

CASE SUMMARY

Case #2011/1455

Complainant: Thomas Milberger
1515 Village Walk Drive
Zionsville, IN 47842
765-828-0137

Applicator: Terry Jungels
Total Lawn Care, Inc.
1421 East Riverside Drive
Indianapolis, IN 46202-2037
317-638-1862

Certified Applicator
Licensed Business

1. On August 11, 2011, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), performed an investigation at the Milberger residence in response to a claim of injury/damage to non-target trees and shrubs possibly resulting from exposure to the herbicide Imprelis. I observed the following during my on-site investigation:
 - a) The new growth on a spruce tree was twisted and browned (see Figures 1 and 2).
 - b) The new growth on a cypress was twisted and browned (see Figures 3 and 4).
 - c) The new growth on yews was twisted and yellowed (see Figures 5 and 6).
 - d) A weeping mulberry tree had leaves that were cupped and curled (see Figures 7 and 8).
 - e) An arborvitae had browned and yellowed leaf tips (see Figures 9 and 10).
2. I photographed the site documenting the symptoms I observed:



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9

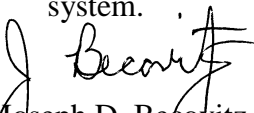


Figure 10

3. I collected the following vegetation samples from visibly impacted non-target vegetation, as described in paragraph #1, for examination by the Plant & Pest Diagnostic Lab (PPDL) at Purdue:
 - a) Spruce
 - b) Cypress
 - c) Yew
 - d) Weeping mulberry
 - e) Arborvitae

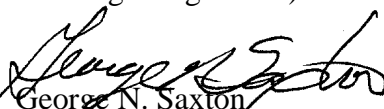
The report from the PPDL for the samples submitted indicates, *“There was no evidence of significant mite or insect injury or disease on the samples submitted. The samples (and pictures) submitted show symptoms that are associated with injury caused by synthetic auxin (growth regulator type) herbicides. 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.”*

4. According to the application information collected from the applicator, Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 31, 2011, at the rate of 4.5 oz /acre using a Contree spray system.


Joseph D. Becovitz
Pesticide Investigator

Date: October 11, 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 1, 2011