

# CASE SUMMARY

Case #2011/1257

**Complainant:** Jodee McCoy  
Villages at West Clay HOA  
Carmel, IN 46240  
317-574-1164

**Applicator:** Dave Holder  
Brickman Group  
10720 Andrade Drive  
Zionsville, IN 46077  
317-714-0860

Certified Applicator  
Licensed Business

1. On July 21, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Villages at West Clay HOA areas 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) Spruce trees had new growth that was browned and twisted. Some of the spruce trees were partially defoliated at the time of my inspection (see Figures 1 & 2).
  - b) Honeylocust trees were partially or totally defoliated and had twisted petioles (see Figures 3 and 4).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3



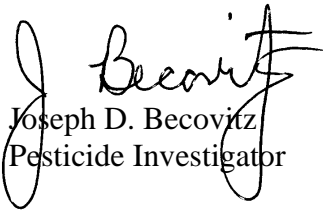
Figure 4

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

a) Spruce

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. A few spider mites were noted but not contributing to defoliation. 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."*

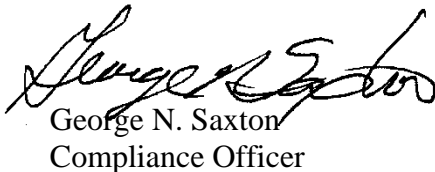
4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 5, 2011, at the rate of 4.5 oz /acre using ride-on type, ground application equipment.



Joseph D. Becovitz  
Pesticide Investigator

Date: December 15, 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: January 11, 2012