turned in to the OISC residue lab for analysis.

5. I then inspected the tree-lined stream which borders the west side of the target field. Near the road, I noticed the soil between the target field and the stream had been eroded. The path of erosion lead from the first row of corn, approximately 40 feet from where the water entered the stream. It appears the entire field was sprayed as weeds within the perimeter of the field were dead.
6. I spoke with Parke Hackman about the complaint. Mr. Hackman stated that he had spoken to Mr. Isaacs about the incident and he is aware there is a drainage problem. He stated he plans to make changes in the routing of the water so it does not drain across the Isaacs' property. Mr. Hackman stated that part of the field was planted and sprayed on 5-24-2004. The rest of the field was planted and sprayed on 5-25-2004. According to information obtained from Mr. Hackman, **Force 3G insecticide (EPA Reg.#100-1-75), active ingredient tefluthrin**, was applied during planting. The field was sprayed with a tank mix containing the following:

Atrazine 4L	(EPA Reg.#1381-158), active ingredient atrazine
Simazine 90DF	(EPA Reg.#9779-295), active ingredient simazine
Balance Pro	(EPA Reg.#264-600), active ingredient isoxaflutole
Buccaneer Plus	(EPA Reg.#524-454-55467), active ingredient glyphosate
Warrior	(EPA Reg.#100-1112), active ingredient lambda-cyhalothrin
7. Because the initial water samples exceeded their preferred holding time prior to completion of the analysis, the residue lab was unable to report *any* data on the water collected on 6-9-2004. On 8-2-2004, I returned to the Isaacs' property with OISC Water Quality Specialist, Leighanne Hahn, and collected a sample of raw, unconditioned water from the spigot in the yard and another sample of conditioned, filtered water from the kitchen faucet. The samples were again turned in to the OISC residue lab for analysis.
8. The lab report for the soil sample from the yard confirmed the presence of atrazine at 0.27 parts per million (ppm) and simazine at 0.24 ppm. The raw water collected from the outside spigot contained atrazine at 0.24 ppm. No atrazine or simazine was detected in the water collected from the kitchen faucet.
9. The OISC Water Quality Specialist determined that the level of atrazine detected in the water sample collected from the outside spigot is well below the human health exposure levels as established by the U.S. Environmental Protection Agency. Further, the Isaacs' residential well is located in a low-risk to medium-risk area regarding potential pesticide leaching (i.e., pesticide moving through the soil and into the aquifer). No additional ground water assessment or sampling will be conducted in the area surrounding the Isaac's property at this time. However, the OISC Water Quality Specialist will make arrangements to return in the spring of 2005 to resample the Isaacs' well for atrazine and its breakdown products to confirm the accuracy of the assessments made in this investigation.

10. The Atrazine 4L label reads, in part, **“Product may not be mixed/loaded, or used within 50 feet of all wells including abandoned wells, drainage wells, and sinkholes.”** Further, it states, **“Product must not be applied within 66 feet of the points where field surface water runoff enters perennial or intermittent streams and rivers or within 200 ft. of natural or impounded lakes and reservoirs.”**

Disposition: Parke Hackman was cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failing to comply with the application setback restrictions on the pesticide label. A \$100.00 civil penalty was assessed for this violation.

A handwritten signature in black ink, reading "Andrew R. Roth". The signature is written in a cursive, flowing style.

Andrew R. Roth
Pesticide Investigator

April 19, 2005

CASE SUMMARY

Case #2004/0432

Complainant: Walt Kanoff
15279 N 400 W
Macy, IN 46951
574-679-8540

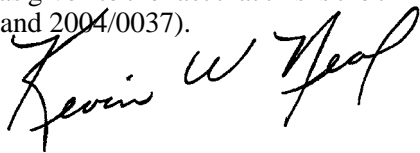
Applicator: Terry Warren
The Daltons, Inc.
P.O. Box 1274
Warsaw, IN 46581-1274
888-267-7511

F-20732
B-32366

1. On 6-28-04, Mr. Kanoff contacted the Office of Indiana State Chemist (OISC) to report what he thought was damage to trees and other vegetation on his property which appeared as the result of a right of way herbicide application made by Daltons.
2. On 7-6-04 I visited with Mr. Kanoff at the above address on 400W in Miami County. While there, I took a full compliment of photos, notes and measurements of the scene for future reference. I also took a sample of the vegetation, Sumac Tree, to be turned over the Purdue Plant and Pest Diagnostic Lab (PPDDL) for symptom analysis.
3. The sample was taken from a tree that by measurement was thirty-one (31) feet from the center of the road on the east side of 400 W which is on Mr. Kanoff's property. The right of way for the county highway department is twenty (20) feet from the center of the road.
4. According to a signed Pesticide Investigation Inquiry (PII) an application of Tordon K (**EPA Reg. #62719-17**) active ingredient **picloram** and Dupont Escort XP (**EPA Reg. #352-439**) active ingredient **metsulfuron** was made on 6-26-04 on 400 W between 1500 N and 1550 N. in Miami County at about 8:00am. The application was being made by Mr. Warren and Mr. Jim Hoskins. Mr. Hoskins is not certified and was working under the supervision of Mr. Warren.
5. The report from the PPDDL states, "The sample (staghorn sumac, *Rhus typhina*) exhibits almost total foliar chlorosis with reddish veination and many leaflets exhibit leaf marginal under-rolling. Such symptoms could be associated with direct exposure (total spray coverage) to picloram (Tordon) and would be magnified if Escort was in the spray mixture. Drift (non-direct application) of these herbicides, would not result in as severe, or as quickly appearing symptoms, as presented in this sample."
6. The label for Tordon K states, "Do not apply or otherwise permit Tordon K or sprays containing Tordon K to contact drops or other desirable broadleaf plants, including but not limited to alfalfa, beans, cotton . . . ornamentals or shade trees."

DISPOSITION: Terry Warren and the Daltons, Inc. were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding allowing contact of the pesticide to desirable plants. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact that this is the third such violation in the past five years (Case numbers 2000/0375 and 2004/0037).

Kevin W. Neal
Pesticide Investigator



Date: April 22, 2004

CASE SUMMARY

Case #2005/0098

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063

Business: Royster-Clark, Inc. (B-14515)
P.O Box 55
2745 W. State Road 48
Shelburn, IN 47879
(812)397-2617

1. On 12-7-2004, I performed a routine storm water inspection at the Royster-Clark listed above. Joe Becovitz, also an agent with OISC, accompanied me and was present during the inspection. The inspection was conducted with branch manager, Trevor Scamihorn.
2. During the inspection, Mr. Becovitz and I observed some moderate cracking in the secondary containment walls surrounding the nitrogen tanks at the facility. Mr. Scamihorn indicated he was aware of the cracks and that he would see that the necessary repairs are made.
3. During a subsequent discussion, Mr. Scamihorn was asked how the business provides customer notification, as required under the Worker Protection Standard (WPS), when commercial pesticide applications are made. Mr. Scamihorn stated he would be honest; he stated that the branch does not provide customer notification. He indicated the branch does not make a lot of custom applications and WPS notification has not been a priority.
4. I later spoke with Mr. Scamihorn on the phone. He stated that letters and product information had been sent to customers to initiate the WPS notification process for the 2005 growing season.

Disposition: Royster-Clark, Inc. was cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the Worker Protection Standard. A civil penalty in the amount of \$250.00 was assessed for this violation.



Andrew R. Roth
Pesticide Investigator

Date: April 22, 2005

CASE SUMMARY

Case#2005/0109

Complainant: Ron Sumrak
23223 Pembroke
Elkhart, IN 46517
(574) 293-7511

Business: Target Pest Control (B-25617) Exp. 12/31/04
11127 Humpty Dumpty Drive
Cromwell, IN 46732
Richard F. Shipley, Jr. (F-18956) Exp. 12/31/04
(260) 856-2668

1. On January 19, 2005, the Office of Indiana State Chemist (OISC) received documentation from Ron Sumrak, that Richard Shipley Jr. had made a termiticide application to the residential structure located at 410 East South Street, North Webster, Indiana. Mr. Sumrak sent the following documentation to OISC:
 - A receipt and agreement letter from Target Pest Control for their treatment to the property in 1994. This letter indicated a warranty of the treatment for a fee of \$64.00 annually.
 - Two annual re-inspection receipts in the amount of \$64.00 for the years 2003 and 2004.
2. On January 28, 2005, I went to the business of Target Pest Control and spoke to Owner, Richard F. Shipley, Jr. Mr. Shipley was shown credentials and issued a Notice of Inspection. Mr. Shipley stated that he started Target Pest Control in 1991, and had always been licensed in category 7b (termite treatment and inspection) until his license expired in 2000. Mr. Shipley stated that he continued to complete annual wood destroying insect (W.D.I.) inspections to the property located at 410 East South Street, North Webster, Indiana from 1995 to 2004, as part of the original annual inspection service agreement. Mr. Shipley stated that he was aware his license had expired and that he should not have completed these inspections for hire. Mr. Shipley informed me that he did not have any documentation related to these inspections and had not completed a W.D.I. inspection for 2005.
3. I spoke to Mr. Sumrak who confirmed that Mr. Shipley had completed W.D.I. inspections of this property, after he had purchased the property, during 2003 and 2004. Mr. Sumrak stated that he had found live termites in the structure prior to Mr. Shipley's inspection in 2004 and that Mr. Shipley did not find

these termites during his inspection in 2004. Mr. Sumrak confirmed that Mr. Shipley had continued the inspection service agreement from the previous owner and had charged \$64.00 for each inspection annually.

4. A review of OISC records indicated that Mr. Shipley and Target Pest Control were licensed in category 7b during the original application made in 1994. OISC records also indicated that Mr. Shipley and Target Pest Control's category 7b license expired on December 31, 2000, and has never been renewed.

Disposition: Richard F. Shipley Jr. and Target Pest Control were cited for four violations of section 14(9) of the Indiana Pesticide Use and Application Law for making for hire diagnostic inspections for wood destroying insects without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for each violation for a total civil penalty of \$1,000.00. The case file was forwarded to the Office of Indiana Attorney General for collection.



Scott M. Farris
Pesticide Investigator

Date: May 4, 2005

REVISED CASE SUMMARY

Case #2005/0118

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063

Business: Growers Co-op (B11430)
P.O. Box 329 - 500 N. 2nd Avenue
Farmersburg, IN 47850
(812)696-2156
Todd Kirkland (F35491)

1. On 1-4-2005, I performed an agricultural chemical facility inspection at the above listed business location. Manager, Todd Kirkland, was not at the facility at the time of my inspection. I spoke with applicator Rick Rubeck, who said he would pass on any pertinent information to Mr. Kirkland.
2. During the inspection, I noted that there was water entering the dry fertilizer storage area at the northwest corner of the building. Mr. Rubeck stated Mr. Kirkland was aware of the problem and that it is being addressed. During our discussion, I inquired as to how the business fulfills the customer notification requirements under the Worker Protection Standard (WPS) when pesticide applications are made. Mr. Rubeck stated he did not know if the business was notifying its customers. Further, he stated Mr. Kirkland would be the one to speak with concerning WPS.
3. I later spoke with Todd Kirkland on the phone regarding the WPS notification procedures at the branch. Mr. Kirkland indicated he came from the Growers location in Clay City, IN, and that each branch had different procedures regarding posting and customer notification. He indicated that customers are provided with the WPS notification information, often prior to or at the time of the application. Sometimes, however, the information is provided after the application is made.
4. I spoke with Growers Co-op risk coordinator, Joe Hill, regarding WPS notification. Mr. Hill stated that some Growers locations were doing a better job than others in complying with the notification requirement. He indicated he was in the process of implementing a procedure for WPS notification which will be utilized at all Growers branches in 2005. Mr. Hill assured me it is Growers' intention to come into compliance regarding the requirement.

Disposition: Todd Kirkland and Growers Co-op were cited for violation of section 14(2) of the Indiana Pesticide Use and Application Law for failure to comply with the label directions regarding the Worker Protection Standard. A civil penalty in the amount of \$250.00 was assessed for this violation.

Andrew R. Roth
Pesticide Investigator



Date: May 19, 2005

CASE SUMMARY

Case #2005/0119

Complainant: Office of Indiana State Chemist (OISC)
175 S. University St.
W. Lafayette, IN 47907
800-893-6637

Applicator:	Daniel Rodgers	RT-207710
	Rodney Holland	F-207131
	Orkin	B-11266
	6915 Enterprise Dr	
	Louisville, KY 40214	
	502-366-4505	

1. On January 31, 2005, the Office of Indiana State Chemist (OISC) received information that Daniel Rodgers of Orkin applied pesticides for hire in Indiana in 2004 without an Indiana pesticide business license.
2. On March 28, 2005, I met with Joel Winship, branch manager for the Louisville, Kentucky Orkin branch. Mr. Winship stated that Daniel Rodgers transferred from the Evansville, Indiana Orkin branch sometime at the end of 2003. Mr. Winship was unaware that Mr. Rodgers was not credentialed in 2004 for the State of Indiana. Mr. Winship was able to show documentation of Mr. Rodgers' 2003 and 2005 Indiana license.
3. Mr. Winship and Rodney Holland, service manager and certified supervisor for Mr. Rodgers, were cooperative during the investigation. Mr. Winship provided all service invoices for jobs Daniel Rodgers performed in 2004.
4. I was able to document 180 days of pesticide application through service reports performed by Daniel Rodgers in 2004.
5. On March 29, 2005, I received a fax from Mr. Winship of a copy of an endorsed check by OISC, check #10016397. The check was for the amount of \$30.00. The check did not have any information on it linking the check to Daniel Rodgers. A search of Orkin's 2004 Indiana Pesticide Business Renewal Application and OISC's account ledger show that Check #10016397 corresponds to the renewal of Debbie Rogers, F210744, not Daniel Rodgers.
6. On April 5, 2005, I spoke with Mr. Winship. Mr. Winship stated his office submitted a request to Rollins Acceptance Co., Orkin's parent company, for payment of Debbie Rogers and Daniel Rodgers licenses. Mr. Winship stated that it appears only Debbie Rogers' license was paid.

Disposition: Rodney Holland and Orkin were cited for 180 counts of violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to follow the rule regarding on-site supervision of non-credentialed applicators, specifically 355 IAC 4-2-3. A civil penalty in the amount of \$45,000.00 was assessed for these violations. However, the civil penalty was reduced to \$4,500.00. Consideration was given to the fact that Rodney Holland and Orkin cooperated during the investigation; corrective action was taken; there was no previous history of similar nature; no potential for damage; good faith effort to comply; and no restricted use products were involved.

Paul J. Kelley
Pesticide Investigator



Date: June 13, 2005

CASE SUMMARY

Case #2005/0122

Complainant:	Teresa May 641 Rousillion St. Vincennes, IN 47591 812-890-2712	Mindy Wessel Knox County Health Dept 520 S. 7 th St. Vincennes, IN 47591
Applicator:	Mike Townsend 8854 E. Ridgleyville Rd Monroe City, IN 47557 812-743-2250	Tim Oesterle TJ Rentals 707 N. 2 nd St. Vincennes, IN 47591 812-886-9812

1. On February 4, 2005, the Office of Indiana State Chemist (OISC) received a complaint from Teresa May that her 5-year-old daughter became ill and was hospitalized as a result of a pesticide application to the home she rents from TJ rentals. Ms. May stated that the maintenance man (Mike Townsend) sprayed the interior of the rental home for termites, roaches, and spiders with Dursban.
2. On February 7, 2005, I met Ms. May at the rental home at 641 Rousillion Street in Vincennes, Indiana. Ms. May gave me a letter from TJ Rentals dated January 19, 2005 regarding "Extermination Schedule". The letter is signed "TJ Rentals" and states that on the following dates at 10am Ms. May's unit will be exterminated:
 - Jan. 24th
 - Jan. 27th
 - Jan. 31st
 - Feb. 3rd
3. Ms. May stated her daughter became ill after the January 27, 2005, application. Ms. May stated her daughter was hospitalized from January 29, 2005, until January 30, 2005. Ms. May presented hospital discharge papers from Good Samaritan Hospital-Vincennes showing the hospitalization.
4. Ms. May showed me the areas that had been sprayed by Mike (Townsend). Upon observation, streaks could be seen at the top of several walls in the house near the ceiling. See figures 1-4.



Figure 1 – South kitchen wall



Figure 2 – Wall in hallway



Figure 3 – Wall in Hallway



Figure 4 – Wall in middle bedroom near ceiling



Figure 5 – Finger nail polish next to baseboard



Figure 6 – Children's tights

5. Swabs samples were taken. Samples were taken to the Office of Indiana State Chemist Residue lab for analysis.
6. On February 8, 2005, I spoke with Tim Oesterle, owner of TJ Rentals by telephone. Mr. Oesterle stated that **Dursban Pro** was the product used by Mike Townsend. Mr. Oesterle read me the EPA registration number from the label. The EPA registration number was read as 62719-166. Mr. Oesterle stated that Mike Townsend is not an employee of TJ Rentals. Mr. Oesterle stated that Mike Townsend is a sub-contracted maintenance man who does assigned jobs and is paid upon completion.

7. **Dursban Pro, EPA registration number #62719-166**, active ingredient **chlorpyrifos**, is a Restricted Use Pesticide (RUP). The Dursban Pro label reads, "Restricted Use Pesticide – 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". Furthermore, Dursban Pro is to be applied as an outdoor perimeter treatment or an outdoor treatment to non-residential sites.
8. Tim Oesterle and Mike Townsend are not licensed with the Office of Indiana State Chemist (OISC) as certified applicators. Mike Townsend does not hold an OISC business license to apply pesticides in Indiana for hire.
9. Findings from OISC's Residue Lab indicate chlorpyrifos present on the walls near ceiling inside the residence at 641 Rousillion Street, Vincennes, Indiana. Furthermore, chlorpyrifos was detected on a bottle of nail polish and a pair of girl's tights. In addition, two (2) other pesticides, prometon and sulfotepp were detected.
10. On February 11, 2005, I returned to 641 Rousillion Street, Vincennes, Indiana to obtain additional samples. Ms. May was present when I obtained a pair of children's tights and a bottle of finger nail polish to be tested for residue (see Figures 5 & 6). Ms. May stated that the residence was treated at least five (5) times. Ms. May stated the residence was treated three (3) times prior to the January 19, 2005, letter regarding extermination. Ms. May stated the last two (2) applications were January 24th and 27th of 2005.
11. On February 11, 2005, I met with Tim Oesterle of TJ Rentals at 707 N. 2nd Street, Vincennes, Indiana. I was able to take into possession the container of Dursban Pro used to treat the Rousillion property. Mr. Oesterle stated that if he knew I was going to take the container of Dursban Pro he would not have made it available to me. At one point, Mr. Oesterle stated he was not going to say anything further or allow me to talk with Mike Townsend until he had his attorney present. However, Mr. Oesterle did decide to cooperate. Mr. Oesterle provided me with a statement that Mike Townsend was a sub-contractor to TJ Rentals. Mr. Oesterle admitted that he purchased the Dursban Pro. Mr. Oesterle gave me a copy of the receipt of purchase for the Dursban Pro from Crop Tech Farm Chemicals on December 29, 2004. I asked Mr. Oesterle the number of properties he owned. Mr. Oesterle stated he owned "hundreds". When I probed further regarding the number of properties Mr. Oesterle owned, he again responded, "hundreds".
12. In response to the complaint filed by Ms. May, OISC contacted the Knox County Health Department and advised Ms. Mindy Wessel of the situation. Since Mr. Oesterle refused to cooperate with the investigation and supply the addresses of all his rental properties, Ms. Wessel obtained the addresses from the tax records. Search warrants were obtained from the Knox County Prosecutor's Office to investigate possible illegal pesticide applications to the rental properties.
13. On February 11, 2005, I met with Mike Townsend at 707 N. 2nd Street, Vincennes, Indiana. Mr. Townsend stated he has been doing work for TJ Rentals for

approximately three (3) months. Mr. Townsend stated he made two applications with Dursban Pro to the Rousillion property. Mr. Townsend stated that on January 24, 2005, he applied Dursban Pro to the north wall in the living room for termites, basement, around furnace in basement, and around the interior baseboards of the main floor. On January 27, 2005, Mr. Townsend stated he placed plastic over the couches and sprayed at the top of the wall near the ceiling on all walls he could access. Mr. Townsend stated he also sprayed kitchen cabinets, behind stove, behind refrigerator, and the exterior of the house. Mr. Townsend stated he did not have a license to apply pesticides for hire.

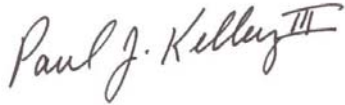
14. I followed Mr. Townsend to a garage located at 15 E. Eberwine Street, Vincennes, Indiana where he kept the two (2) gallon pump sprayer he used to make the application. I took the two (2) gallon pump sprayer into possession to be tested at the Office of Indiana State Chemist (OISC) Formulations Lab.
15. The Office of Indiana State Chemist (OISC) Formulations Lab confirmed the presence of chlorpyrifos, sulfotep, and prometone in the (2)-gallon pump sprayer. The Formulation Lab confirmed that the (2)-gallon container of Dursban Pro obtained from Tim Osterle met the label claims for chlorpyrifos.
16. Mr. Townsend stated that in 2002 when he did maintenance for H-D Rentals, he applied Dursban Pro to houses and apartments. H-D Rental's address is 1718 N. 2nd Street, Vincennes, Indiana. The telephone number is 812-886-5694.
17. On February 15, 2005, I met with Beth Bono, property manager for H-D Rentals. Ms. Bono confirmed that Mike Townsend was employed at H-D Rentals between 2000 and 2004. Ms. Bono cooperated with the investigation by providing the addresses of all H-D properties. In addition, Ms. Bono gave permission to take swab samples of all H-D properties for chlorpyrifos.
18. On February 11, 2004, I went to Crop Tech Farm Chemicals located at 120 Willow St. Vincennes, Indiana, to obtain records of the sale of Dursban Pro to Tim Oesterle. I met with Moe Ellerman, sales Rep. for Crop Tech Farm Chemicals. Mr. Ellerman was unable to produce the required documents for the sale of the Restricted Use Pesticide (RUP), Dursban Pro. Mr. Ellerman stated that his computer that holds the records was not working correctly. Mr. Ellerman stated he would get the required documentation as soon as his computer was working again. See case # 20050183.
19. On February 18, 2005, a team of OISC investigators and lab personnel went to Vincennes, Indiana to obtain swab samples from properties owned by Tim Oesterle and properties suspected of being treated by Mike Townsend belonging to H-D rentals.

Disposition: Mike Townsend was cited for two counts of violation of section 14(2) of the Indiana Pesticide Use and Application Law for applying a pesticide contrary to label directions. A civil penalty in the amount of \$500.00 was assessed for this violation.

Mr. Townsend was also cited for two counts of violation of section 14(9) of the Indiana

Pesticide Use and Application Law for applying a pesticide for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation.

The total amount of civil penalty assessed was \$1,000.00. However, the civil penalty was reduced to \$550.00. Consideration was given to the fact that Mr. Townsend cooperated during the investigation and there was no previous history of similar nature.

A handwritten signature in cursive script that reads "Paul J. Kelley III". The signature is written in dark ink and is positioned above the printed name and title.

Paul J. Kelley
Pesticide Investigator

Date: May 19, 2005

CASE SUMMARY

Case #2005/0147

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
W. Lafayette IN 47907-2063

Applicator: Charlie Broerman
Auglaize Provico
16420 McCartysville Road
Kettlersville OH 45336

1. On April 8, 2005, Mr. Vince Glose, OISC Inspector, and I made a stop at a farm bulk storage facility. The Farm was Nidlinger Farms Inc., 8822 N 300 E Decatur, Indiana 46733.
2. Mr. Glose and I observed Charlie Broerman make the transfer of bulk pesticide from one minibulk to another minibulk without operational containment. See Figure 1.

Disposition: Charlie Broerman and Auglaize Provico were cited for violation of 355 IAC 5-3-1(a) of the Indiana Pesticide Registration law for failure to make a bulk transfer of pesticide over an operational containment area. A civil penalty in the amount of \$250.00 was assessed for this violation.

Matthew E. Pearson
Engineering Specialist

Date: May 19, 2005

Figure 1. Pesticide transfer



CASE SUMMARY

Case #2005/0175

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907

Business: Turf Specialties Corp.
4724 Northwestern Drive
Zionsville, IN 46077

1. During a routine golf course inspection conducted at Hulman Links Golf Course in Terre Haute, IN, it was determined that superintendent Dave Allumbaugh had applied **DeltaGard GC (EPA Reg.#432-835), active ingredient deltamethrin**, at the golf course. DeltaGard GC is a restricted-use pesticide, labeled for sale to and use by certified applicators only. According to OISC records, Mr. Allumbaugh is not a certified applicator, nor does he employ one at the golf course (Case#2005/0049). The Terre Haute Parks Dept., which oversees the golf course, reportedly purchased the pesticide from Turf Specialties Corp. in 2002.
2. On 1-24-2005, I went to Turf Specialties Corp. at the above business location and spoke with manager Brad Bolyard. Mr. Bolyard stated the sales representative for the Terre Haute area in 2002, Steve Sweet, is no longer employed at Turf Specialties. The office manager produced recent restricted-use pesticide sales records, but was unable to locate 2002 records for the Terre Haute Parks Dept. Mr. Bolyard stated older records are kept in storage and may take some time to locate. He indicated the company now utilizes a new computer system which allows better tracking of pesticide sales records.
3. On 2-8-2005, OISC received a sales report from Mr. Bolyard. According to the documentation provided, DeltaGard GC was sold to the Terre Haute Parks Dept. on 4-3-2002. According to OISC records, the Terre Haute Parks Dept. does not employ a certified applicator.

Disposition: Turf Specialties Corp. was cited for violation of 357 IAC 1-3-2 of the Indiana Pesticide Registration Law for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$250.00 was assessed for this violation.



Andrew R. Roth
Pesticide Investigator

April 19, 2005

CASE SUMMARY

Case #2005/0183

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, IN 47907
800-893-6637

Dealer: Crop Tech Farm Chemicals DE-1618
Moe Ellermann
1220 Willow St.
Vincennes, IN 47512
812-882-2507

1. On February 4, 2005, the Office of Indiana State Chemist (OISC) received a complaint from Teresa May that her five-year old daughter became ill and was hospitalized as a result of a pesticide application to the home she rents from TJ Rentals (see case number 20050122). Ms. May stated that the maintenance man, Mike Townsend, sprayed the interior of the rental home for termites, roaches, and spiders, with the pesticide "Dursban." It was later learned that the pesticide was Dursban Pro, EPA registration number 62719-166, a restricted use agricultural insecticide that was not labeled for use inside a residence.
2. On February 11, 2005, Tim Oesterle, owner of TJ Rentals, provided a copy of the receipt for the purchase of Dursban Pro, dated December 29, 2004, from Crop Tech Seeds in Vincennes. On February 11, 2005, Mr. Oesterle gave a statement that he purchased the product on December 29, 2004, from Crop Tech Seeds in Vincennes.
3. On February 11, 2005, I met with Moe Ellermann of Crop Tech Farm Chemicals. Mr. Ellermann could not provide the proper documentation required for the sales of Restricted Use Pesticides (RUP). Mr. Ellermann stated his computer "crashed" with all the required data for RUP sales. Mr. Ellermann stated that the data could not be retrieved. Mr. Ellermann provided sales ledgers for the RUP sales for 2003 and 2004 that were incomplete regarding required documentation. The following was missing from the ledger:
 - A. Most of the certified applicators' license numbers who purchase the RUPs.
 - B. EPA registration numbers of the products sold.
 - C. Names of the individuals who purchased the RUP.

The 2004 RUP sales ledger did not have the sale of the December 29, 2004 purchase of Dursban Pro by Tim Oesterle.

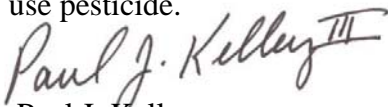
4. On February 23, 2005, I received several documents from Moe Ellermann of Crop Tech Farm Chemicals. One of the documents was a service report from Kenneth Stiles of Triple T Computers in Vincennes, Indiana, with the notations, "Completely fried". The second document was a copy of the 2004 RUP sales ledger with the required documentation for the RUP sales of Dursban Pro to Lari Meek, license number PB39058, on December 29, 2004. The third document was Mr. Ellermann's written account of the sales of the Dursban Pro to Tim Oesterle. Mr. Ellermann's statement is as follows:
Customer: I need some Dursban.
Mr. Ellermann: Dursban is restricted you have to have a license to buy it.
Customer: We've gotten it here before, Dave Hoops & me have some apartments & houses we rent out.
Mr. Ellermann: Oh, Lari Meek usually picks it up.
Customer: Yes
5. A check of OISC database of certified applicators indicates that Larissa "Lari" Meek, license number PB39058, was not renewed after December 31, 2002.
6. On March 8, 2005, I met with Larissa Meek. Ms. Meek gave me a written statement that she does not know Tim Oesterle or Mike Townsend. In addition, Ms. Meek did not give permission to anyone to use her license for the purchase of pesticides. Ms. Meek stated that she obtained the license while working for Vincennes University. When Ms. Meek left Vincennes, the license was not renewed. Furthermore, Ms. Meek stated that Moe Ellermann of Crop Tech Farm Chemicals contacted her in February 2005 requesting her license number and expiration date. Ms. Meek stated that she informed Mr. Ellermann that her license expired in December of 2002.

Disposition: Moe Ellermann and Crop Tech Farm Chemicals were cited for violation of section 14(7) of the Indiana Pesticide Use and Application Law for failure to maintain required restricted use pesticide sales records. A civil penalty in the amount of \$100.00 was assessed for this violation.

Moe Ellermann and Crop Tech Farm Chemicals were also cited for violation of section 14(8) for making false or fraudulent records. A civil penalty in the amount of \$250.00 was assessed for this violation.

In addition, Moe Ellermann and Crop Tech Farm Chemicals were cited for violation of 357 IAC 1-2-3 of the Indiana Pesticide Registration Law for selling a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$250.00 was assessed for this violation.

In addition to the assessment of the \$600.00 civil penalty, the Restricted Use Dealer permit of Crop Tech Farm Chemicals was revoked and indefinitely suspended. Consideration was given to the fact that it was alleged that a child became ill as a result of the illegal sale of the restricted use pesticide.


Paul J. Kelley
Pesticide Investigator

April 19, 2005

CASE SUMMARY

Case #2005/0271

Complainant: Dave Godollei
55109 Moss Rd.
South Bend, IN 46628
574-234-5842

Applicator: Brian Jankowski F-23448
Jeff Laskowski RT-208110
Lawn Medic B-38108
3371 Cleveland Rd. Suite 308
South Bend, IN 46628-9404
574-251-9000

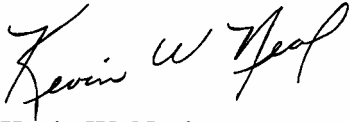
1. On 4-21-05, Mr. Godollei called the Office of Indiana State Chemist (OISC) to report that Lawn Medic had made a pesticide application to his lawn by mistake. Mr. Godollei stated that the application was supposed to have been made at his neighbor's house across the street.
2. On 4-26-05, I met with Mr. Godollei at his residence and obtained from him a lawn posting sign left by the applicator with the name of Lawn Medic. Also Mr. Godollei provided me with the copy of the service notice left by the technician who made the application. The notice has as the service address Mr. Steve Lyle 55104 Moss Rd. South Bend, IN 46628. The application that was made was noted as Round 1 Appointment and consisted of "fertilizer (24% nitrogen, 4% phosphorous, 4% potassium) and crabgrass control (.072% Dimension)".
3. While at the Godollei residence, I could see that there were still traces of granular material in the back yard.
4. I then went to the Lawn Medic office and met with and issued a Notice of Inspection to the Office Manager, Julie Brown. While at the office, Mr. Jankowski came in and I explained to him why I was there. He was aware of the problem and advised me that he was Mr. Laskowski's supervising certified applicator. Mr. Jankowski stated that they knew they had made the application at the wrong address and had tried to make contact with Mr. Godollei, however Mr. Godollei would not return their calls.
5. I then went and met with Mr. Laskowski who was working in nearby Osceola, IN. Upon meeting with Mr. Laskowski, I asked him for his credentials and issued a Notice of Inspection. I asked Mr. Laskowski if he had in his possession a Site Assessment Fact Sheet for 3b applications. He was unaware of what I was referring to. I then showed him an example and he relented that he did not have

one with him nor did he have one with him the day he made the application to Mr. Godollei's property.

6. Mr. Laskowski then provided me with the address of several locations where he had made pesticide applications on this date. They are as follows: Kummeth 219 Carter St. Goshen , IN; Tom 110 Carter St. Goshen, IN; Bartow 18200 CR 42 Goshen, IN. Mr. Laskowski stated that he had made applications using Trimec 899 (**EPA Reg. #2217-694**) active ingredients **2,4-D and Dicamba**.
7. The pesticide product applied at the Godollei property was The Andersons Professional Turf Products 24-4-4 Fertilizer with Dimension (**EPA Reg. #9198-118**) active ingredient **dithiopyr**.

Disposition: Brian Jankowski and Lawn Medic were cited for violation of section 14(6) of the Indiana Pesticide Use and Application Law for failure to follow the rule regarding the issuance of site assessment fact sheets to a registered technician.

Brian Jankowski, Jeff Laskowski and Lawn Medic were cited for violation of section 14(5) of the Indiana Pesticide Use and Application Law for operating in a careless and negligent manner for applying pesticides to the wrong location. A civil penalty in the amount of \$250.00 was assessed for this violation.



Kevin W. Neal
Pesticide Investigator

Date: May 19, 2005