

CASE SUMMARY

Case #2011/1561

Complainant: Don Kirch – Cornerstone
10603 Pennsylvania
Indianapolis, IN 46290
317-845-4171

Applicator: Ryan Conyer
Hittle Landscaping
17778 Sun Park Drive
Westfield, IN 46074
317-710-2387

Certified Applicator
Licensed Business

1. On August 26, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Cornerstone Building in response to a claim of injury/damage to non-target trees and shrubs possibly resulting from exposure to the herbicide Imprelis. I observed the following during my on-site investigation:
 - a) Several spruce trees at the site had new growth that was browned and twisted and the trees appeared to be defoliating by losing their newest needles first (see Figures 1 and 2).
 - b) Every ash tree at the site appeared to be suffering from emerald ash borer injury (see Figures 3 and 4).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3



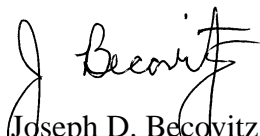
Figure 4

3. I collected the following vegetation samples from visibly impacted non-target vegetation, as described in paragraph #1, for examination by the Plant & Pest Diagnostic Lab (PPDL) at Purdue:

- a) Spruce

The report from the PPDL for the samples submitted indicates, *“There was no evidence of significant mite or insect injury or disease on the sample submitted. The spiral pattern of dieback shown in one photo suggests the dieback may be related to root uptake of a herbicide. The pictures submitted show symptoms that may 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 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, and with certain species, such as Norway spruce, the entire tree can die.”*

4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 3, 2011, at the rate of 4.5 oz /acre using ride-on type, ground application equipment.


Joseph D. Becovitz
Pesticide Investigator

Date: September 13, 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: September 20, 2011