CASE SUMMARY

Case #2011/1138

Complainant: Brian Roark
2126 Canyon Creek Dr.
Lafayette, IN 47909
765-426-5938

Applicator: James Kevin Potts — Certified Applicator
Caddyshack Lawn Care — Licensed Business
7936 S. 250 E.
Lafayette, IN 47909
765-404-6307

1. On June 28, 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 Kevin Potts. I observed the following during my on-site investigation:
   a) Tops of trees were curled (see figure 1)
   b) Browning and curling of needles (see figure 2)

2. I took the following photos depicting injured/damaged vegetation:

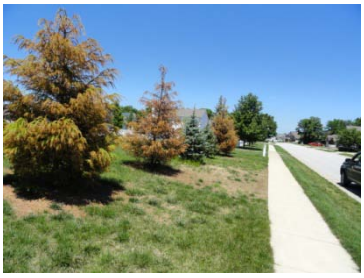

Figure One

Figure Two

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) Pine Sample Roark (PS-1)
   b) Pine Sample Roark (PS-2)
   c) Soil Sample from Roark (SS-1)

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 PPDL, "*There was no evidence of significant mite or insect injury or disease on the sample. The sample (and pictures) submitted show symptoms that are 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 3, 2011at the rate of 4.5 oz per acre with Z-Spray ground application equipment.

Kevin W. Neal — Date: October 7, 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 21, 2011
Compliance Officer