

CASE SUMMARY

Case #2011/1184

Complainant: Karen Kilgore
981 Pine Ridge Way
Brownsburg, Indiana 46112
317-852-4437

Applicator: Ben Deater
Brownsburg Landscape & Gardens
10875 County Road 900 E.
Brownsburg, Indiana 46112
317-852-8440

Certified Applicator

1. On July 6, 2011, I, Agent George N. Saxton 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 Karen Kilgore. I observed the following during my on-site investigation:
 - a) Browning of tips of needles (see figures #1 & 2).
 - b) Curling of broadleaf ornamental (see figure #3)
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



Figure #2



Figure #3

3. I collected the following environmental samples for chemical analysis by the OISC Residue Lab:
 - A. Composite soil from inside the drip line
 - B. Composite soil from outside the drip line
 - C. Composite vegetation sample

NOTE: A decision was made by OISC management to not analyze these environmental samples. That decision was based on: 1) the large number of similar cases being investigated by OISC at the same time; 2) the large number of similar environmental samples already analyzed that had produced applicable representative results consistent with the presence of visible exposure symptoms; 3) the expertise developed by OISC investigators through repetition to identify Imprelis exposure symptoms without chemical confirmation.

4. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied May 4, 2011, at the rate of 4.5 oz/acre using a Z-sprayer; 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.

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
Compliance Officer

Final Date: October 20, 2011