

CASE SUMMARY

Case #2011/1188

Complainant: Damon Miiler
9861 Buttondown Ln.
Zionsville, IN 46077
317-733-9944

Applicator: Robert Stalets
Green Scene Inc.
PO Box 248
Fortville, IN 46040
317-326-8888

Certified Applicator
Licensed Business

1. On July 6, 2011 I, Agent Kevin W. Neal 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 Damon Miiler. I observed the following during my on-site investigation:
 - a) Spiraling of dead areas (see figure 1)
 - b) Brown and curling needles (see figure 2)

2. I took the following photos depicting injured/damaged vegetation:



Figure One

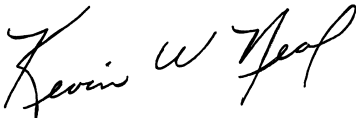


Figure Two

3. I collected the following vegetation samples from visibly impacted non-target vegetation for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
 - a) Spruce
4. At the site I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Pine Sample Backyard Miiler (PS-1)
 - b) Soil Sample Backyard Miiler (SS-1)
 - c) Soil Sample Dripline of PS-1 (SS-2)

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.

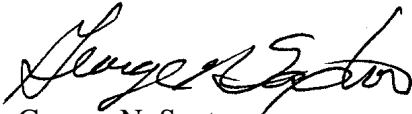
5. According to a report from the PPDL, *"No infectious disease or insect pest was found to be associated with the dieback and distortion on the spruce sample submitted. The samples submitted exhibited symptoms that are typically found to be associated with injury caused by synthetic auxin (growth regulator 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 4, 2011 at the rate of .1oz per 1000 sq ft with Z-Spray ground application equipment.



Kevin W. Neal
Pesticide Investigator

Date: September 27, 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 20, 2011