

CASE SUMMARY

Case #2011/1503

Complainant: Gayle Liter
1875 Michigan Rd.
Madison, IN 47250
812-273-3216

Applicator: Stuart Shields
Evergreen Lawncare of Madison, Inc.
687 N. Hoffman Dr.
Madison, IN 47250
812-265-4661

Certified Applicator
Licensed Business

1. On August 17, 2011, I, Agent Kevin Neal 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 Gayle Liter. I observed the following during my on-site investigation:
 - a) Tops of trees were curled (see figure 1)
 - b) Brown and curling on tips of candles (see figure 2)
2. I took the following photos depicting injured/damaged vegetation:

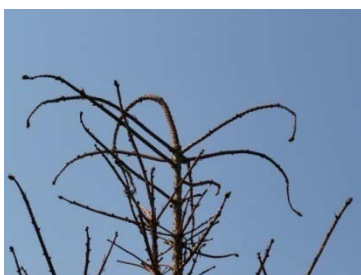


Figure One

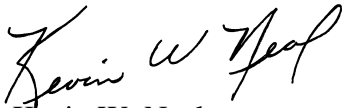


Figure Two

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
4. According to a report from the PPDL, *"There was no evidence of significant mite or insect injury or disease on the sample 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 samples and pictures submitted show symptoms (needle and stem distortion) suggestive of injury that can be 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; dieback of shoot tips; leaf cupping which can be upward or downward, and in extreme cases, new leaves can be irregular in color, 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."

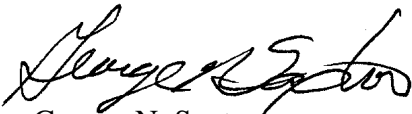
5. According to the application information collected from the applicator Imprelis Herbicide (EPA Reg. No. 352-793) was applied on May 25, 2011 at the rate of 4.5 oz/acre using ride on Z-sprayer.



Kevin W. Neal
Pesticide Investigator

Date: September 19, 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 7, 2011