

CASE SUMMARY

Case #2011/1200

Complainant: Jeanie Foust
4952 South 200 West
Kokomo, Indiana 46901
317-420-9058

Applicator: Dustin Rust
List Lawn Care
2734 West 600 North
Sharpsville, Indiana 46068
765-963-3551

Licensed Applicator
Licensed Business

1. On July 8, 2011, I, Agent Kevin Gibson 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 possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Jeanie Foust. I observed the following during my on-site investigation:
 - a) White pine with curled and twisted needles at top (see figure #1).
 - b) Close-up of top of tree (see figure #2)
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



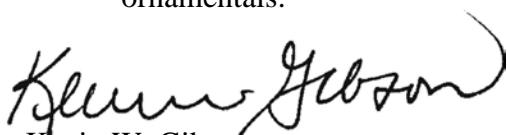
Figure #2

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) White Pine

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample from yard (white pine)
 - b) Soil sample from yard inside drip line
 - c) Soil sample from yard outside of drip line

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.

5. According to a report from the PPDL, *"There was no evidence of significant mite or insect injury or disease on the sample submitted. The sample (and pictures) submitted show symptoms that are associated with injury caused by synthetic 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. On July 15, 2011, I received a call from the complainant. She reported symptoms of twisting and curling to the tops of three (3) more spruce trees. I told her I would document it in the report.
7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 9, 2011, at the rate of 4.5 oz. / acre by 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.



Kevin W. Gibson
Pesticide Investigator

Date: September 27, 2011

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 19, 2011