

CASE SUMMARY

Case #2011/1190

Complainant: Robin Miller
9861 Buttondown Lane
Zionsville, IN 46077
317-733-9944

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

Registered Technician
Licensed Business

1. On July 14, 2011, I, Agent Beth Carter 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 possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Robin Miller. I observed the following on several spruce trees and a couple pine trees during my on-site investigation:
 - a) Curling at the top of the tree (see figure 3 &4).
 - b) Browning of the candles (see figure 1).
 - c) Distorting of the needle tips (see figure 2).
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
 - b) Pine
4. I collected the following environmental sample for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation sample (spruce)
 - b) Soil from yard (composite)
 - c) Soil inside drip line

NOTE: A decision was made by OISC management to not analyze the environmental samples in this case. That decision was based on: 1) the large number of similar environmental samples already analyzed that had produced representative results consistent with the presence of visible exposure symptoms; 2) the expertise developed by OISC investigators through repetition to identify Imprelis exposure symptoms without chemical confirmation; and 3) the large number of similar cases being investigated by OISC at the same time.

5. The report from the PPDL stated: *"There was no evidence of disease, mites or insects on the sample submitted.*
The sample (and pictures) submitted show 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."
6. According to the application information collected from Green Scene, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 4, 2011, at the rate of .10 fluid ounces per thousand square feet with a hose and reel type sprayer.



Elizabeth C. Carter
Pesticide Investigator

Date: September 26, 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 19, 2011