

CASE SUMMARY

Case #2011/1153

Complainant: Kevin Patterson Association Property Manager
KMC
5702 Kirkpatrick Way
Indianapolis, IN 46220
317-570-4358
Fox Run Subdivision

Applicator: Isaias Aguilera Certified Applicator
Hittle Landscaping Licensed Business
17778 Sun Park Drive
Westfield, IN 46074
317-896-5697

1. On July 20, 2011, Agent George Saxton and I, both of the Office of Indiana State Chemist (OISC), performed an investigation at the common area of the Fox Run Subdivision. The investigation was 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 Kevin Patterson, the association property manager. I observed the following on spruce trees during my on-site investigation:
 - a) Curling at the top (see figure 1).
 - b) Browning of tips and some browning throughout the branch (see figure 2).
2. I took the following photos depicting injured/damaged vegetation:



Figure 1



Figure 2

3. I collected a vegetation sample from a visibly impacted spruce tree for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).

4. The PPDL report stated the following: *"There was no evidence of disease or insect injury on the sample submitted. 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."*
5. According to the application information collected from Hittle Landscaping, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 23, 2011 at the rate of 4.0 fluid ounces per acre using a ride on sprayer.



Elizabeth C. Carter
Pesticide Investigator

Date: September 15, 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 21, 2011