

CASE SUMMARY

Case #2011/1219

Complainant: Dan Smith
2489 S Paxton Drive
Warsaw, IN 46580

Applicator: Prevail Landscaping
71750 CR 33
Syracuse, IN 46567
574-457-2493

Certified Applicator
Licensed Business

1. On July 12, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Dan Smith residence in response to a claim of injury/damage to non-target trees and shrubs possibly resulting from exposure to the herbicide Imprelis. I observed the following during my on-site investigation:
 - a) Spruce trees at the site had new growth that was browned and twisted and the trees appeared to be defoliating by losing their newest needles first. The Smith spruce trees were in various stages of defoliation at the time of my inspection (see Figures 1 thru 4).
 - b) A ginkgo tree had leaves that had browned and yellowed edges (see Figures 5 and 6).
 - c) Three concolor fir trees exhibited twisting and yellowing on the new growth (see Figures 7 and 8).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



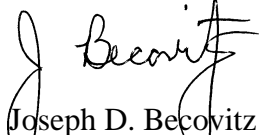
Figure 8

3. I collected the following vegetation samples from visibly impacted non-target vegetation, as described in paragraph #1, for examination by the Plant & Pest Diagnostic Lab (PPDL) at Purdue:
 - a) Spruce
 - b) Concolor fir
 - c) ginkgo

4. The report from the PPDL for the samples submitted indicates, *“There was no evidence of significant mite or insect injury or disease on the samples submitted. The samples and pictures (spruce, ginkgo, concolor fir) 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."

5. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 20, 2011, at the rate of 4.5 oz /acre using a ride-on type, ground application equipment.



Joseph D. Becovitz
Pesticide Investigator

Date: September 19, 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 11, 2011