CASE SUMMARY

Case #2011/1537

Complainant: Nelson Miller
0175 North 010 West
Lagrange, Indiana

Applicator: Chad Miller — Licensed Applicator
Precision Turf Care, LLC — Licensed Business
7330 West 250 North
Shipshewana, Indiana 46565
260-499-0132

1. On August 25, 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 a non-target tree and shrubs possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Nelson Miller. I observed the following during my on-site investigation:
   a) Tip burn on yew (see figure #1).
   b) Browning of needles throughout 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) *Yew*
   b) *Spruce*

4. According to a report from the PPDL, "*The samples and pictures of the yew show symptoms that are associated with injury caused by synthetic auxin (growth regulator type) herbicides. Norway spruce: The branch submitted was fully dead and showed no twisting or distortion. The photos show death of the entire tree. Rhizosphaera needle cast and Stigmina needle infection were present and contributing to death and drop of older needles, but not dieback or death of tree. No mites or insect injury were present. Cause of tree death could not be determined on the basis of lab samples and pictures.*

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 6, 2011, at the rate of 4.5 oz/acre using 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 7, 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 15, 2011