

# CASE SUMMARY

Case #2011/1253

**Complainant:** Dale Johnson  
4817 Krestridge Ct. East  
Bargersville, IN 46106  
317-281-4152

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

Licensed Applicator  
Licensed Business

1. On July 26, 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 Dale Johnson. I observed the following during my on-site investigation:
  - a) Tops of trees were curled (see figure #1 and #2).
  - b) Browning of needles throughout tree (see figure #3 and #4).
2. I took the following photos depicting injured/damaged vegetation:



Figure #1

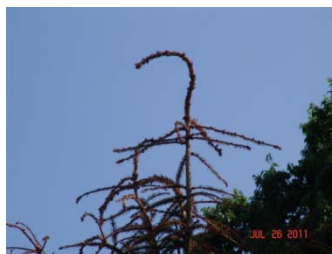


Figure #2

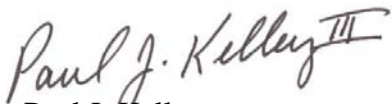


Figure #3



Figure #4

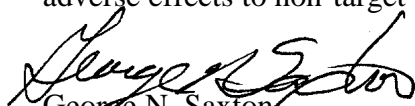
3. I collected the following vegetation samples from visibly impacted non-target vegetation as described in paragraph #1 for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
  - a) *Spruce*
4. According to a report from the PPDL, "8-23-11...Although distorted tips were not observed on the samples submitted to the lab, distorted apical and dieback typical of injury caused by a growth-regulator type herbicide was evident on the other branches of trees in the images submitted. .. 7-27-11 there was no evidence of significant mite or insect injury or disease on the samples submitted. Our diagnosis of the possibility of potential damage from herbicide injury based on visual assessment of the samples and images submitted and whether the symptoms observed on non-target plants are typical of injury that could be caused by exposure or uptake of the herbicides purportedly applied to the area."
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 11, 2011, 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 24, 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: September 19, 2011