

CASE SUMMARY

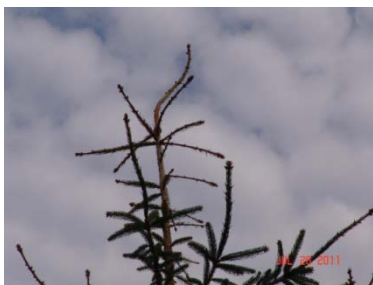
Case #2011/1242

Complainant: Robert Titus
5376 Kit Dr.
Indianapolis, IN 46237
317-292-8099

Applicator: David Ray
Cragen Lawn Care, LLC
2595 Endress Place
Greenwood, IN 46143
317-509-1364

Licensed Applicator
Licensed Business

1. On July 28, 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 John Kehoe. I observed the following during my on-site investigation:
 - a) Tops of trees were curled
 - b) Browning and twisting of needles. (2 pics)
 - c) River birch show cupping and distortion of leaves
2. I took the following photos depicting injured/damaged vegetation:



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. According to a report from the PPDL, "Spruce was submitted with dieback and browning of new growth. Photos of river birch show cupping and distortion of leaves. *There was no evidence of significant mite or insect injury or disease 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. When injury results in new shoot dieback in conifers there will be no re-growth this season, and with certain species, such as Norway spruce, the entire tree can die*
5. 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/acre using hand held ground spray equipment; no application was made to the soil within the drip line of any of the trees or ornamentals; no application was made directly to any exposed roots of any trees or ornamentals.



Paul J. Kelley
Pesticide Investigator

Date: August 5, 2011

Disposition: No violation of the Indiana Pesticide Use and Application Law was documented against the pesticide applicator. On August 12, 2011, a letter was sent to E.I. duPont de Nemours and Company, Inc. proposing cancellation of the registration for Imprelis Herbicide, EPA registration number 352-793, for distributing a pesticide product with label directions that are inadequate to prevent unreasonable adverse effects to non-target vegetation.



George N. Saxton
Compliance Officer

Final Date: September 13, 2011