

CASE SUMMARY

Case #2011/1176

Complainant: Allen Bouse
4788 E CR 50 N.
Lafayette, IN 47905
765-426-5041

Applicator: Kevin Potts
Caddyshack Lawn Care
7936 S. 250 E.
Lafayette, IN 47909
765-404-6307

Licensed Applicator
Licensed Business

1. On July 21, 2011, I, Agent George N. Saxton 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 Kevin Potts. I observed the following during my on-site investigation:
 - a) Trees almost completely brown (see figures #1 & 2).
 - b) Browning and twisting of needles (see figures #3 & 4).
2. I took the following photos depicting injured/damaged vegetation:



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 Purdue Plant Pest Diagnostic Laboratory (PPDL).

- a) *Spruce*

4. According to a report from the PPDL, *"There is no evidence of significant mite or insect injury or disease on the sample submitted. The sample had few symptoms of twisting or distortion but did show dieback of new growth. The pictures submitted show more of the 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. Vigorous growth shown in the sample 2010 indicate that drought stress is unlikely to be a factor in decline of these trees."*

Tom Creswell

Director, Plant and Pest Diagnostic Lab

creswell@purdue.edu

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied May 3, 2011, at the rate of 4.3 oz/acre using a Z-sprayer; 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.

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 19, 2011