

CASE SUMMARY

Case #2011/1156

Complainant: Alan Waggoner
8511 Overlook Parkway
Indianapolis, IN 46260
317-506-7305

Applicator: Isaías Aguilera
Hittle Landscaping
Westfield, IN 46074
317-896-5697

Certified Applicator
Licensed Business

1. On July 6, 2011, I, Agent Jay Kelley 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 Alan Waggoner. I observed the following during my on-site investigation:
 - a) Tops of pine trees were brown and curled (see figure #1).
 - b) Spruce tree has areas of brown needles extending from bottom to top (see figures #2).
 - c) Tips of Yews are brown with yellowing as you move back toward stem (see figure #3).
2. I took the following photos depicting injured/damaged vegetation:



Figure 1



Figure 2



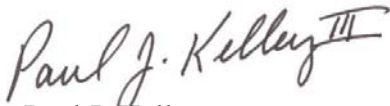
Figure 3

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) Pine
 - c) Yew

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample from property
 - b) Composite soil sample from property

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, *"The sample (and pictures) submitted show symptoms that are typically found to be 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. There was some mite injury on the spruce sample but they are not causing significant damage to the tree. They should be monitored and treated as needed. No disease was found"*
6. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 4, 2011, at the rate of 4.5oz / acre using hand held ground spray equipment; no application was made directly to any exposed roots of any trees or ornamentals.



Paul J. Kelley
Pesticide Investigator

Date: September 22, 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 11, 2011