CASE SUMMARY

Case #2011/1273

Complainant: John Scott
1375 E. Hazelbluff Rd.
Clinton, IN 47842
765-832-2475

Applicator: Tom Bekkering — Certified Applicator
Tommy Boys Lawncare — Licensed Business
631 Blackmon St.
Clinton, IN 47842
812-208-7626

1. On July 22, 2011, I, Agent Kevin Neal 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 John Scott. I observed the following during my on-site investigation:
   a) Spiraling of dead trees (see figure 1)
   b) Brown and curling on tips of candles (see figure 2)
   c) Curling of Willow leaves (see figure 3)

2. I took the following photos depicting injured/damaged vegetation:

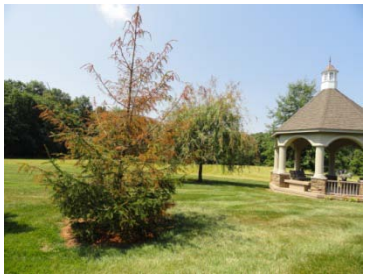
Figure One

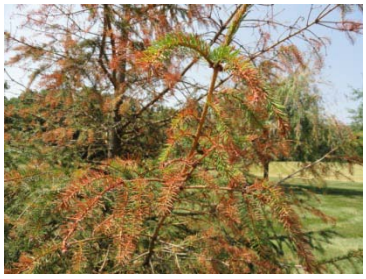
Figure Two


Figure Three

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) Willow

4. According to a report from the PPDL, "*There was no evidence of significant mite or insect injury or disease on the spruce sample submitted. Scale insects were observed on the willow sample as were black, fungal branch cankers. Our diagnosis of the possibility*

of potential damage from herbicide injury is 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. The willow leaves were observed to be turning yellow prematurely. Premature yellowing of tree foliage can be caused by a number of different stresses including site, environmental, cultural and chemical factors. Herbicide injury cannot be ruled out by visual observation since it is not documented whether a synthetic auxinic (growth regulator-type herbicide) may cause this type of symptom on willow. The spruce sample showed symptoms that are typically found to be associated with injury that can be caused by a synthetic auxinic (growth regulator type) herbicide. Typical symptoms caused by these herbicides can include epinasty (twisting and curving) of the leaves or needles, shoot and shoot tip; dieback of distorted shoot tips; 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. If injury results in new shoot dieback in conifers there will be no regrowth this season."

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on March 24 and June 9, 2011, at the rate of 4.3 oz/acre using ride on Z-sprayer.

Kevin W. Neal
Pesticide Investigator

Date: September 19, 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 26, 2011