

CASE SUMMARY

Case #2011/1302

Complainant: Gerald Poole
243 N. Brookfield Dr.
Lafayette, IN 47905
765-447-5738

Applicator: Chris Knight
Tippecanoe Lawn Care
4400 St. Rd. 25 N.
Lafayette, IN 47905
765-589-8251

Certified Applicator
Licensed Business

1. On July 23, 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 Gerald Poole. I observed the following during my on-site investigation:
 - a) Spiraling of dead trees (see figure1)
 - b) Tops of trees were curled (see figures 2 and 3)
2. I took the following photos depicting injured/damaged vegetation:



Figure One

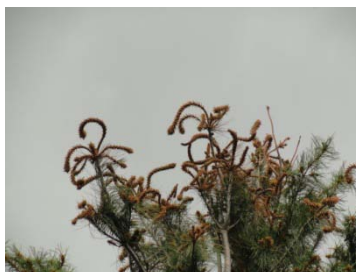


Figure Two

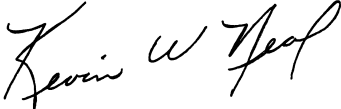


Figure Three

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) Pine
4. According to a report from the PPDL, *"There was no evidence of significant mite or insect injury or disease on the sample 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 regrowth this season, and with certain species, such as Norway spruce, the entire tree can die."

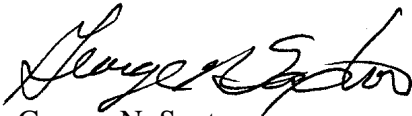
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on March 29 and May 17, 2011, at the rate of 4.5 oz/acre using hand held ground spray equipment.



Kevin W. Neal
Pesticide Investigator

Date: September 12, 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 21, 2011