



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

PESTICIDE INCIDENT FORM

Name: * _____ Phone: * _____

Address: * _____

County: _____ Legal description of incident location: _____

Describe the alleged incident: *

Description of crop where application was made: _____

Type of alleged damage: _____

Date when alleged damage was noticed: _____ Pesticide applied (if known): _____

Type of application (if known): Ground Aerial Is 75% or more of the damaged crop harvested? Yes No

Application date: _____ Time (approximate): _____

Weather conditions (i.e. wind direction, wind speed, temperature, relative humidity) at time of application: _____

Landowner name (if known): _____ Applicator name (if known): _____

Have you talked to the applicator? Yes No

If so, results of the discussion: _____

Witnesses, if any:

Name: _____ Address: _____ Phone: _____

Name: _____ Address: _____ Phone: _____

Additional comments: _____

I, _____, * certify that the information submitted is true and correct. Date: _____
(first and last name)

Please see page two of Pesticide Incident Form.

* indicates a required field.

OFFICE USE ONLY

Signature of Approval: _____

21JK120701

Date: _____

12/7/20

Revised 4/19



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523 East Capitol Avenue

Pierre, SD 57501

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sdda.sd.gov

Thank you for submitting a pesticide incident report form. We appreciate your notification of this alleged incident. The South Dakota Department of Agriculture (SDDA) works diligently to ensure that pesticide applications are made in a manner that is responsible and in accordance with state and federal guidelines.

Should you feel that you or your operation were damaged by this alleged incident, the SDDA would encourage you to contact local law enforcement or consult with private legal counsel about your options to pursue civil damages. If you have suffered damage to your person or livestock, please seek appropriate medical or veterinary attention.

An SDDA investigator will contact you to gather additional information as needed. If this incident form is being submitted due to an alleged pesticide drift incident, please gather all of the neighboring / adjacent land owners contact information (names, address, and phone numbers) to provide to the investigator.

If in the course of our investigation any samples are taken from your property, you will be provided with a copy of those results.

I have read the above statement and understand the SDDA's role in the investigation process.*

To submit: download form to your computer and submit electronically.

Performed By:



Report Date: 2021-04-02

Final Report

Package ID: 20201216-008

South Dakota Agricultural Laboratories have examined the sample of

Product: Rozol Prairie Dog Bait

Lot Number:

Inspector No: 10-JK-21

Collection Date: 2020-12-09

Date Received: 2020-12-21

Laboratory Number: 20P012991

Guarantor: Lipha Tech Inc
3600 W Elm St
Milwaukee, WI 53209

Agent/Owner: Frank & Randy Schroth, 7-11 Ranch
P.O. Box 97
Buffalo Gap, SD 57722

ANALYTE	FOUND	CLAIMED	METHOD	REMARKS
Chlorophacinone	0.00509 %	0.005	HPLC	

PASSED

Comments:

Formulation PASSES Horwitz test (Chlorophacinone lower limit 0.00367%, upper limit 0.00766%)

Reviewed and approved by Regina Wixon, Ph.D.

THE RESULTS OF THIS EXAMINATION WILL BE PUBLISHED AS PROVIDED BY LAW.

Submitted by the customer:

20201216-008
20P012991

South Dakota Department of Agriculture
Division of Agricultural Services
Foss Building, 523 East Capitol
Pierre, SD 57501-3182

20201216-008
20P012991

Sample Collection Report

The following sample was collected and receipt is hereby acknowledged pursuant to state and federal law.

Product Category: Pesticide Residue				
Sample Number: 10-JK-21	Date: 2020-12-09	Product/Material Sampled: Rozol Prairie Dog Bait		
Lot or Invoice#	Date Shipped	# of Containers Sampled	Size of Containers	Amount on Hand
Owner/Dealer (Name and Complete Address) Frank & Randy Schroth, 7-11 Ranch P.O. Box 97 Buffalo Gap, SD 57722 1-605-890-2066 [Randy Schroth cell number] calico@gtwc.net [email address]		Manufacturer/Registrant (Name and Complete Address) Liphatech, Inc. 3600 W. Elm Street Milwaukee, WI 53209 1-800-351-1476		
Sample Collected and Prepared in the Following Manner: Per SOP manual procedures, obtained 6 Rozol product cores from bulk product bucket used and verified by one of the applicators Caleb Schroth. Product cores estimated at about 16 ounces total or half a glass quart jar. Jar was capped and put in double plastic sample bag container, knotted and sealed with sample number identified on seal.				
Sample Collection Location Sample collected in the 7-11 Ranch West 44.7 acre pasture having an prairie dog town identified by the SD Game and Fish GIS map in Section 21 T6S, R6E, NE1/4, N1/2.	Collection Location Description	Latitude	Longitude	
EPA Reg. # (pesticide only):		EPA Est. # (pesticide only):		
Analysis Requested (Listed % guarantee if label not attached):				
Feed/Animal Remedy:	Fertilizer/Soil Amendment:	Pesticide: (List guarantee/analysis requested) Chlorophacinone at 0.005% is the active ingredient for Rozol Prairie Dog Bait.		
Possible Drug Analysis: (Amprolium, Arsanilic Acid, Carbadox, Chlortetracycline, Decoquinatone, Dichlorvos, Lasalocid, Monesin, Oxytetracycline, Piperazine, Pyrantel Tartrate / Pamoate, Sulfamethazine/methoxine/thiazole, Tetracycline Hydrochloride, Tylosin)				
Comments:				
The undersigned acknowledges that the sample shown above as obtained from products or devices that were packaged, labeled, and released for shipment or sale, or held for use, received under the supplier or carrier date provided above or that samples were taken from property or product under their control.				
Signature <u>Randy Schroth</u> (Owner, Operator or Agent)		Title <u>7-11 Ranch Corporation Shareholder and Rozol Applicator</u> (Owner, Operator or Agent)		
Signature <u>Jim A. Kraschke</u> (Inspector/Investigator)				



SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE
OFFICIAL SAMPLE SEAL

SAMPLE NO. 10-JK-21	DATE 12-9-20
SIGNATURE <u>Jim A. Kraschke</u>	
PRINT NAME AND TITLE (INSPECTOR, ANALYST OR TECHNICIAN) Jim A. Kraschke / Ag Inspector	
SEAL BROKEN BY	DATE 12-12-20



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AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue
Pierre, SD 57501
Phone: 605.773.4432 Fax: 605.773.3481
sdda.sd.gov

SENT VIA FIRST CLASS MAIL

April 7, 2021

Caleb Schroth
Po Box 13635
Buffalo Gap, SD 57722

Dear Mr. Schroth,

On December 12, 2020, the South Dakota Department of Agriculture (SDDA) was notified of an alleged incident related to a pesticide application. The SDDA completed an investigation and determined that pesticide applications were made in violation of label requirements. Such violations are a Class 2 misdemeanor subject to civil penalties of up to \$5,000 per offense and/or suspension or revocation of a license.

Prior to pursuing a civil action in circuit court, the SDDA offers to settle this matter with you in the amount of \$3,444. Enclosed with this letter is a Settlement and Release Agreement. If you are willing to settle in this manner, please sign and return the agreement to the SDDA with a check made out to the SDDA. Upon receipt of payment and signed agreement, a receipt and a copy of the fully executed agreement will be returned.

This offer of a settlement will remain valid until May 7, 2021. Absent a response by May 7th, or if the settlement offer is rejected, the SDDA will commence formal legal action in circuit court.

Should you have any additional information that may impact our findings or any questions, please contact the SDDA at 605.773.4432 before the above referenced deadline.

Sincerely,

A handwritten signature in blue ink that reads "J.D. Farley". The signature is fluid and cursive, with a long, sweeping underline.

J.D. Farley

Enclosure

21JK120701



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

SETTLEMENT AND RELEASE AGREEMENT

The South Dakota Department of Agriculture (SDDA), and Caleb Schroth, Po Box 13635 Buffalo Gap, SD 57722 (Schroth), hereby agree as follows:

1. Schroth is a licensed private applicator (Cert. No. 9078406 exp. 12/31/21).
2. Applicator records reviewed during the course of the investigation show that on November 17, 2020, Schroth applied Rozol Prairie Dog Bait (chlorophacinone).
3. Applicator records reviewed during the course of the investigation show that on December 2, 2020, Schroth applied Rozol Prairie Dog Bait (chlorophacinone).
4. Applicator records reviewed during the course of the investigation show that on December 4, 2020, Schroth applied Rozol Prairie Dog Bait (chlorophacinone).
5. The Rozol Prairie Dog Bait label states: Direction for use
Do not apply bait on or above ground level.
6. The Rozol Prairie Dog Bait label states: Application
Apply ¼ cup (53 grams or nearly 2 ounces) of bait at least 6 inches down active prairie dog burrows.
7. Pursuant to SDCL 38-21-44(2), it is a violation to make a pesticide application inconsistent with the label.
8. Schroth made applications of Rozol Prairie Dog Bait above ground on November 17, 2020, December 2, 2020, and December 4, 2020.
9. Schroth applied Rozol Prairie Dog Bait above the required application rate of 53 grams per prairie dog burrow on November 17, 2020, December 2, 2020, and December 4, 2020.
10. The SDDA, pursuant to SDCL 38-21-44 may seek civil penalties from individuals and firms who fail to comply with the pesticide statutes.
11. Both parties to this Agreement desire to settle this cause of action against Schroth by way of settlement in the amount of \$3,444.
12. Schroth has forwarded to the SDDA check No. _____ in the amount of \$3,444 made payable to the South Dakota Department of Agriculture. The SDDA does hereby acknowledge receipt of said check in settlement of the potential cause of civil action against Schroth.

X _____
Caleb Schroth

X _____
Tom Gere, SDDA

Date: _____

Date: _____



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 19, 2021

SENT VIA FIRST CLASS MAIL

Caleb Schroth
Po Box 1
Buffalo Gap, SD 57722

Dear Mr. Schroth,

Enclosed please find your copy of the signed settlement agreement, along with your receipt #95652 in the amount of \$3,444.00 dated April 16, 2021.

Please contact me if you have any questions regarding this matter.

Sincerely,

J.D. Farley

Enclosure

21JK120701



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Ave

Pierre SD 57501-3182

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

RECEIPT

Receipt Number 95652

April 16, 2021

Caleb Schroth
PO Box 1
Buffalo Gap SD 57722

Check Number 1042

		Quantity	Fee Amount	Subtotal
Civil Penalties - Pesticide	Caleb Schroth	1	3444	\$3,444.00
Total Amount Received				<u>\$3,444.00</u>



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

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12. Schroth has forwarded to the SDDA check No. _____ in the amount of \$3,444 made payable to the South Dakota Department of Agriculture. The SDDA does hereby acknowledge receipt of said check in settlement of the potential cause of civil action against Schroth.

X Caleb Schroth
Caleb Schroth

Date: 4-14-21

X Tom Gere
Tom Gere, SDDA

Date: 4/16/21

RECEIVED

APR 16 2021

Department of Agriculture
Div. of Ag Services

21JK120701



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Avenue
Pierre, SD 57501
Phone: 605.773.4432 Fax: 605.773.3481
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SENT VIA FIRST CLASS MAIL

April 7, 2021

Randy Schroth
Po Box 1
Buffalo Gap, SD 57722

Dear Mr. Schroth,

On December 12, 2020, the South Dakota Department of Agriculture (SDDA) was notified of an alleged incident related to a pesticide application. The SDDA completed an investigation and determined that pesticide applications were made in violation of label requirements. Such violations are a Class 2 misdemeanor subject to civil penalties of up to \$5,000 per offense and/or suspension or revocation of a license.

Prior to pursuing a civil action in circuit court, the SDDA offers to settle this matter with you in the amount of \$3,444. Enclosed with this letter is a Settlement and Release Agreement. If you are willing to settle in this manner, please sign and return the agreement to the SDDA with a check made out to the SDDA. Upon receipt of payment and signed agreement, a receipt and a copy of the fully executed agreement will be returned.

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Should you have any additional information that may impact our findings or any questions, please contact the SDDA at 605.773.4432 before the above referenced deadline.

Sincerely,

A handwritten signature in blue ink that reads "J.D. Farley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

J.D. Farley

Enclosure

21JK120701



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

SETTLEMENT AND RELEASE AGREEMENT

The South Dakota Department of Agriculture (SDDA), and Randy Schroth, Po Box 1, Buffalo Gap, SD 57722 (Schroth), hereby agree as follows:

1. Schroth is a licensed private applicator (Cert. No. 9054638 exp. 12/31/23).
2. Applicator records reviewed during the course of the investigation show that on November 17, 2020, Schroth applied Rozol Prairie Dog Bait (chlorophacinone).
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X _____
Randy Schroth

X _____
Tom Gere, SDDA

Date: _____

Date: _____



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 19, 2021

SENT VIA FIRST CLASS MAIL

Randy Schroth
Po Box 1
Buffalo Gap, SD 57722

Dear Mr. Schroth,

Enclosed please find your copy of the signed settlement agreement, along with your receipt #95651 in the amount of \$3,444.00 dated April 16, 2021.

Please contact me if you have any questions regarding this matter.

Sincerely,

J.D. Farley

Enclosure

21JK120701



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

AGRICULTURAL SERVICES DIVISION

523 East Capitol Ave

Pierre SD 57501-3182

Phone: 605.773.4432 Fax: 605.773.3481

sdda.sd.gov

RECEIPT

Receipt Number 95651

April 16, 2021

Randy Schroth
PO Box 1
Buffalo Gap SD 57722

Check Number 3644

		Quantity	Fee Amount	Subtotal
Civil Penalties - Pesticide	Randy Schroth	1	3444	\$3,444.00
Total Amount Received				<u>\$3,444.00</u>



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

SETTLEMENT AND RELEASE AGREEMENT

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X Randy Schroth
Randy Schroth

Date: 4-17-21

X Tom Gere
Tom Gere, SDDA

Date: 4/16/21

RECEIVED

APR 16 2021

Department of Agriculture
Div. of Ag Services

21JK120701



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 19, 2021

Samantha Nichols
4130 Adventure Trail
Rapid City, SD 57702

Dear Ms. Nichols,

The South Dakota Department of Agriculture (SDDA) investigated an alleged pesticide incident based on your notification. This letter is to inform you that the SDDA's investigation of this incident is now closed. The SDDA appreciates your cooperation in our investigation of this incident.

Should you feel that you, or your operation, were damaged by this alleged incident, the SDDA would encourage you to consult with private legal counsel about your options to pursue civil damages.

We appreciate your assistance in this matter. If you have questions, please contact the SDDA at 605.773.4432.

Sincerely,

J.D. Farley