

CASE SUMMARY

Case #2011/1322

Complainant: Brookhaven at County Line
940 Wild Indigo Lane
Indianapolis IN 46227

Applicator: Rich McClain
Green Acres Landscape Maintenance LLC
3431 Senour Rd
Indianapolis IN 46239
(317) 862-4310

Licensed Applicator
Licensed Business

1. On July 27, 2011, I, Agent Matt Pearson 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 Rich Hayes. I observed the following during my on-site investigation:
 - a) Browning of leaves throughout tree (see figure #1 & #2).
2. I took the following photos depicting injured/damaged vegetation:



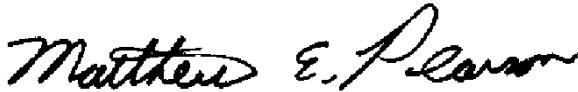
Figure #1



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 and Pest Diagnostic Laboratory (PPDL).
 - a) *Locust*

4. According to a report from the PPDL, *“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 5/25/2011, at the rate of 4.5 oz/acre using a Z-Max; 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.



Matthew E. Pearson
Engineering Specialist

Date: October 17, 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: November 8, 2011