

CASE SUMMARY

Case #2011/1590

Complainant: Freya Burket
24539 Melrose Place
Elkhart, Indiana 46517
574-875-8087

Applicator: Richard Miller
Dave Baker
Prevail Lawn and Pest Control
71750 CR 33
Elkhart, Indiana 46567
574-457-2493

Licensed Applicator
Supervisor
Licensed Business

1. On May 4, 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 and shrubs possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Freya Burket. I observed the following during my on-site investigation:
 - a) Tops of trees were curled (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) *Spruce*
4. According to a report from the PPDL, *"There was no evidence of significant mite or insect injury or disease on the sample submitted. The sample (and pictures) submitted show dieback of robust new growth, twisting and distortion of branch tips and needles. Typical 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 re-growth 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 May 13, 2011, at the rate of 4.5 oz/acre using ride on 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 20, 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 17, 2011