CASE SUMMARY

Case #2011/1182

Complainant: Chris Robertson
15089 Geist Ridge Dr.
Fortville, IN 46048
317-485-0155

Applicator: Tim Prigg — Registered Technician
Robert Stalets — Certified Supervisor
Green Scene, Inc. — Licensed Business
P.O. Box 248
Fortville, IN 46040
317-326-8888

1. On July 18, 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 Chris Robertson. I observed the following during my on-site investigation:
   a) Tops of spruce trees were brown and distorted (see figure #1).
   b) Spruce tree has areas of brown needles extending from bottom to top (see figures #2).
   c) Yew is brown on tips and yellowing as growth moves inward (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) Evergreen sample
    b) Soil sample from turf
    c) Soil sample from drip line

    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, "*There was no evidence of significant mite or insect injury or disease on the sample submitted. The sample (and picture) 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"*

6. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 19, 2011, at the rate of 1oz /1000 sq. feet using hand held ground spray equipment; no application was made directly to any exposed roots of any trees or ornamentals.

Paul J. Kelley III

Paul J. Kelley — Date: September 22, 2011
Pesticide Investigator

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 — Final Date: October 11, 2011
Compliance Officer