

CASE SUMMARY

Case #2011/1238

Complainant: Judy Queck
4628 Hickory Wood Row
Greenwood, IN 46143
317-422-1283

Applicator: Rick Cragen
Cragen Lawn Care, LLC
2595 Endress Place
Greenwood, IN 46143
317-509-1364

Licensed Applicator
Licensed Business

1. On July 26, 2011, 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 Judy Queck. I observed the following during my on-site investigation:
 - a) Tops of trees were curled (see figure #1 and #2).
 - b) Browning of needles on tips (see figure #3).
 - c) Browning of needles swirling up tree (see figure #4)
2. I took the following photos depicting injured/damaged vegetation:



Figure #1-Spruce



Figure #2-Pine

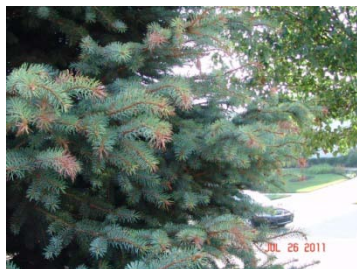
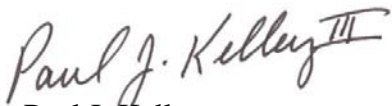


Figure #3



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*
4. According to a report from the PPDL, "7-27-11 *There was no evidence of significant mite or insect injury or disease on the spruce sample submitted. The sample exhibited symptoms that typically found to be associated with injury that can be caused by a synthetic auxinic (growth regulator type) herbicide. Typical symptoms caused by these herbicides can include epinasty (twisting and curving) of the leaves or needles, shot and shoot tip; dieback of distorted shoot tips; 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. If injury results in new shoot dieback in conifers there will be no re-growth this season.*"
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 12, 2011, at the rate of 4.5 oz/acre 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
Pesticide Investigator

Date: August 24, 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: September 19, 2011