CASE SUMMARY

Case #2011/1173

Complainant: Angie Latreaux
5250 Cheyenne Moon
Carmel, IN 46052
317-493-4105

Applicator: Justin Cash
Green Scene Inc
P.O. Box 248
Fortville, IN 46040
317-326-8888

Certified Applicator
Licensed Business

1. On July 13, 2001, I, Agent Jay Kelley of the Office of Indiana State Chemist (OISC), performed an investigation at the complainant's property in response to a claim of injury/damage to non-target trees and shrubs possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Angie Latreaux. I observed the following during my on-site investigation:
   a) Tips and top of spruce tree was curled and brown (see figure #1& #2).
   b) Hibiscus leaves are cupped (see figures #3).
   c) New growth on Viburnum leaves are stunted (see figures #4).

2. I took the following photos depicting injured/damaged vegetation:


Figure #1


Figure #2


Figure #3


Figure #4

3. I collected the following vegetation samples from visibly impacted non-target vegetation as described in paragraph #1 for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL):
   a) Spruce
   b) Hibiscus
   c) Viburnum

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
   a) Vegetation sample from evergreen (Spruce)
   b) Vegetation sample from ornamental on east side of house (Hibiscus)

c) Vegetation sample from ornamental on west side of house (Viburnum)
d) Composite soil from turf
e) Composite soil sample from dripline

5. According to a report from the PPDL, "There was n*o evidence of disease or insect injury on these samples.The sample (and pictures) of spruce, viburnum, and hibiscus*submitted show symptoms that are *associated with injury caused by auxin (growth regulator type) herbicides. Typical symptoms caused by these herbicides can include epinasty (twisting and curving) of the leaves or needles, shoot and shoot tip; leaf cupping which can be upward or downward, and in extreme cases, new leaves can be irregular in size and shape (usually smaller than normal) and have abnormal leaf margins. "*

6. According to the report from the OISC Residue Lab the following levels of aminocyclopyrachlor (active ingredient in Imprelis Herbicide) were found in the samples referenced in item #4:

a)	Vegetation sample from evergreen (Spruce)	*24 PPB*
b)	Vegetation sample from ornamental on east side of house (Hibiscus)	*3.9 PPB*
c)	Vegetation sample from ornamental on west side of house (Viburnum)	BDL
d)	Composite soil from turf	BDL
e)	Composite soil sample from drip line	BDL

PPB=Parts Per Billion BDL=Below Detection Limits

7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 17th, 2011, at the rate of 0.1oz / 1000 square feet using hand held ground spray equipment; no application was made to the soil within the drip line of any of the trees or ornamentals; no application was made directly to any exposed roots of any trees or ornamentals.

Paul J. Kelley III

Paul J. Kelley Date: November 9, 2011
Pesticide Investigator

Disposition: No violation of the Indiana Pesticide Use and Application Law was documented against the pesticide applicator. Effective September 15, 2011, the Indiana registration for Imprelis Herbicide, EPA Reg. #352-793, was cancelled because it was determined by OISC that the product is "misbranded" (it bears label directions that are inadequate to prevent unreasonable adverse effects to non-target vegetation).

George N. Saxton

George N. Saxton Final Date: November 22, 2011
Compliance Officer