

# CASE SUMMARY

Case #2011/1213

**Complainant:** Scott Overmyer  
53622 Lakefield Drive  
Elkhart, IN 46154  
574-360-4264

**Applicator:** Brian Lattimer  
Lattimer Lawn Care  
51363 CR 3  
Elkhart, IN 46154-8879  
574-262-5051

Certified Applicator  
Licensed Business

1. On July 14, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Overmyer residence in response to a claim of injury/damage to non-target trees and shrubs possibly resulting from exposure to the herbicide Imprelis. I observed the following during my on-site investigation:
  - a) The new growth on a single pine tree was twisted and browned (see Figures 1 and 2).
  - b) An arborvitae hedge that belongs to a neighbor had browned and yellowed leaf tips (see case #2011/1218).
2. I photographed the site documenting the symptoms I observed:



Figure 1

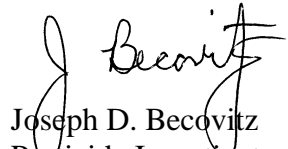


Figure 2

3. I collected the following vegetation samples from visibly impacted non-target vegetation, as described in paragraph #1, for examination by the Plant & Pest Diagnostic Lab (PPDL) at Purdue:
  - a) Pine


The report from the PPDL for the samples submitted indicates, *“There was no evidence of significant mite or insect injury or disease on the sample submitted. The samples (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.”*

4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 1, 2011, at the rate of 2.8 oz /acre using ride-on type, ground application equipment.

  
Joseph D. Becovitz  
Pesticide Investigator

Date: October 5, 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 26, 2011