

CASE SUMMARY

Case #2011/1107

Complainant: Kerry Clevenger
1503 Hawksview Drive
Marion, IN 46592
765-669-4980

Applicator: Alan Dray
Grant County Lawn Care
P.O. Box 1595
Marion, IN 46952
765-384-5219

Certified Applicator
Licensed Business

1. On June 28, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Clevenger residence 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) Norway spruce trees had new growth that was twisted and browned. In some cases the browning had spread to older growth and the tree appeared to be defoliating (see Figures 1 and 2).
2. I photographed the site documenting the symptoms I observed:



Figure 1

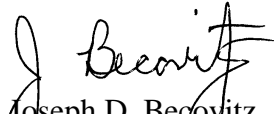


Figure 2

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

The report from the PPDL for the samples submitted indicates, *“No infectious disease or insect pest was found to be associated with the dieback and distortion observed on the samples submitted. The samples (and pictures) submitted show symptoms that are typically found to be associated with injury that can be caused by a synthetic auxin (growth regulator type) herbicide. 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.”*

4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 2, 2011, at the rate of 4.5 oz./acre using a hose and reel type sprayer.


Joseph D. Becovitz
Pesticide Investigator

Date: September 21, 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 18, 2011