

CASE SUMMARY

Case #2011/1139

Complainant: Jerry Drake
27486 Centennial Drive
Elkhart, Indiana 46514
574-361-6424

Applicator: Brian Lattimer
Lattimer Lawn Care
51363 CR 3
Elkhart, Indiana 46514
574-262-5051

Licensed Applicator
Licensed Business

1. On July 5, 2011, I, Agent Kevin Gibson 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 possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Jerry Drake. I observed the following during my on-site investigation:
 - a) Tops of trees were curled (see figure #1).
 - b) White pine with brown tips (see figure #2).
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



Figure #2

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*
 - b) *Yew*
 - c) *Arborvitae*
 - d) *White Pine*

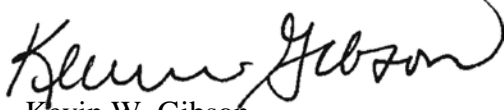
4. According to a report from the PPDL, *"No infectious disease or insect pest was found to be associated with the dieback and distortion observed in the samples (yew, arborvitae, white pine, spruce). The samples exhibited symptoms that are typically found to be associated with injury that can be caused by a 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. When injury results in new shoot dieback in conifers there will be no re-growth this season, and with certain species, such as Norway spruce, the entire tree can die.*

5. I also took the following samples for the OISC Residue Lab :

PS-1 Spruce PS-2 White Pine PS-3 Yew SS-1 Soil inside drip line
SS-2 Soil outside drip line

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.

6. 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 4.5 oz per/acre using ride on ground spray equipment; no application was made to the soil within the drip line of any of the trees or ornamentals; no application was made directly to any exposed roots of any trees or ornamentals.



Kevin W. Gibson
Pesticide Investigator

Date: September 20, 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 14, 2011