

CASE SUMMARY

Case #2011/1580

Complainant: Todd Larkey
6144 N Brandywine Road
Shelbyville, IN 46176
317-695-0259

Applicator: Mark Reed
Shelby Lawn Care
PO Box 401
Fairland, IN 46126 -0401
317-835-4420

Certified Applicator
Licensed Business

1. On August 24 2011, I, Agent Beth Carter 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 possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Todd Larkey. I observed the following on approximately four spruce trees during my on-site investigation:
 - a) Browning of the candles and browning throughout the entire branch (see figure 1 through 4).
 - b) Spiraling of the dead area (see figure 1).
 - c) Curling at the top of the tree (see figure 3 & 4).
2. I took the following photos depicting injured/damaged vegetation:



Figure 1



Figure 2



Figure 3



Figure 4

3. I collected a vegetation sample from a visibly impacted spruce tree for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
4. The report from the PPDL stated in part: *"There was no evidence of significant mite or insect injury or disease on the samples submitted. Our PPDL diagnosis of the possibility of potential damage from herbicide injury is based on visual assessment of samples and images submitted and whether the symptoms observed on non-target plants are typical of injury that could be caused by exposure or uptake of the herbicides purportedly applied to the area. The samples and pictures submitted show symptoms that are suggestive of injury that can be 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; dieback of shoot tips; leaf cupping which can be upward or downward, and in extreme cases, new leaves can be irregular in color, 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."*
5. I called and left messages for Mark Reed, the applicator, on September 13th, 15th, and 19th asking for the application information. However as of September 27, he had yet to call me back. Mr. Larkey reported that Shelby Lawn Care applied Imprelis to his property on May 31, 2011.



Elizabeth C. Carter
Pesticide Investigator

Date: September 27, 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 19, 2011