

CASE SUMMARY

Case #2011/1247

Complainant: Tom McGuin
McGuin Professional Lawn Care
11341 Edison Road
Osceola, Indiana 46561
574-276-7306

Applicator: Tom McGuin
McGuin Professional Lawn Care
11341 Edison Road
Osceola, Indiana 46561
574-276-7306

Licensed Applicator
Licensed Business

1. On July 19, 2011, I, Agent Kevin Gibson of the Office of Indiana State Chemist (OISC), performed an investigation at Tawny Lake Homeowners Association property at the corner of Pauls Way and Spring Beach Drive in South Bend, Indiana. The investigation was in response to a claim of injury/damage to several non-target trees possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Tom McGuin whose business made the application. I observed the following during my on-site investigation:
 - a) Arborvitae with brown tips (see figures #1, #2).
 - b) Browning throughout white pine and spruce (see figures #3, #4)
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) Arborvitae
 - b) White Pine
 - c) Spruce

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
- a) Vegetation sample from common area (Arborvitae)
 - b) Vegetation sample from common area (White Pine)
 - c) Vegetation sample from common area (Spruce)
 - d) Soil sample from common area inside drip line
 - e) Soil sample from common area outside of drip line

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, *"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.*
6. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 30, 2011, at the rate of 4.5 oz. / acre on ride-on 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.



Kevin W. Gibson
Pesticide Investigator

Date: September 30, 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