CASE SUMMARY

Case #2011/1318

Complainant: Jan Edris
163 N. Plum
Clinton, IN 47842
765-832-7817

Applicator: Tom Bekkering — Certified Applicator
Tommy Boys Lawncare — Licensed Business
631 Blackman St.
Clinton, IN 47842
765-832-7366

1. On July 28, 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) Locus tree showing browning and yellowing of leaves (see figure #1).
   b) Maple showing yellowing of leaves (see figure #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) Honey Locust
   b) Japanese Maple

4. I collected the following environmental samples for chemical analysis by the OISC Residue Laboratory:
   a) Vegetation sample front yard (locust)

5. According to a report from the PPDL, "*The main damage on the honey locust is due to insect injury, as reported by Tim Gibb. There were no symptoms of herbicide injury. The Japanese maple had some insect feeding caused by Japanese beetle. A few minor fungal leaf spots were also noted. Neither of these is casing the yellowing of the leaves. The yellow discoloration could be caused by lack of Iron or Manganese uptake from the soil if pH is high. Alternatively the yellowing could potentially be caused b herbicide root uptake, however stunting, distortion and twisting of leaves and leaf margins was absent.*"

6. According to the report from the OISC Residue Lab the following levels of aminocyclopyrachlor (active ingredient in Imprelis Herbicide) were found in the samples referenced in item #4:
    a) *Vegetation sample from yard (locust)* *82 PPB*

7. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 1, 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 Date: September 21, 2011
Pesticide Investigator

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 Final Date: October 14, 2011
Compliance Officer