

# CASE SUMMARY

Case #2011/1269

**Complainant:** Wes Myers  
8240 5 Points Rd  
Indianapolis, IN 46259  
317-862-8136

**Applicator:** Steve Mattingly  
Mattingly lawn Care, Inc.  
P.O. Box 39268  
Indianapolis, IN 46239  
317-786-3093

Licensed Applicator  
Licensed Business

1. On July 27, 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 Wes Myers. I observed the following during my on-site investigation:
  - a) Tops of spruce trees were brown and distorted (see figure #1).
  - b) Browning of spruce needles throughout tree (see figure #2).
  - c) Yews yellowing to brown as move toward the tips (see figure #3).
  - d) Yews have some distorting (see figure #4).
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



Figure #2




Figure #3



Figure #4

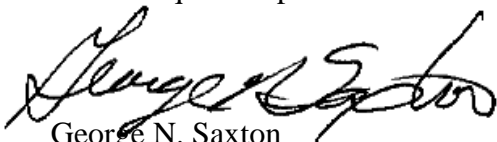
3. I collected the following vegetation samples from visibly impacted non-target vegetation as described in paragraph #1 for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).
  - a) *Spruce*
  - b) *Yew*
4. According to a report from the PPDL, "*Spruce and Yew: Twisted new growth, discoloration and dieback were present on the samples. Without close shots and a physical sample the rose of Sharon shown in the pictures could not be evaluated for herbicide injury symptoms. There was no evidence of significant mite or insect injury or disease on the samples 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. When injury results in new shoot dieback in conifers there will be no re-growth this season, and with certain species, such as Norway spruce, the entire tree can die*
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 19, 2011, at the rate of 3ml/ 1000sq ft. 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 8, 2011

**Disposition:** No violation of the Indiana Pesticide Use and Application Law was documented against the pesticide applicator. On August 12, 2011, a letter was sent to E.I. duPont de Nemours and Company, Inc. proposing cancellation of the registration for Imprelis Herbicide, EPA registration number 352-793, for distributing a pesticide product with label directions that are inadequate to prevent unreasonable adverse effects to non-target vegetation.



George N. Saxton  
Compliance Officer

Final Date: September 13, 2011