

CASE SUMMARY

Case #2011/1077

Complainant: Anna Pankiewicz
6424 McFarland Rd.
Indianapolis, IN 46227
317-281-6255

Applicator: David Ray
Cragen Lawn Care
2595 Endress Place
Greenwood, IN 46143-8683
317-535-4802

Certified Applicator
Licensed Business

1. On June 21, 2011, I, Agent Scott Farris 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 David Ray. I observed the following during my on-site investigation:
 - a) Tops of spruce trees were curled (see figure #1).
 - b) Needles "balled up" and brown on tips of candles (see figure #2).
 - c) Curling of stems and browning of needles of pine tree (see figure #3).
 - d) Discolored viburnum in landscaping (see figure #4).
2. I took the following photos depicting injured/damaged vegetation:



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 Purdue Plant Pest Diagnostic Laboratory (PPDL):
 - a) Spruce
 - b) Pine
4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample from front yard (spruce and pine)
 - b) Soil sample from front yard
 - c) Vegetation sample from backyard (birch and viburnum)
5. According to a report from the PPDL, *"There was no evidence of disease on the samples submitted (pine and spruce). The samples submitted exhibits 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."*
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) Vegetation sample from front yard (spruce) 273.0 PPB
 - b) Soil sample from yard 0.72 PPB
 - c) Vegetation sample from backyard (birch & viburnum) 5.50 PPB

PPB=Parts Per Billion BDL=Below Detection Limits
7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 27th, 2011, at the rate of 4.5oz /acre using Z 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.



Scott M Farris
Pesticide Investigator

Date: September 12, 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