CASE SUMMARY

Case #2011/1074

Complainant: Matt Fisher
21047 Rivers Edge Drive
Goshen, Indiana 46528
574-361-6151

Applicator: J. R. Yoder — Licensed Applicator
ProScapes — Licensed Business
17954 CR 28
Goshen, Indiana 46528
574-238-1885

1. On June 20, 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 shrubs possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Matt Fisher. I observed the following during my on-site investigation:
   a) Globe Spruce needle browning and close-up (see figures #1 & #2).
   b) Spruce tree browning needles and close-up (see figures #3 & #4).
   c) Spruce tree with brown needles (see figure #5).
   d) Spruce tree with brown needles throughout tree (see figure #6)

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

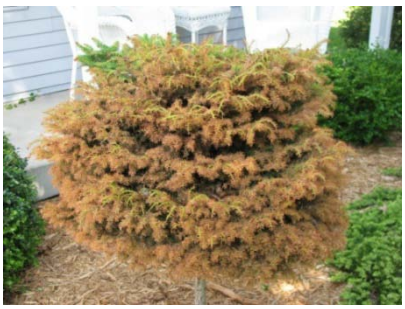
Figure #1


Figure #2


Figure #3


Figure #4


Figure #5


Figure #6

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) Globe Spruce
    b) Spruce

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 (globe spruce)
    c) Composite soil sample from yard (inside drip line)
    d) Composite soil sample from yard (outside 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)* *16 PPB*
    b) *Vegetation sample (globe spruce)* *110 PPB*
    c) *Composite soil sample (inside drip line)* *3.1 PPB*
    d) *Composite soil sample (outside drip line)* *8.5 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 May 17, 2011, at the rate of 5.0 oz. per acre using ground and back pack 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