

# CASE SUMMARY

Case #2011/1377

**Complainant:** Lisa Nelson  
14384 Allison Dr.  
Carmel, IN 46033  
317-843-8388

**Applicator:** Timothy Potts  
The Greenskeeper, Inc.  
1051 Summit Dr.  
Carmel, IN 46032  
317-846-7131

Registered Technician  
Licensed Business

1. On August 2, 2011, I, Agent Thomas Smith 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 Lisa Nelson. I observed the following during my on-site investigation:
  - a) Tops of trees were curled (see figure #1, #2 & #3).
  - b) Spiraling of dead areas (see figure #1 & #2).
  - c) Maple tree slowly losing leaves (see figure #4).
  - d) Hemlock tree growing under stress (see figure #5).
2. I took the following photos depicting injured/damaged vegetation:



Figure #1



Figure #2



Figure #3



Figure #4



Figure #5

3. I collected the following vegetation samples from visibly impacted non-target vegetation for examination by the Purdue Plant Pest Diagnostic Laboratory (PPDL).

- a) *Maple*
- b) Hemlock
- c) Spruce

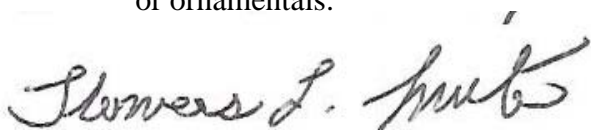
4. According to a report from the PPDL:

Maple: The branch submitted had all dead wood and few leaves. There were no symptoms of herbicide injury. If individual branches are dying then the tree should be checked for evidence of Verticillium wilt (green to gray streaks in the wood). Isolations from wood with distinct streaking is needed for confirmation.

Hemlock: There was no evidence of insects, mites or diseases present. Dieback may be due to a problem lower down in the tree such as root disease or caused by environmental stress factors. There were no specific symptoms of herbicide injury.

Spruce: The spruce branch submitted appeared healthy, except for mite injury on older needles. The pictures of the spruce tree were low resolution but showed dieback of new growth in the top of the tree where sampling was not possible. Herbicide injury is one possible cause for this type of dieback but twisting and distortion of branch tips were not observed.

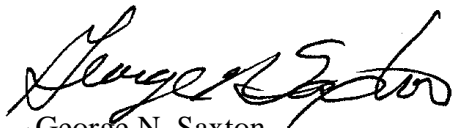
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on June 8, 20011, at the rate of 4.5 oz. per acre using hand held ground spray (truck sprayer) equipment; no application was made to the soil within the drip line of any of the trees or ornamentals; no application was made directly to any exposed roots of any trees or ornamentals.



Thomas Smith  
Inspector

Date: September 2, 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 15, 2011