

# CASE SUMMARY

Case #2011/1142

**Complainant:** David Witt  
51447 Highland Shores Drive  
Granger, IN 46530  
574-277-3700

**Applicator:** Brian Lattimer  
Lattimer Lawn Care  
51363 CR 3  
Elkhart, IN 46154-8879  
574-262-5051

Certified Applicator  
Licensed Business

1. On July 6, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Witt residence 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) The new growth on three blue spruces was twisted and browned (see Figures 1 and 2).
  - b) Numerous pine trees had new growth that was twisted and browned near the tops of the trees. The trees were tall enough that it was not possible to reach or sample the injured foliage (see Figures 3 and 4).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3

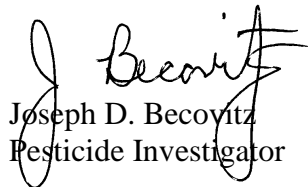


Figure 4

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) Blue spruce

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 spruce samples submitted. The samples (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."*


4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 28, 2011, at the rate of 2.8 oz /acre using ride-on type, ground application equipment.



Joseph D. Becovitz  
Pesticide Investigator

Date: October 10, 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 31, 2011