

CASE SUMMARY

Case #2011/1295

Complainant: Stuart Gutwein
725 Dunbar
Lafayette, Indiana 47905
765-427-5388

Applicator: Kevin Potts
Caddyshack Lawn Care
7936 S. 250 E.
Lafayette, Indiana 47909
765-404-6307

Certified Applicator

1. On July 21, 2011, I, Agent George N. Saxton 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 the applicator, Kevin Potts. I observed the following during my on-site investigation:
 - a) Tops of trees twisting and curling and browning of tips of needles (see figures #1, 2, 3 & 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

4. According to a report from the PPDL, *"There was no evidence of significant insect injury or disease on the spruce sample submitted. Stippling diagnostic for mite feeding injury was observed on inner, older needles. The branches submitted exhibited dieback of branch tips and needle loss. No obvious needle distortion was observed."*

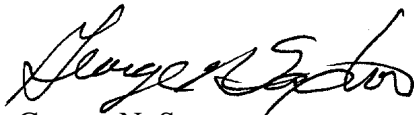
Symptoms that are typically found to be associated with synthetic auxinic (growth regulator type) herbicides can include epinasty (twisting and curving) of the leaves or needles, shoot and shoot tip; dieback of distorted shoot tips; leaf cupping which can be upward or downward, and in extreme cases, 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 re-growth this season.

NOTE: Many different stress-related factors can contribute to foliar discoloration and poor terminal twig growth. The following PPDL FactSheet provides information with regard to various causal factors that may be involved in symptoms of conifer dieback: <http://www.ppdL.purdue.edu/PPDL/pubs/briefs/Conifer-Dieback.pdf>."

Gail Ruhl; Plant Disease Diagnostician

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied May 3, 2011, at the rate of 4.5 oz/acre using a Z-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.

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 21, 2011