

CASE SUMMARY

Case #2011/1203

Complainant: Larry Warner
2421 Hopwood Dr.
Carmel, IN 46032
317-258-3949

Applicator: Matt Colwell
Colwell Lawn and Landscaping
10695 E. 59th St.
Indianapolis, IN 46236
317-710-8435

Certified Applicator
Licensed Business

1. On July 21, 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 Larry Warner. I observed the following during my on-site investigation:
 - a) Tops of trees were curled (see figure 1)
 - b) Spiraling of dead areas (see figure 2 and 3)
2. I took the following photos depicting injured/damaged vegetation:



Figure One



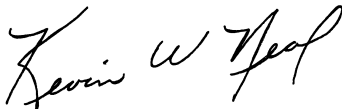
Figure Two



Figure Three

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
 - b) White Pine
 - c) Privet
4. At the site I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
 - a) Vegetation Sample-Bush @ Driveway (Privet) (VS-1)

5. According to a report from the PPDL, "Blue Spruce and White Pine: *There was no evidence of significant mite or insect injury or disease on the samples 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. When injury results in new shoot dieback in conifers there will be no regrowth this season, and with certain species, such as Norway spruce, the entire tree can die. Ligustrum: The damage to the Ligustrum (Privet) may be caused by drought stress, chemical injury, fungal cankers lower down in the plant or other stress factors. Thrips injury was found on every leaf and may have caused much of the leaf browning.*"
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) VS-1 Vegetation Sample-Bush @ Driveway (Privet) 12.0 PPB
7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied at the rate of 4.5 oz per acre 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 19, 2011