

# CASE SUMMARY

Case #2011/1204

**Complainant:** Jim Hallet  
13147 W Sherbern Dr.  
Carmel, IN 46032  
317-503-3610

**Applicator:** Matt Colwell  
Colwell Lawn and Landscaping  
10695 E. 59<sup>th</sup> St.  
Indianapolis, IN 46236  
317-710-8435

Certified Applicator  
Licensed Business

1. On July 21, 2011 I, Agent Kevin W. Neal 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 Jim Hallet. I observed the following during my on-site investigation:
  - a) Tops of trees were curled (see figure 1)
  - b) Spiraling of dead areas (see figure 2)
2. I took the following photos depicting injured/damaged vegetation:

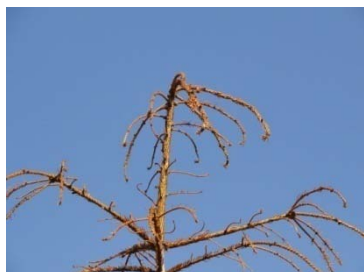


Figure One

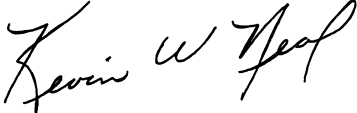


Figure Two

3. I collected the following vegetation samples from visibly impacted non-target vegetation for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
  - a) Spruce
4. According to a report from the PPDL, *"There was no evidence of mites or disease on the side branches submitted. The generalized dieback of scattered needles and death of several buds might be related to drought stress, trunk or root system problems. There were few symptoms on the sample I would associate with herbicide injury. The pictures submitted show death of the entire top of one small spruce tree with no damage to an adjacent spruce in the same bed."*

*While herbicide injury can't be ruled out I suspect transplant stress, drought stress from last year or other factors may be involved. The top of the tree should be checked closely for signs of injury by borers, such as white pine weevil."*

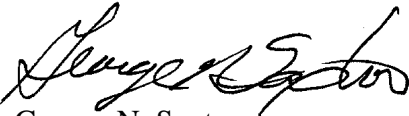
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied at the rate of 4.5 oz per acre with Z-Spray ground application equipment.



Kevin W. Neal  
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 20, 2011