CASE SUMMARY

Case #2011/1623

Complainant: Bart Culver
9847 East 600 North
North Webster, Indiana 46555
574-834-7749

Applicator: Chad Tom — Licensed Applicator
Tippy View Lawn Care — Licensed Business
6590 North Kalorama Road
Leesburg, Indiana 46538
574-527-9373

1. On June 28, 2011, I, Agent Kevin Gibson of the Office of Indiana State Chemist (OISC), performed an investigation at the complainant property at Bart's Water Sports (see case#2011/1081). While there, he requested I conduct another investigation at the above address. I performed an investigation at the above address in response to a claim of injury/damage to several non-target trees possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Bart Culver. I observed the following during my on-site investigation: :
   a) Spruce tree with twisting and curling needles (see figure #1).
   b) Close-up of spruce tree (see figure #2).
   c) Close-up of ginko tree leaves (see figure #3)

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


Figure #1


Figure #2


Figure #3

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) Ginko

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
    a) Composite vegetation sample from yard (spruce)
    b) Vegetation sample from yard (ginko)
    c) Composite soil sample from yard (inside drip line)

5. According to a report from the PPDL, "*There was no evidence of significant disease or mite/insect injury on the samples submitted. The sample (and pictures) submitted show symptoms that are typically found to be 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.* "

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 vegetation sample (spruce)* *23 PPB*
    b) *Vegetation sample (ginko)* *20 PPB*
    c) *Composite soil sample (inside drip line)* *2.1 PPB*
    PPB=Parts Per Billion

7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 21, 2011, at the rate of 4.3 oz. per acre using 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: October 3, 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