



# National Enforcement Investigations Center

## Case Results – ACI/Carl Kieser

### FIFRA Illegal Pesticide Application Criminal Case

#### Field, Analytical and Toxicology Capabilities

#### NEIC's Support:

- Forensics-based field sampling and measurements, and laboratory analyses accredited under ISO/IEC: 17025.
- Interpretation of analytical results
- Analytical consultations
- Trial testimony
- Toxicological expertise:
  - Consultations
  - Assessments

#### NEIC's Other Capabilities:

- Field inspections and investigations
- Statistical services
- CAA, 112r, CWA, EPCRA, and RCRA expertise
- Training

**Background:** Carl Kieser owned and operated Aquatic Control of Illinois (ACI), where he manufactured, advertised, sold, and distributed a product he called "Pond Clear Plus" from 2007 until 2012. Kieser produced Pond Clear Plus by mixing Diuron 80DF with other ingredients claiming it could control lake weeds and algae "naturally" with "no chemicals." Diuron 80DF is a pesticide registered with the EPA for the control of land-based weeds. It is not approved for use on surface water because of its toxicity to fish and other aquatic life.



**NEIC's support:** During three instances in 2011 and 2012, an NEIC Technical Coordinator (NTC) collected samples from ACI products. The samples were subsequently analyzed at the NEIC laboratory and found to contain Diuron.

NEIC staff testified at the trial in October 2014 as fact witnesses concerning the work that was performed (a chemist and an NTC) and as an expert witness (toxicologist) who explained why Diuron 80DF should not be applied directly to water due to its toxicity to fish and other aquatic wildlife. The toxicology testimony emphasized the potential for environmental harm.

**Enforcement results:** NEIC's support aided the U.S. Department of Justice in its successful prosecution of this case. As a result, Carl Kieser was found guilty by a jury on October 31, 2014, and was sentenced on February 20, 2015, in federal district court for the Central District of Illinois for mail fraud, tax evasion, and illegal application of a pesticide inconsistent with its labeling. Kieser was sentenced to 8 years in prison and ordered to pay \$75,862 in restitution (\$71,411 to the IRS and \$4,451 to victims he defrauded). In addition, he was ordered to serve 3 years of supervised release following his incarceration.

#### How to obtain NEIC's support

NEIC provides environmental forensics support for criminal and civil enforcement cases. If you would like more information on NEIC or to request laboratory analysis, toxicological support, an investigation, technical assistance, or training from NEIC, please contact us at [neic\\_project\\_requests@epa.gov](mailto:neic_project_requests@epa.gov). You may also contact your regional enforcement coordinator for more information on requesting NEIC's support on civil projects and EPA's Criminal Investigation Division (CID) for support on criminal projects.