CASE SUMMARY

Case #2011/1560

Complainant: Phil Weiss
Greenwood Place
7711 Shelby St.
Greenwood, IN 46227
317-501-7037

Applicator: Ryan Conyer — Certified Applicator
Hittle Landscaping — Licensed Business
17778 Sun Park Dr.
Westfield, IN 46074
317-896-5697

1. On August 26, 2001, I, Agent Jay Kelleyof 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 toPhil Weiss.I observed the following during my on-site investigation:
   a) Tips and top of spruce tree are brown and distorted (see figure #1).
   b) Spruce showing areas of brown from bottom to top (see figure #2).
   c) Several Honey Locust trees devoid of leaves (see figure #3).
   d) Honey Locust trees showing abnormal tumors on trunk (see figure #4 & #5)

2. I took the following photos depicting injured/damaged vegetation:


Figure #1


Figure #2


Figure #3


Figure #4


Figure #5

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. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
    a) Composite soil sample from turf area
    b) Tumors cut from Honey Locust trees

5. According to a report from the PPDL, "*There wasnoevidence of significant injury or disease on the samples submitted. The sample had heavy spider mite injury on older foliage. The mites are not contributing to dieback and twisting seen. The sample and picturessubmitted show symptoms that are associated with injury caused by 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. When injury results in new shoot dieback in conifers there will be no regrowth this season, and with certain species, such as Norway spruce, the entire tree can die.*"

6. According to the report from the OISC Residue Lab the following levels of aminocyclopyrachlor (active ingredient in Imprelis Herbicide) were found in the samples referenced in item #4:

    a) Composite soil sample from turf area — *BDL*
    b) Tumors cut from Honey Locust trees — *42 PPB*

    PPB=Parts Per Billion BDL=Below Detection Limits

7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 3th, 2011, at the rate of04.5oz / acre using hand held ground sprayequipment; 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 III

Paul J. Kelley Date: November 9, 2011
Pesticide Investigator

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 Final Date: November 22, 2011
Compliance Officer