

CASE SUMMARY

Case #2011/1579

Complainant: John Kantner
1533 White Pine Ct.
Goshen, IN 46526

Applicator: Brian Lattimer
Lattimer Lawn Care
51363 County Rd. 3
Elkhart, IN 46514
574-262-5051

Certified Applicator
Licensed Business

1. On August 26, 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 Travis Bontrager (property manager). I observed the following during my on-site investigation:
 - a) Tops of Trees were Curled (see figure 1)
 - b) Brown and curling needles (see figure 2)
2. I took the following photos depicting injured/damaged vegetation:



Figure One

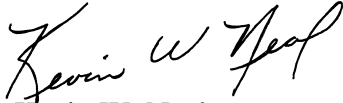


Figure Two

3. I collected the following vegetation samples from visibly impacted non-target vegetation as described in paragraph #1 for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL):
 - a) White Pine
4. According to a report from the PPDL, *"There was no evidence of significant mite or insect injury or disease on the spruce sample submitted. Extensive twisting, stunting and distortion of needles was present on the sample submitted. The sample (and pictures) 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. 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.”

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on or about May12, 2011 at the rate of 2.6 oz/acre using Permagreen riding spray equipment.



Kevin W. Neal
Pesticide Investigator

Date: October 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: October 21, 2011