

CASE SUMMARY

Case #2011/1130

Complainant: Patrick Conneally
7843 N. Audubon Rd
Indianapolis, IN 46250
317-849-4835

Applicator: Jeff Snell
The Greenskeeper, Inc.
1051 Summit Dr.
Carmel, IN 46032
317-846-7131

Certified Applicator
Licensed Business

1. On July 5, 2011, I, Agent Jay Kelley 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 Patrick Conneally. I observed the following during my on-site investigation:
 - a) Tops of spruce trees were brown and curled (see figure #1 and #2).
 - b) Spruce tree has areas of brown needles extending from bottom to top (see figures #3).
2. I took the following photos depicting injured/damaged vegetation:



Figure 1



Figure 2

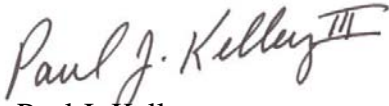


Figure 3

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
4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample from yard
 - b) Composite soil sample from yard

NOTE: A decision was made by OISC management to not analyze these environmental samples. That decision was based on: 1) the large number of similar cases being investigated by OISC at the same time; 2) the large number of similar environmental samples already analyzed that had produced applicable representative results consistent with the presence of visible exposure symptoms; 3) the expertise developed by OISC investigators through repetition to identify Imprelis exposure symptoms without chemical confirmation.

5. According to a report from the PPD, *"The sample and images 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 application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 10, 2011, at the rate of 4.5oz /acre using hand held ground spray equipment; no application was made directly to any exposed roots of any trees or ornamentals.



Paul J. Kelley
Pesticide Investigator

Date: September 22, 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 11, 2011