



Office of  
**INDIANA STATE CHEMIST AND SEED COMMISSIONER**

*Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Pesticide and Seed*

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Robert D. Waltz, Ph.D.  
State Chemist &  
Seed Commissioner

August 1, 2011

**Stop Sale Use or Removal Order  
Certified Mail**

Ms. Miriam Carr  
E. I. DuPont de Nemours and Company, Inc.  
Stine-Haskell Res Ctr-S300/427  
PO Box 30  
Newark, DE 19714-0030

**RE: Stop Sale, Use, or Removal Order for Imprelis Herbicide (EPA Reg. # 352-793)**

Dear Ms. Carr:

The Indiana Pesticide Registration Law, IC 15-16-4, provides the following:

Sec. 51. The state chemist shall administer this chapter.

Sec. 61. (a) Each pesticide product that is:

- (1) produced, distributed, sold, displayed, or offered for sale within Indiana;  
or
- (2) delivered for transportation or transported:
  - (A) in intrastate commerce; or
  - (B) between points within Indiana through any point outside Indiana;  
must be registered in the office of the state chemist.

Sec. 66. A person may not distribute:

- (1) an unregistered pesticide product;
- (2) an adulterated pesticide product; or
- (3) a misbranded pesticide product.

Sec. 25. As used in this chapter, "misbranded" refers to any of the following:

- (1) Any pesticide product if its labeling bears any:
  - (A) statement;
  - (B) design; or
  - (C) graphic representation;  
relative to the pesticide product or to its ingredients that is false or misleading.
- (2) Any pesticide product if any of the following apply:  
... (G) In the case of an insecticide, nematocide, fungicide, or herbicide,  
when used as directed or in accordance with commonly recognized  
practice, it is injurious to humans or other vertebrate animals, vegetation,  
except weeds to which it is applied, or the individual applying the  
pesticide. ...

- Sec. 73. (a) Except as provided in subsection (f), if the state chemist:
- (1) finds any pesticide product:
    - (A) upon any premises; or
    - (B) in any means of conveyance;where it is held for purposes of, or during or after, distribution or sale; and
  - (2) determines that the pesticide product:
    - (A) is in violation of this chapter; or
    - (B) has been or is intended to be:
      - (i) distributed;
      - (ii) sold; or
      - (iii) used;in violation of this chapter;the state chemist may issue an order under subsection (b).
- (b) The state chemist may issue a written or printed:
- (1) stop sale;
  - (2) use; or
  - (3) removal;
- order to the owner or custodian of a pesticide product.
- (c) Except as provided in subsection (d), after receiving an order under subsection (b), the owner or custodian of a pesticide product may not:
- (1) sell;
  - (2) use; or
  - (3) remove;
- the pesticide product described in the order.
- (d) The owner or custodian of a pesticide product who receives an order under subsection (b) may:
- (1) sell;
  - (2) use; or
  - (3) remove;
- the pesticide product only in accordance with the order or until the pesticide product is released in writing by the state chemist or by order of a court.
- (e) When a stop sale order is issued under subsection (b), the state chemist shall immediately issue a notification to the dealer or registrant of the pesticide product that states the following:
- (1) A stop sale order has been issued on the pesticide product.
  - (2) A reference to the specific language of the law or rule that is believed to have been violated.

Based on laboratory and visual analysis of vegetation samples collected during the investigation of numerous complaints of injured trees and ornamentals in Indiana, the Office of Indiana State Chemist (OISC) has reason to believe that DuPont Imprelis Herbicide, when used as directed or in accordance with commonly recognized practice, has caused injury to non-target vegetation and is therefore **MISBRANDED**.

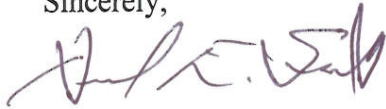
Based on the preceding, the OISC is hereby issuing a STOP SALE, USE, or REMOVAL ORDER (SSURO) to E I DuPont de Nemours and Company. This SSURO requires DuPont Professional Products to cease all sale, distribution and use of DuPont Imprelis Herbicide, EPA Reg. #352-793, in the State of Indiana, effective immediately upon your receipt of this letter.

This SSURO pertains to any and all quantities and sizes of DuPont Imprelis Herbicide, EPA Reg. #352-793, within the ownership, control or custody of your company wherever located. In addition, you shall not initiate or facilitate any movement of this product from any present location without prior written approval from the OISC.

Any person violating the terms or provisions of this SSURO shall be subject to civil or criminal penalties as set forth in IC 15-16-4.

Questions regarding this matter may be directed to me at [scottde@purdue.edu](mailto:scottde@purdue.edu) or (765) 494-1593.

Sincerely,

A handwritten signature in purple ink, appearing to read "David E. Scott".

David E. Scott  
Pesticide Administrator

Cc: S.K. (Tim) Theodorakis, Registration Manager, DuPont Professional Products  
Michael McDermott, Global Business Leader, DuPont Professional Products  
Dr. Robert Waltz, Indiana State Chemist  
Edward White, Assistant Pesticide Administrator  
Dr. George Saxton, Compliance Officer