CASE SUMMARY

Case #2011/1112

Complainant: Tony Droege
16169 Waterside Drive
Granger, IN 46530
574-273-4765

Applicator: Brian Lattimer — Certified Applicator
Lattimer Lawn Care — Licensed Business
51363 CR 3
Elkhart, IN 46514-8879
574-262-5051

1. On July 6, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the HOA common area 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) Spruce trees had new growth that was twisted and browned. Some of the spruce trees had partially defoliated beyond the new growth (see Figures 1 and 2).

2. I photographed the site documenting the symptoms I observed:


Figure 1-injured spruce tree


Figure 2-injured spruce tree close up

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

4. I collected the following environmental samples for chemical analysis by the OISC Residue Lab:
    a) Injured spruce foliage
    b) Soil composite from HOA common area

5. The report from the PPDL for the samples submitted indicates, "*There was no evidence of significant mite or insect injury or disease on the samples submitted. The samples submitted exhibited symptoms that are typically found to be associated with injury that can be caused by a synthetic auxinic (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; dieback of distorted shoot tips; 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. If injury results in new shoot dieback in conifers there will be no regrowth this season.*"

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) Injured pine foliage 50.0 PPB
    b) Soil composite from HOA common area 2.3 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 May 6, 2011, at the rate of 2.8 oz /acre using a ride-on type sprayer.

Joseph D. Becovitz Date: October 13, 2011
Pesticide Investigator

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 Final Date: October 31, 2011
Compliance Officer