

CASE SUMMARY

Case #2011/1317

Complainant: Duane Binder
423 W. Krislyn Woods Ave.
W. Terre Haute, IN 47885
765-832-7777

Applicator: Tom Bekkering
Tommy Boys Lawn Care
631 Blackman St.
Clinton, IN 47842-1725
765-832-7366

Certified Applicator
Licensed Business

1. On August 9, 2011, I, Agent Scott Farris 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 possibly resulting from exposure to the herbicide Imprelis. I observed the following during my on-site investigation:
 - a) Beech tree showing browning of tips and dieback (see figure #1 & #2).
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



Figure #2

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) Beech
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 samples and pictures submitted show symptoms that are suggestive of injury that can be 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; dieback of shoot tips; leaf cupping which can be upward or downward, and in extreme*

cases, new leaves can be irregular in color, size and shape (usually smaller than normal) and have abnormal leaf margins."

5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on April 4th, 2011, at the rate of 4.30oz /acre using Z 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.



Scott M. Farris
Pesticide Investigator

Date: September 21, 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 14, 2011