CASE SUMMARY

Case #2011/1260

Complainant: Jan Beutter
Savannah Pass HOA
4114 Savannah Pass
Mishawaka, IN 46545
574-255-6040

Applicator: Brian Lattimer — Certified Applicator
Lattimer Lawn Care — Licensed Business
51633 CR 3
Elkhart, IN 46154-8879
574-262-5051

1. On July 14, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Savannah Pass subdivision common area around the pond 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) Willow trees around the pond had twisted foliage. In addition the tops of the willow trees and ends of their branches were defoliated (see Figures 1 thru 3).

2. I photographed the site documenting the symptoms I observed:

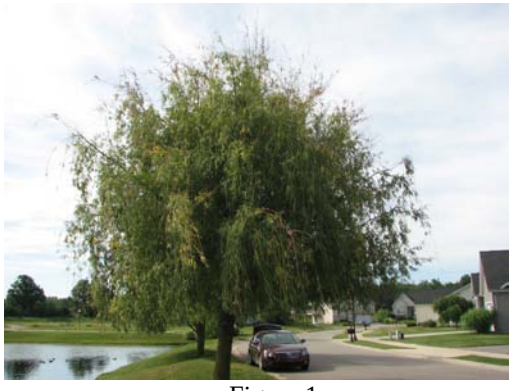
Figure 1

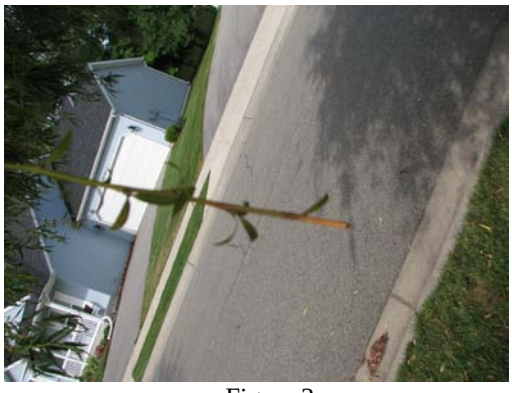
Figure 2

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) Weeping willow

4. I collected the following environmental samples for chemical analysis by the OISC Residue Lab:
    a) Injured foliage from the Savannah Pass weeping willow

5. The report from the PPDL for the samples submitted indicates, "*The sample submitted had little twisting and distortion of foliage. Some fungal leaf spotting and fungal dieback were present following incubation. These are both very common on willow and would not be a cause of twisting and distortion. The pictures submitted show some symptoms that are associated with injury caused by synthetic auxin (growth regulator type) herbicides. In this case, as with other willows we've seen, it can be difficult to sort out fungal dieback from herbicide injury. The extensive death of new growing points is more than would be expected from fungal dieback on a tree that was previously healthy so herbicide injury is likely involved.*"

6. According to the report from the OISC Residue Lab, the following levels of aminocyclopyrachlor (active ingredient in Imprelis Herbicide) were found in the samples referenced in item #4:
    a) Injured willow foliage 63.0 PPB*

PPB=Parts Per Billion *minimum active ingredient detected

7. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 12, 2011, at the rate of 2.8 oz/acre using a ride-on type sprayer.

Joseph D. Becovitz Date: October 10, 2011
Pesticide Investigator

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 Final Date: October 31, 2011
Compliance Officer