

CASE SUMMARY

Case #2011/1162

Complainant: Bob Whiffing
749 Cottage Ln.
Greenwood, IN 46143
317-888-1175

Applicator: Jeff McClain
Cragen Lane Care
2595 Endress Place
Greenwood, IN 46143
317-535-4802

Certified Applicator
Licensed Business

1. On July 11, 2001, 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 Bob Whiffing. I observed the following during my on-site investigation:
 - a) Tops of spruce trees were curled (see figure #1 & #2).
 - b) Spruce showing areas of browning as it spirals up the tree (see figure #3).
2. I took the following photos depicting injured/damaged vegetation:

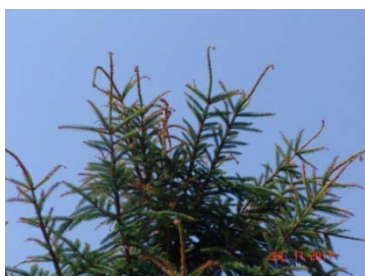


Figure #1



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
4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample (spruce)
 - b) Composite soil sample from turf
 - c) Composite soil sample from inside dripline

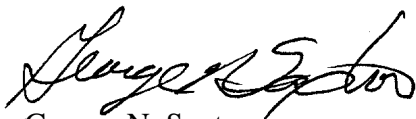
5. According to a report from the PPDL, *“No infectious disease or insect pest was found to be associated with the dieback and distortion observed on spruce samples submitted. Symptoms typically found to be associated with injury caused by synthetic auxin (growth regulator type) can include epinasty (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 report from the OISC Residue Lab the following levels of aminocyclopyrachlor (active ingredient in Imprelis Herbicide) were found in the samples referenced in item #4:
- | | |
|--|----------|
| a) Vegetation sample (spruce) | 85PPB |
| b) Composite soil sample from turf | 0.53 PPB |
| c) Composite soil sample from inside drip line | BDL |
- PPB=Parts Per Billion BDL=Below Detection Limits
7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 23, 2011, at the rate of 4.5oz /acre using hand held 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.



Paul J. Kelley
Pesticide Investigator

Date: November 9, 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: November 22, 2011