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THREE JASPER AREA MEN CONVICTED AND SENTENCED FOR ILLEGAL USE OF TOXIC PESTICIDE

PRESS RELEASE

INDIANAPOLIS – Michael Jochem, 42, of Ferdinand, as well as David Rudolph, 59, and John Rudolph, 70, both of Jasper, pled guilty and were sentenced yesterday by United States District Court Magistrate Judge William Hussmann for the illegal use of an acutely toxic pesticide, announced Josh J. Minkler, First Assistant United States Attorney. This followed an investigation by the Environmental Protection Agency, the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. Each man was sentenced to pay a \$5,000 fine, while Jochem was also sentenced to a six month term of probation.

In June 2008, an Indiana Conservation Officer (“ICO”) discovered several dead birds and mammals in the area of a corn field maintained by Paul Ficker. The ICO found the dead animals in a characteristic “ring of death” that occurs around poisonings, with a ring of animals extending around an area of the poisoning, and then out from that area following up the food chain. The animal carcasses were recovered by the ICO and submitted for testing for cause of death.

Each of the several carcasses submitted was found to have been killed by carbofuran, a component of Furadan, a powerful pesticide used in the area that is commonly sold as a concentrate and is regulated by federal law due to its extreme toxicity. The toxicity of concentrated Furadan is such that a single drop can cause death to even large mammals, and it is extremely hazardous to wildlife and humans.

After receiving the report that the animals had been killed by carbofuran, an investigation was launched in 2009 to determine whom had misused the chemical. Investigators ultimately determined that Jochem, who was a licensed applicator of Furadan, had illegally provided some of the concentrated pesticide to Paul Ficker, who then used it to kill wildlife that was interfering with his corn crop. Ficker was convicted for the illegal use of an acutely toxic pesticide and for making false statements earlier this year, and sentenced to a two year term of probation and a \$10,000 fine.

As the investigation continued, investigators further discovered that Ficker had provided some of the Furadan concentrate to John Rudolph, who used the concentrate to kill pest animals on his property. John Rudolph then provided some Furadan to his brother, David Rudolph, who did the same on his property.

In distinguishing Jochem's sentence of six months probation – in addition to the \$5000 fines both he and the Rudolphs were ordered to pay – Magistrate Judge Hussmann noted that Jochem had a special duty as a licensed and certified applicator of pesticides to ensure that such dangerous materials were not misused.

“The misuse of dangerous, acutely toxic chemicals is threat both to wildlife and to those citizens who may be exposed,” said A. Brant Cook, the Assistant United States Attorney who prosecuted the cases. “It is critically important that such hazardous materials be tightly controlled and accounted for.”

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