

CASE SUMMARY

Case #2011/1136

Complainant: Leslie Russell
5046 Deer Run
Crawfordsville, IN 47933
317-873-3551

Applicator: Dan Guard
Vita Green
P.O. Box 286
Crawfordsville, IN 47933
765-230-0636

Certified Applicator
Licensed Business

1. On June 29, 2011, I, Agent Kevin W. Neal 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 Leslie Russell. I observed the following during my on-site investigation:
 - a) Tops of trees were curled
 - b) Spiraling of dead areas
2. I took the following photos depicting injured/damaged vegetation:



Figure One



Figure Two

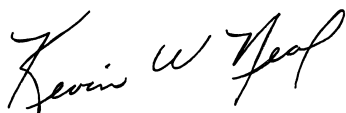


Figure Three

3. I collected the following vegetation samples from visibly impacted non-target vegetation for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
 - a) Spruce
4. At the site I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Soil Sample Russell Yard (SS-1)
 - b) Pine Sample West Side (PS-1)
 - c) Pine Sample East Side (PS-2)
5. According to a report from the PPDL, *"No infectious disease or insect pest was found to be associated with the dieback and distortion observed on the branch samples submitted. The sample (and pictures) submitted show symptoms that are typically associated with injury 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."*
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) SS-1 Soil Sample Russell Yard	2.3 PPB
b) PS-1 Pine Sample West Side	85 PPB
c) PS-2 Pine Sample East Side	146 PPB

7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied at the rate of 4.5 oz per acre with a hand held sprayer.



Kevin W. Neal
Pesticide Investigator

Date: September 7, 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 15, 2011