



Office of

INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

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State Chemist &
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September 20, 2011

To: Imprelis Herbicide Users & Dealers and Indiana Category 3a & 3b Businesses

From: Dave Scott, Pesticide Administrator

Subject: Current Status of Imprelis Herbicide (EPA Reg. # 352-793) in Indiana

Background

As you are undoubtedly aware at this point in time, the Office of the Indiana State Chemist (OISC) has been investigating numerous complaints of injury/damage to non-target trees and ornamentals. These injury/damage complaints have been associated with the application of Imprelis Herbicide to turf.

To date, the majority of these investigations have revealed that the turf care applicator applied this product according to the use directions on the label, but the injury/damage occurred anyway.

OISC Regulatory Action

Based on the evidence collected in these investigations, OISC has determined that Imprelis Herbicide is “misbranded” as defined in IC 15-16-4-25. In other words, this product does not have adequate label directions to prevent unreasonable adverse effects from occurring (i.e. non-target tree and ornamental damage).

As provided in IC 15-16-4-73(b) and as a result of this misbranding, OISC issued a stop sale, stop distribution, and stop use order for Imprelis Herbicide to the product manufacturer E.I. DuPont de Nemours and Company, Inc. (DuPont) effective August 5, 2011.

In addition, as provided in IC 15-16-4-64(e), the Indiana state registration for Imprelis Herbicide was cancelled effective September 15, 2011.

Imprelis Herbicide Injury/Damage Claims Resolution

On September 6, 2011, DuPont sent notice to Imprelis Herbicide dealers and users notifying them of the claims process that they have established to address the injury/damage that has resulted from the use of their product. This notice and other related information about how to address Imprelis use consequences is available from DuPont at www.imprelis-facts.com or **1-866-796-4783**.

DuPont has indicated that the deadline for submission of injury/damage claims is **November 30, 2011**. OISC strongly encourages you or your customers to initiate the claims process outlined by DuPont immediately if you have not done so already. It is unlikely that OISC will be able to assist in effectively evaluating Imprelis related injury/damage as more time passes.

Recall of Stocks of Unused Imprelis Herbicide

OISC has been advised by DuPont of their intent to send a notice to Imprelis Herbicide dealers and users notifying them of the procedure for the return of unused stocks of both opened and unopened containers of the product for disposal by DuPont.

On September 16, 2011, OISC modified the stop sale, stop distribution, and stop use order issued to DuPont in August, 2011, to allow for the recovery of all stocks of this “misbranded and unregistered” product from dealers and users in accordance with the established terms of the recall.

Additional Regulatory Actions Related to Imprelis Herbicides

OISC strongly encourages all dealers and users to comply fully with the terms of this recall, since any future distribution or use of this misbranded unregistered product will constitute a violation of Indiana pesticide law, IC 15-16-5-65(16).

In addition, since fair advance notice is hereby being provided to all Imprelis customers, no penalty mitigation will be considered by OISC for any Imprelis related violations that occur after the date of this notice.

Final Disposition of OISC Imprelis Use Investigations

If you or your customers have been involved in an on-site investigation of the use of Imprelis in Indiana you will be notified in writing of our investigation findings. Please note that because we are processing almost 400 individual cases, final disposition of every case will take considerable time to complete. However, OISC is aware of the heightened interest by both consumers and licensed applicators and is working diligently to expedite results wherever possible.

Upon completion of the investigation, both the property owner(s) and the licensed applicator/business will be direct mailed a copy of the investigation report. The report will include a listing of the applicable evidence to support the findings and any enforcement or disposition in the case. Specifically OISC will address: 1) whether the applicator complied with the Imprelis label use directions; and 2) whether Imprelis could be linked to any injury observed or documented by OISC.

Questions

Imprelis Herbicide updates and related details will be posted on the OISC web site as they occur. If you have questions you are encouraged to first visit www.isco.purdue.edu to see if the information you are seeking has already been posted. Additional questions may be directed to OISC at 765-494-1492.

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