

# CASE SUMMARY

Case #2011/1116

**Complainant:** Taco Bell  
2508 Cassopolis Street  
Elkhart, IN 46517

**Applicator:** Kirk Linton  
Linton Landscaping  
315 CR 17  
Elkhart, IN 46514  
574-522-6730

Certified Applicator  
Licensed Business

1. On June 29, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Taco Bell listed above 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) Arborvitae, yew, burning bush, ornamental pear and other woody ornamentals at the site exhibited twisting and curling of leaves, needles and petioles. In some cases the new growth was browning (see Figures 1 thru 8).
2. I photographed the site documenting the symptoms I observed:



Figure 1

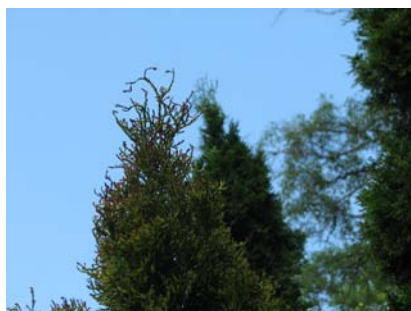


Figure 2



Figure 3



Figure 4



Figure 5

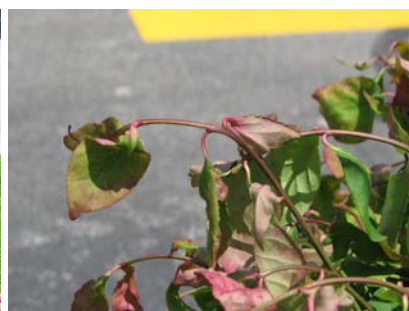


Figure 6



Figure 7

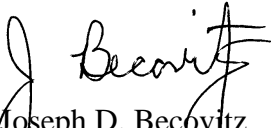


Figure 8

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) Arborvitae
  - b) Yew
  - c) Burning bush
  - d) Ornamental pear

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 May 2, 2011, at the rate of 0.1 fl. Oz./1000 ft. sq. using a backpack with a fan nozzle.

  
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