

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: L. RAMALHO 9-11-09
Name of Contact person Date

in the ORE at X 2681
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
 Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment
Rayco Products Company, Inc.

The Total Dollar Amount of Receivable \$ 13,000.00
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number ERA-03-2009-0242
The Site-Specific Superfund Acct. Number _____
The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____
If you have any questions call: _____
Name of Contact Date
in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

1. U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-002)
Cincinnati, OH 45268
2. Originating Office (ORC)
3. Designated Program Office

Attn: Lori Weidner

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
3. Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

REGULAR MAIL

September 28, 2009

Lori Weidner
U.S. Environmental Protection Agency
Cincinnati Finance Center
26 W. MLK Drive
Cincinnati, OH 45268

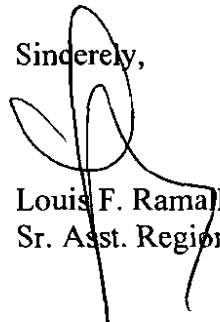
Re: Accounts Receivable
In the Matter Daycon Products Company, Inc.
RCRA-03-2009-0242
Consent Agreement and Final Order

Dear Ms. Weidner:

Enclosed please find a true and correct copy of the Consent Agreement and Final Order, and the Enforcement Accounts Receivable Control Number Forms (EARCNF) filed with the Regional Hearing Clerk today in settlement of the above referenced subject matters.

Should you have any question or require further information, please feel free to call me at (215) 814-2681.

Sincerely,



Louis F. Ramalho
Sr. Asst. Regional Counsel

Enclosures

cc: Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Via FedEx
Signature Confirmation Requested

John C. Poole, Jr.
President
Daycon Products Company, Inc.
16001 Trade Zone Avenue
Upper Marlboro, MD 20774

28 SEP 2009

Re: Consent Agreement and Final Order
Docket No. FIFRA-03-2009-0242

Dear Mr. Poole:

Enclosed is a fully executed Consent Agreement and Final Order ("CAFO") in settlement of violations of the Federal Insecticide, Fungicide and Rodenticide Act as amended ("FIFRA"), 7 U.S.C. § 136k. Specifically, the violations alleged in the CAFO is based on the sale or distribution or intended sale or distribution of a pesticide, *Daycon KBQ-128 Disinfectant Deodorizer*, that was adulterated or misbranded as these terms are defined in Sections 2(c)(1) and (q)(1)(A) of FIFRA, 7 U.S.C. §§ 136(c)(1) and (q)(1)(A), respectively, and the sale or distribution or intended sale or distribution of a pesticide the composition of which differed at the time of its sale from its composition as described in its registration statement under Section 3 of FIFRA, 7 U.S.C. § 136a.

Also enclosed with this letter you will find a copy of the "Information for small Businesses" sheet, which provides information on compliance assistance and on contacting the Small Business Regulatory Enforcement Fairness Act ("SBREFA") Ombudsman to comment on federal enforcement and compliance activities. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

In addition, your company may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain administrative or judicial proceedings taken against your company under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company is subject to it.

If you have any questions regarding this CAFO, please contact our staff attorney assigned to this matter, Louis F. Ramalho, at ramalho.louis@epa.gov or 215-814-2681.

Sincerely,

A handwritten signature in black ink, appearing to read "Abraham Ferdas". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Abraham Ferdas, Director
Land and Chemicals Division

Enclosures

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:)
)
Daycon Products Company, Inc.)
16001 Trade Zone Avenue)
Upper Marlboro, MD 20774) **DOCKET NO: FIFRA-03-2009-0242**
)
Respondent.)

CONSENT AGREEMENT

Preliminary Statement

This Consent Agreement ("CA") is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III ("EPA" or "Complainant"), and Daycon Products Company, Inc. ("Respondent" or "Daycon") pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136l(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R Part 22, with specific reference to the Consolidated Rules set forth at 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

This CA and the accompanying Final Order ("FO"; collectively "CA/FO") address the alleged sale or distribution of a misbranded pesticide in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and the alleged sale or distribution of a registered pesticide the composition of which differed at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a, in violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

General Provisions

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CA/FO.
2. For purposes of this proceeding, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CA/FO, except as provided in Paragraph 1, above.

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3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of the CA/FO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying Final Order.
5. Respondent consents to the issuance of this CA/FO and agrees to comply with its terms.
6. The settlement agreed to by the parties in this Consent Agreement reflects the desire of the parties to resolve this matter without continued litigation.
7. Respondent is aware that the submission of false or misleading information to the United States government may subject it to separate civil and/or criminal liability. Complainant reserves the right to seek and obtain appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to Complainant regarding the matters at issue in the Findings of Fact and Conclusions of Law are false or, in any material respect, inaccurate.
8. Respondent shall not deduct for civil taxation purposes the civil penalty specified in this CA/FO.
9. Respondent shall bear its own costs and attorney's fees.
10. Respondent certifies to EPA by its signature herein that it is presently in compliance with the provisions of FIFRA referenced herein.

EPA's Findings of Fact and Conclusions of Law

11. In accordance with 40 C.F.R. § 22.18(b)(2) of the Consolidated Rules, Complainant adopts the following findings of fact and conclusions of law.
 12. Respondent is a Maryland corporation, and is and was, at all times relevant to the violations set forth herein, a "person" doing business in the State of Maryland within the meaning of 2(s) of FIFRA, 7 U.S.C. § 136(s).
 13. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), provides, with an exception not relevant to this matter, that the term "producer" means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), further provides that the term "produce" means to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide.
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14. Pursuant to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), the term “pesticide” includes “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” Pursuant to Section 2(t) of FIFRA, 7 U.S.C. § 136(t), the term “pest” includes fungus, bacteria and “other microorganisms.” The regulations implementing FIFRA give further guidance on what constitutes a pesticidal purpose, stating that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance “claims, states or implies (by labeling or otherwise)” that the substance can or should be used as a pesticide, or that the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide. 40 C.F.R. § 152.15(a).
 15. Pursuant to Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), the term “establishment” means any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.
 16. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), provides, in pertinent part, that the term “to distribute or sell” means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. Likewise, 40 C.F.R. § 152.3(j) defines such term and other grammatical variations of such term to mean the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.
 17. Respondent owns and operates a facility located at 16001 Trade Zone Avenue, Upper Marlboro, Maryland (the “Facility”). Respondent “sells and/or distributes” pesticides from this Facility as part of its wholesale, retail and/or distribution business, as these terms are defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
 18. Respondent is a “producer” and a “supplemental distributor” of BTC 885 Neutral Disinfectant Cleaner – 128 under the brand name Daycon KBQ-128 Disinfectant Deodorizer, as these terms are defined in Section 2(w) of FIFRA, 7 U.S.C. §136(w), and 40 C.F.R. § 152.132, respectively.
 19. BTC 885 Neutral Disinfectant Cleaner – 128 is a registered “pesticide”, EPA Registration No. 1839-166, and the supplemental distributor’s “pesticide product”, Daycon KBQ-128 Disinfectant Deodorizer, has been assigned EPA Registration No. 1839-166-12228, as these terms are defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.3, respectively.
 20. Respondent has maintained an active pesticide-producing “establishment” at the Facility, which is registered with EPA under Establishment No. 72453-MD-001, as that term is defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).
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21. Respondent owns, controls or has custody of the pesticide product identified as Daycon KBQ-128 Disinfectant Deodorizer.
22. The statement filed in connection with the registration of BIC 885 Neutral Disinfectant Cleaner – 128 states, in pertinent part, that “tests confirm that (this product or product name) when diluted in hard water up to 400 ppm...remains effective against *Pseudomonas aeruginosa*, *Staphylococcus aureus*, and *Salmonella*.”
23. On April 16, 2008, the Maryland Department of Agriculture (“MDA”) collected a sample from Respondent’s establishment, as described in Paragraph 17, above (Sample No. 7675, Lot No. D1475) of the Respondent’s pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, as part of the Antimicrobial Testing Program to determine the effectiveness of the product against *Staphylococcus aureus* and *Pseudomonas aeruginosa*.
24. The test method used by EPA to analyze the sample of Respondent’s pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, was that required by EPA guidelines: AOAC Use-Dilution Test (Reference: Official Methods of Analysis, 1990, 15th Ed., Association of Official Analytical Chemists, Arlington, VA, Methods, (955.15 and 964.02)) at a dilution rate of 1:128 in 400 ppm hard water and 5% serum for a contact time of 10 minutes in accordance with the pesticide registration directions and label instructions.
25. Pursuant to Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), a pesticide is “misbranded” if “its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.”
26. Pursuant to Section 2(c)(1) of FIFRA, 7 U.S.C. § 136(c)(1), a pesticide is “adulterated” if “its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold.”

COUNT I
SALE/DISTRIBUTION OF A MISBRANDED PESTICIDE

27. Paragraphs 1 through 26 of this CA/FO are incorporated herein by reference.
 28. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is adulterated or misbranded.
 29. Respondent sold and/or distributed its pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, to a person at its Facility on April 16, 2008.
-

30. The sample collected by MDA on April 16, 2008 (Sample No. 7675, Lot No. D1475) of Respondent's pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, did not support the claimed effectiveness of its product as a hospital disinfectant against *Staphylococcus aureus* (ATCC 6538) and *Pseudomonas aeruginosa* (ATCC 15542) in accordance with Respondent's pesticide registration statement and label instructions when diluted 1:128 in 400 ppm hard water and 5% serum for a contact time of 10 minutes.
31. Respondent's pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, was "adulterated" and/or "misbranded" as these terms are defined in Sections 2(c)(1) and 2(q)(1)(A) of FIFRA, 7 U.S.C. §§ 136(c)(1), and 136(q)(1)(A), respectively, at the time of its sale and/or distribution on April 16, 2008, because the product strength or purity falls below the professed standard of quality as expressed on its label and/or the label bears a statement as to the product's effectiveness as a disinfectant against *Staphylococcus aureus* (ATCC 6538) and *Pseudomonas aeruginosa* which is false or misleading.
32. Respondent's sale or distribution of the Daycon KBQ-128 Disinfectant Deodorizer pesticide product at its Facility on April 16, 2008, as identified in Paragraph 31, above, constitutes a sale and/or distribution of an adulterated and/or misbranded pesticide to a person and therefore an unlawful act under Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), for which penalties may be assessed pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

COUNT II

SALE/DISTRIBUTION OF A PESTICIDE THE COMPOSITION OF WHICH DIFFERS FROM THE REGISTRATION STATEMENT

33. The allegations in Paragraphs 1 through 32 of this Consent Agreement are incorporated herein by reference.
34. Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), makes it unlawful for any person in any State to sell or distribute to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a.
35. The composition of Respondent's pesticide product, Daycon KBQ-128 Disinfectant Deodorizer, differed at the time of its distribution or sale on April 16, 2008, as identified in Paragraph 30, above, from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a.
36. Respondent's sale or distribution of Daycon KBQ-128 Disinfectant Deodorizer at its Facility on April 16, 2008, as identified in Paragraph 30, above, constitutes a sale or

distribution of a pesticide the composition of which differed at the time of its distribution or sale to a person on April 16, 2008 from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a, in violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), for which penalties may be assessed pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

CIVIL PENALTY

37. In settlement of the above-captioned action, Respondent agrees to pay a civil penalty in the amount of Thirteen Thousand Dollars (\$13,000.00). This civil penalty is due and payable immediately upon Respondent's receipt of a true and correct copy of this CA/FO.
 38. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below.
 39. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a Consent Agreement and Final Order begins to accrue on the date that a copy of the Consent Agreement and Final Order is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
 40. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
 41. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
 42. If Respondent pays the entire civil penalty of Thirteen Thousand Dollars (\$13,000.00) within thirty (30) calendar days of the date on which this CA/FO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
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43. The above settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4) (i.e., the size of Respondent's business, the effect of the penalty on Respondent's ability to continue in business, and the gravity of the violation), and in accordance with EPA's FIFRA Enforcement Response Policy ("ERP") dated July 2, 1990.
44. Payment of the civil penalty amount described in Paragraph 37, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:
- A. All payments by Respondent shall reference its name and address, and the Docket Number of this action, *i.e.*, FIFRA-03-2009-0242;
 - B. All checks shall be made payable to "**United States Treasury**";
 - C. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck 513-487-2105
 - D. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: 314-418-1028
 - E. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:
-

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- F. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- G. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

- H. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

- I. Copies of all checks and/or copies of all electronic fund transfers made in payment of the penalty described in Paragraph 44 shall be sent simultaneously to:

Louis F. Ramalho
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
Region III (Mail Code 3RC30)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

RESERVATION OF RIGHTS

45. This CA/FO resolves only those civil claims for penalties based on the specific violations of FIFRA alleged herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under FIFRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CA/FO, following its filing with the EPA Regional Hearing Clerk.

OTHER APPLICABLE LAW

46. Nothing in this CA/FO shall relieve Respondent of any duties otherwise imposed upon it by applicable federal, state, or local law, regulation and/or ordinance.

FULL AND FINAL SATISFACTION

47. Payment of the penalty specified in Paragraph 37, above, shall constitute full and final satisfaction of all civil claims for penalties which Complainant may have for the violations of FIFRA alleged herein.

PARTIES BOUND

48. This CA/FO shall apply to and be binding upon the parties hereto, their officers, directors, employees, agents, successors, and assigns. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into this agreement and to bind Respondent to the terms and conditions of this Consent Agreement and the Final Order.

EFFECTIVE DATE

49. The effective date of this CA/FO is the date on which the Final Order is filed with the Regional Hearing Clerk.

For the Respondent:

Daycon Products Company, Inc.

Date: 8/20/9



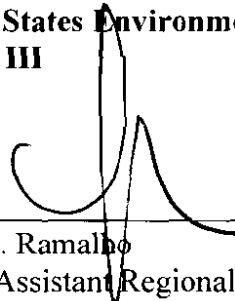
Robert N. Cohen
Chief Executive Officer

BY JOHN C. POOLE JR
PRESIDENT

For the Complainant:

**United States Environmental Protection Agency
Region III**

Date: 9-10-09



Louis F. Ramalho
Senior Assistant Regional Counsel

The Land and Chemicals Division, United States Environmental Protection Agency - Region III, recommends that the Regional Administrator of U.S. EPA Region III or his designee issue the accompanying Final Order.

Date: 9/23/09



Abraham Ferdas
Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:

Daycon Products Company, Inc.
16001 Trade Zone Avenue
Upper Marlboro, MD 20774

DOCKET NO: FIFRA-03-2009-0242

RESPONDENT.

FINAL ORDER

Complainant and Respondent have executed a document entitled "Consent Agreement" which I ratify as a Final Order in accordance with Section 22.18(b)(3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. § 22.18(b)(3).

NOW, THEREFORE, PURSUANT TO Section 22.18(b)(3) of the Consolidated Rules, and having determined, based on the representations in the Consent Agreement, that the penalty agreed to in the Consent Agreement is based on the consideration of the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), it is hereby ordered that Respondent pay Thirteen Thousand Dollars (\$13,000.00), in accordance with the foregoing Consent Agreement, and otherwise comply with the terms and conditions of the Consent Agreement and this Final Order.

This Final Order shall become effective immediately upon filing with the Regional Hearing Clerk.

9/28/09
Date

Renée Sarajian
Renée Sarajian
Regional Judicial Officer

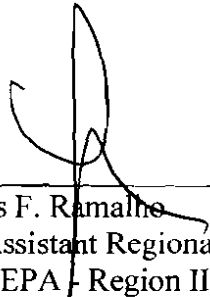
FIFRA-03-2009-0242
9/28/09
RECEIVED

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. **RCRA-03-2009-0242** was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following party:

John C. Poole, Jr.
President
New Dawn Manufacturing Company
1600I Trade Zone Ave.
Upper Marlboro, MD 20774

9/24/2009
Date



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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RECEIVED