

CASE SUMMARY

Case #2011/1586

Complainant: Maggie Hurst
1957 Camargue Drive
Zionsville, Indiana 46077
317-733-0346

Applicator: Royal Fleming
Bob Andrews
The Greenskeeper
1051 Summit Drive
Carmel, Indiana 46032-2582
317-846-7131

Registered Technician
Supervisor
Licensed Business

1. On August 29, 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 non-target trees possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Maggie Hurst. I observed the following during my on-site investigation:
 - a) Tops of spruce tree were curled, twisted, and brown (see figure #1).
 - b) Close-up of spruce (see figure #2)
2. I took the following photos depicting injured/damaged vegetation:

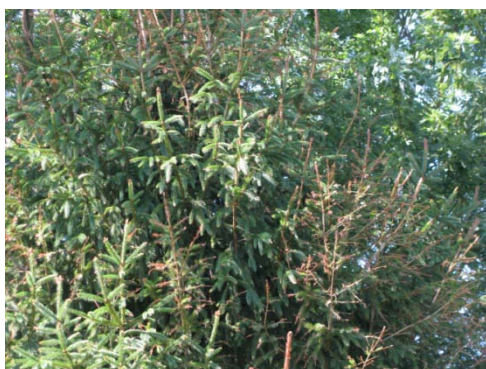


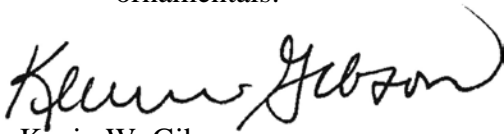
Figure #1



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) Spruce
 - b) Willow

4. According to a report from the PPDL, "**Spruce:** *Spruce spider injury but no active mites were found on this sample. The mite damage is not causing the tip dieback. The samples and pictures submitted show dieback of many new shoots on a tree that appeared healthy previously. New growth also showed downward curving of stems. These symptoms may be associated with injury caused by root uptake of 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.* **Willow:** *The sample had Botryosphaeria cankers in several places along the entire branch submitted. The fungal infection appears to be the main cause of dieback. There were no specific herbicide injury symptoms on the portions submitted however, the photos show some leaf curl and twisting which may be related to herbicide injury.*"
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 11, 2011 at a rate of 4.5 oz. / acre using spray tank 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 30, 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 20, 2011