

# CASE SUMMARY

Case #2011/1265

**Complainant:** Lora Beeson  
905 12th Rd.  
Bourbon, IN 46504  
574 267-3200

**Applicator:** Prevail Landscaping & Spray Control      Licensed Business  
71750 Co. Rd. 33  
Syarcuse, IN 46567  
(574) 457-2493

1. On July 20, 2011, I, Agent Matt Pearson 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 Lora Beeson. I observed the following during my on-site investigation:
  - a) Tops of trees were curled (see figure #1).
  - b) Browning of needles throughout tree (see figure #2).
2. I took the following photos depicting injured/damaged vegetation:



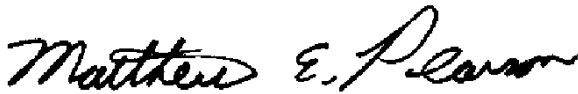
Figure #1



Figure #2

3. I collected the following vegetation samples from visibly impacted non-target vegetation as described in paragraph #1 for examination by the Purdue Plant and Pest Diagnostic Laboratory (PPDL).
  - a) *Spruce*

4. According to a report from the PPDL, *“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.”*
5. According to the application information collected Imprelis Herbicide (EPA Reg. No. 352-793) was applied on 5/17/2011, at the rate of 4.5 oz/acre using a ride-on type sprayer; 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.



Matthew E. Pearson  
Engineering Specialist

Date: October 17, 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: November 10, 2011