CASE SUMMARY

Case #2011/1395

Complainant: Kathryn and John Russell
10430 Pleasant Valley Court
Osceola, Indiana 46561
574-674-2730

Applicator: Craig Kovach — Licensed Applicator
Lawn Medic — Licensed Business
3371 Cleveland Road
South Bend, Indiana 46628
574-251-9000

1. On August 4, 2011, I, Agent Kevin Gibson 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 several non-target trees possibly resulting from exposure to the herbicide Imprelis. A Notice of Inspection was issued to Kathryn Russell. I observed the following during my on-site investigation:
   a) Browning of needle tips of evergreen shrub (see figure #1).
   b) Spirea shrub dieback (see figure #2).
   c) Spruce tree with brown tips (see figure #3)
   d) Close-up of spruce (see figure #4)

2. I took the following photos depicting injured/damaged vegetation:

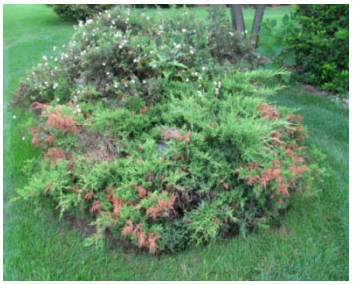
Figure #1


Figure #2


Figure #3


Figure #4

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) Spruce
   b) *Spirea*
   c) *Evergreen shrub*

4. According to a report from the PPDL, "*Cultivar: spruce, evergreen and spirea: There is no evidence of significant mite or insect injury or disease on the samples submitted. Our PPDL diagnosis of the possibility of potential damage from herbicide injury is based on visual assessment of samples and images submitted and whether the symptoms observed on non-target plants are typical of injury that could be caused by exposure or uptake of the herbicides purportedly applied to the area. 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 re-growth 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 April 12, 2011 at a rate of 4.5 oz/acre using 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.

Kevin W. Gibson
Pesticide Investigator

Date: September 28, 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 20, 2011