

CASE SUMMARY

Case #2011/1294

Complainant: Cheswick Place
3900 North Centennial
Indianapolis, IN 46228
317-710-5802

Applicator: Jeff Yeary
Start to Finish
3375 S 500 E
Whitestown, IN 46075-9795
317-710-2211

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 Cheswick Place subdivision 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 twisted and browned new growth and many had partially defoliated (see Figures 1 and 2).
 - b) The leaf tips on an arborvitae hedge were browned and yellowed (see Figures 3 and 4).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3

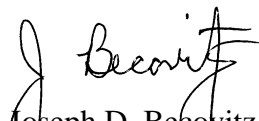


Figure 4

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
 - b) Arborvitae

The report from the PPDL for the samples submitted indicates, *"The spruce showed evidence of poor growth last year. Browning and dieback of the terminals was present. Arborvitae showed dead terminals consistent with previous samples where Imprelis was applied. There was no evidence of significant mite or insect injury or disease on the sample submitted. The samples (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."*

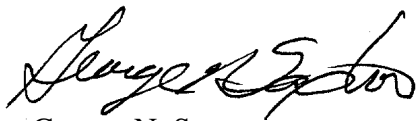
4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 10, 2011, at the rate of 4 oz /acre using ride-on type, ground application equipment.



Joseph D. Becovitz
Pesticide Investigator

Date: October 10, 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: October 26, 2011